

ORDINANCE NO. 2013-12-090

AN ORDINANCE RELATED TO LAND USE PLANNING AND ZONING, AMENDING THE BELLINGHAM COMPREHENSIVE PLAN, AMENDING THE CBD NEIGHBORHOOD PLAN, INCLUDING LAND USE AREAS 2B, 4, 7, 11, 14, 15, 17, 20 AND 21, AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20), FOR THE PURPOSE OF ADOPTING THE WATERFRONT DISTRICT SUB-AREA PLAN AND ASSOCIATED DEVELOPMENT REGULATIONS AND DESIGN STANDARDS.

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

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

WHEREAS, urban villages are intended to provide a pleasant living, shopping and working environment; pedestrian accessibility; adequate, well located open spaces; an attractive, well-connected street system; and a balance of land uses (FLU-18); and

WHEREAS, the Comprehensive Plan identifies the Waterfront District as a priority area to promote and facilitate development to accommodate significant additional residential and mixed use development (Infill Strategy 3, FLU-16); and

WHEREAS, the Port and the City have been working cooperatively since 2005 to plan for the redevelopment of the Waterfront District ("the **Waterfront District**") into a mixed-use urban waterfront with commercial, industrial, residential, public and recreational use; and

WHEREAS, on January 4, 2005, the City and the Port executed the Interlocal Agreement Regarding The "New Whatcom Special Development Area" (as amended, the "**New Whatcom Interlocal**") that provided for the study of the environmental impacts of the redevelopment of the Waterfront District through the preparation of an Environmental Impact Statement, the preparation of a Subarea/Master Plan, and the preparation of a Development Agreement by the City and the Port; and

WHEREAS, the City and the Port jointly completed an Environmental Impact Statement for the Waterfront District Redevelopment Project, including a Draft Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, 2010 Addendum to the Supplemental Draft Environmental Impact Statement, the Final Environmental Impact Statement, and the 2012 Addendum to the Final Environmental Impact Statement

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(collectively the "**EIS**") which evaluated a range of development alternatives, including a 2010 Updated Preferred Alternative for redevelopment of the Waterfront District; and

WHEREAS, The Waterfront District Sub-Area Plan and related documents are the result of an extensive and inclusive nine-year public process as outlined in Section 1.3 of the Sub-Area Plan, and

WHEREAS, various aspects of the Waterfront District documents were reviewed by a number of City advisory groups, including the Waterfront Advisory Group, the Transportation Commission, the Parks and Recreation Advisory Board, and the Historic Preservation Commission; and

WHEREAS, the Bellingham Planning Commission conducted public hearings on March 21 and March 28, 2013, with appropriate public notice provided, and held additional work sessions on April 11, 18 and 25, May 9, 16, 23 and June 6 to review the Waterfront District documents, the recommendations of staff and the City advisory groups, community groups and the hundreds of public comments received during the Commission's review process; and

WHEREAS, on June 6, 2013 the Planning Commission recommended approval of the Waterfront District Sub-Area Plan, development regulations, design standards and Planned Action Ordinance with a series of recommended revisions as listed in the Commission's adopted Findings of Fact, Conclusions and Recommendations; and

WHEREAS, the Bellingham City Council held a public hearing on August 5, 2013 and a series of 11 work sessions thereafter to review the public record from the Planning Commission's review process, including the public comments and the recommendations of the City advisory groups, community groups, staff and the Planning Commission; and

WHEREAS, in accordance with the Growth Management Act, the State of Washington Commerce Department was notified on August 30, 2013 of the City's intent to adopt a comprehensive plan amendment and new development regulations for the Waterfront; and

WHEREAS, the Port Commission conducted a public hearing on December 3, 2013, on the package of amendments, and adopted the package of amendments by Port Resolution No. 1328 as part of the Port's Comprehensive Scheme of Harbor Improvements; and

WHEREAS, the City adopted an update to its Shoreline Master Program by Ordinance Number 2013-02-005 (**City Shoreline Master Program**) codified at BMC Title 22, which contains regulations for development of property within the jurisdiction of the Shoreline Management Act; and

WHEREAS, the City and the Port collectively entered into a Development Agreement on December 17, 2013 to facilitate redevelopment of the Waterfront District, to provide predictability and certainty as to the development regulations, development phasing, State Environmental Policy Act (SEPA) process, and impact fee credits related to the development,

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structure, use, subdivision and/or activity proposed for a portion of the Port Property (a "**Project**"); and

WHEREAS, the City adopted a Planned Action Ordinance by Ordinance Number 2013-12-091 (the "**PAO**"), codified at BMC 16.30, which provides for the designation of certain types of developments and land uses as Planned Actions and establishes SEPA review procedures and SEPA mitigating measures based on the EIS to be applied to these projects; and

WHEREAS, the City and Port have entered into an Interlocal Agreement for Facilities within the Waterfront District (the "**Facilities Agreement**"), which allocated obligations for phased implementations of facilities in the Waterfront District, including MTCA site cleanup, arterial streets, and parks; 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 Waterfront District accompanies this ordinance;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Waterfront District Sub-Area Plan, as shown in **Exhibit A**, is hereby adopted and appended to the CBD Neighborhood Plan as 'Appendix B'.

Section 2. Areas 2B, 4, 11, 14, 15, 20, and 21, that portion of Area 7 generally located southeast of the southeast boundary of J Street (extended), and that portion of Area 17 generally located northwest of Railroad Avenue centerline and southwest of E. Myrtle Street centerline, on the **CBD Neighborhood Plan Land Use Map**, are amended to be consolidated into a single area, Area 23, as shown on **Exhibit B**.

Section 3. The CBD Neighborhood Plan, Section IV. Subarea Descriptions and Land Use Designations Chapter, is amended as follows:

VI. Central Business District Neighborhood Plan, Subarea Descriptions and Land Use Designations

Area 1 [Unchanged]

Areas 2A and 2B

This area is commonly referred to as Bellingham's "central waterfront area". It was one large area until divided in 2005. The property in Area 2 is now primarily owned by the Port of Bellingham following purchase of the Georgia Pacific holdings in early 2005. Private ownerships remain along the Whatcom Waterway and also adjacent to Roeder Avenue.

Dredging and disposal operations which began in the early 1900's created land area adjacent the two federal waterways. The interior land was created in the 1960's by

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placing municipal garbage over tideland areas. Finally, Georgia Pacific's water treatment facility known as the aerated stabilization basin (ASB) was completed in 1978. The area was previously zoned for heavy industrial use reflecting its past history.

The dominant structure in the area is the 250,000 square foot tissue warehouse built by the Georgia Pacific Corporation in 1999. The warehouse floor and methane system and surrounding asphalt serves as a remedial fix for approximately half of the underlying Roeder Avenue municipal landfill. Adaptive reuse of the G.P. tissue warehouse should be considered within the context of the development plan and building economics. If the building is reused, renovation of the exterior may be necessary to reduce the impact of the structure's mass and scale.

A number of water dependent uses remain along the Whatcom Creek Waterway and water dependent uses should be incorporated in the development plan for the area. The Whatcom Waterway lying adjacent to CBD Areas 2, 11 and 15 is a federal channel, designated through congressional authorization. The Port of Bellingham is the local designated sponsor for the waterway, responsible for coordinating with the U.S. Army Corps of Engineers to ensure that adequate and appropriate water access is maintained for adjacent land uses. The Port should ensure that the depth is maintained to support the adjacent land uses as defined in the master development plan.

The long-term vision for the area is reflected in the Waterfront Futures Group's 2004 Waterfront Vision and Framework Plan. The WFG's plan included portions of Area 2 in both the Squalicum and City Center Character Areas and recommended different land uses for each area. Therefore it is appropriate to divide Area 2 into two distinct geographic parts.

Area 2A

Area 2A includes the property north of Broadway, below the Eldridge bluff, and east of Roeder Avenue. The WFG's plan envisioned Area 2A remaining in light industrial use. This recommendation is reflected in the current industrial land use designation and light industrial zoning classification.

Area 2A Land Use Designation: Industrial

Area 2B

~~Area 2B is comprised of former G.P. property, including the large tissue warehouse and the ASB, along with some private holdings along the Whatcom Waterway. The Port of Bellingham intentions are to transform the former ASB into a "state of the art" marina as part of its' planned redevelopment activity. The proposed action would require removal and proper disposal of materials within the ASB to provide suitable navigation depth for vessel access and moorage within the marina.~~

~~The ASB breakwater has tremendous public access potential which should be required as part of the marina plans if approved. Pedestrian paths in the area should be mindful of~~

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continuing and linking the area with pedestrian facilities in adjacent "Old Town" and "Bellwether on the Bay" districts. Some beach areas have been naturally reestablishing over recent years both near the ASB and at the end of the "I and J" waterway. These are also candidates for public areas.

The Port also intends on creating a new boat launch and dry stack boat storage within the area as part of the new ASB marina complex. The new boat launch would replace the existing launch facility near Squalicum Harbor.

Residential units should be considered near Roeder Avenue and/or on the upper floors of buildings which have water related uses on the main floor. The WFG's plan for Area 2B recommend a mix of land uses, including water dependent uses, light industry and commerce. This recommendation is reflected in the new mixed use land use designation. This new designation shall become effective upon city adoption of a master development plan for the area. Once adopted, the development plan will contain the permitted uses and other zoning, design and development regulations for Area 2B.

Area 2B Land Use Designation: Industrial/Mixed-Use

Area 3 [Unchanged]

Area 4

Area 4 is bounded by the centerline of the I and J Waterway on the north, Hilton Avenue on the south, Roeder Avenue on the east and the outer harbor line on the west. This Port of Bellingham owned property is now occupied with a mix of water dependent and non water dependent uses. This property, like Area 1, is designated Industrial and zoned Marine Industrial to reserve the scarce waterfront land for water related industry.

The long term vision for the area is reflected in the Waterfront Futures Group's 2004 Waterfront Vision and Framework Plan. The WFG's plan included Area 4 in the City Center Character Area. The long term vision for Area 4 includes reserving the area abutting the I and J Waterway for water dependent industrial uses. This vision is reflected in the existing Industrial land use designation and Marine Industrial zoning. Property in Area 4 that does not abutting the waterway should be considered for other non waterdependent uses (park, public access or mixed uses) in the master development planning process.

The city and the Port are currently producing a master development plan that includes the land in Area 4. Once adopted, the development plan will contain the permitted uses and other zoning, design and development regulations for Area 4.

Area 4 Land Use Designation: Industrial/Mixed-Use*

* The mixed use designation should apply to property that does not abut the waterway or that does not abut navigable portions of the waterway.

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Areas 5 through 10 [Unchanged]

Area 11

This area includes the Bellingham Shipping Terminal (BST) facilities located on a former fill site on Bellingham Bay. Some of the land is owned by the Port of Bellingham and the rest is Port managed state land. Structures on the site include large warehouses associated with the BST and the former Port of Bellingham administrative offices. The BST facility also includes a rail barge transfer span and modern cargo handling gear.

Access to the site is from Cornwall Avenue and a rail spur provides access to the BNSF main line. The Whatcom Waterway lying adjacent to CBD Areas 2, 11 and 15 is a federal channel, designated through congressional authorization. The Port of Bellingham is the local designated sponsor for the waterway, responsible for coordinating with the U.S. Army Corps of Engineers to ensure that adequate and appropriate water access is maintained for adjacent land uses. The Port should ensure that the depth is maintained to support the adjacent land uses as defined in the master development plan.

The long term vision for the Area 11 is reflected in the Waterfront Futures Group's 2004 Waterfront Vision and Framework Plan. The WFG plan included Area 11 in the City Center "Character Area". The City Center character area includes a vision for Area 11 and adjacent Area 15 that recommends creation of a mixed use neighborhood that combines commercial, institutional, educational, retail services and residential uses that will, over time provide new employment opportunities and a substantial amount of housing. In order to achieve this vision, the long standing industrial land use designation should be changed to a mixed use classification upon adoption of a specific development plan for the area. The city and the Port are producing a master development plan that includes the land in Area 11. Once adopted, the development plan will contain the permitted uses and other zoning, design and development regulations for Area 11.

Area 11 Land Use Designation: Industrial/Mixed-Use

Areas 12 and 13 [Unchanged]

Area 14

This area is considered to have potential for development into Bellingham's only true Waterfront Commercial activity area. The area's presence to historic Whatcom Creek Waterway, the Central Business District, Maritime Heritage Park, the Environmental Learning Center and its improving accessibility, all hint at its development potential. Accessibility to the bay was a major theme in the 1996 Whatcom Creek Waterfront action Program, and many of the recommendations in that document (including the Central Avenue walkway and "Hillclimb" and overlook) have been completed. Waterfront access should be a continuing consideration as this area develops further.

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Area 14 Land Use Designation: Commercial

Area 15

Located on the southeast side of the Whatcom Creek Waterway, the land in Area 15 was created many decades ago by placing fill over submerged tidelands. The fill area was expanded over the years and Georgia Pacific operated a pulp and paper mill on the site from 1963 to 2001. In 1999 G.P. discontinued chlorine plant operations and In March 2001 closed the pulp mill portion of the plant. The tissue plant and storage operations are still active and will remain in operation at least through July of 2008.

In January 2005, the property, including the ASB, was acquired by the Port of Bellingham with the understanding that the Port would perform specific remedial activities. Also during this time the city and Port formed a strategic partnership that is memorialized in the form of an interlocal agreement. The interlocal agreement specifies that the Port will perform the remedial activities on the property for community redevelopment purposes while the city will provide the needed on-site and off-site streets and utilities to serve the redevelopment. Both governmental entities recognize that the New Whatcom area in general, and this area in particular, have tremendous potential for shaping the future and image of Bellingham.

The interlocal agreement also requires the Port to dedicate land for streets, utilities and public areas to the city. The City would develop the public areas according to approved plans and timelines and hold the land for continued public use in perpetuity.

The Whatcom Waterway lying adjacent to CBD Areas 2, 11 and 15 is a federal channel, designated through congressional authorization. The Port of Bellingham is the local designated sponsor for the waterway, responsible for coordinating with the U.S. Army Corps of Engineers to ensure that adequate and appropriate water access is maintained for adjacent land uses. The Port should ensure that the depth is maintained to support the adjacent land uses as defined in the master development plan.

In addition to the operating tissue mill, there are other existing, but now vacant masonry structures of architectural significance on the site. These buildings should be carefully analyzed and if economically feasible renovated for adaptive reuse.

The main line of BNSF runs through the area with lines spurs serving adjacent property. The main line could possibly be relocated to the edge of the property which would possibly eliminate some conflicting street and rail crossing points.

The long term vision for the redevelopment of Area 15 is reflected in the Waterfront Futures Group's 2004 Waterfront Vision and Framework Plan and the "City Center Character Area". The City Center character area includes a vision for Area 15 that calls for the creation of a mixed-use neighborhood that combines job creation with residential, commercial, institutional, educational, parks and other public spaces that will, over time, provide new employment opportunities and a substantial amount of housing. In order to achieve this vision, the long-standing industrial land use designation should be changed to a mixed-use classification upon adoption of a redevelopment plan for the area. The city

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and the Port are currently working on a master development plan that includes the land in Area 15. Once adopted, the development plan will contain the permitted uses and other zoning, design and development regulations for Area 15.

The WFG recommended reserving part of the New Whatcom planning area for a Western Washington University facility or other institutional use. The feasibility of location a WWU facility or other institutional/educational uses should be evaluated in the master development plan process.

Area 15 Land Use Designation: Industrial/Mixed-Use

Areas 16 through 19 [Unchanged]

Area 20

This area once included the Port of Bellingham's main offices. The land and building are still owned by the Port and the area was part of the Waterfront Futures Group's planning process. The long-term vision for the Area 20 is reflected in the Waterfront Futures Group's 2004 Waterfront Vision and Framework Plan, "City Center Character Area". The City Center character area includes a vision and guiding principles for the area that calls for the creation of a mixed-use neighborhood that combines job creation with commercial, institutional, educational, parks and other public spaces that will, over time, provide new employment opportunities and a substantial amount of housing. In order to achieve this vision, the Public land use designation should be changed to a mixed-use classification upon adoption of a specific redevelopment plan for the area. The city and the Port are currently working on a master development plan that includes the land in Area 20. Once adopted, the development plan will contain the permitted uses and other zoning, design and development regulations for Area 20.

Area 20 Land Use Designation: Mixed-Use

Area 21

This area was formally Area 1 of the South Hill Neighborhood Plan. It was moved to the CBD plan in 2005 because city and Port of Bellingham planning for the central waterfront included this former city landfill site (the Cornwall Avenue landfill). Part of the area is now owned by the Port of Bellingham and the rest by the State Department of Natural Resources. Georgia Pacific used the site for storage until 2001 when the pulp mill closed.

The area has tremendous potential for enhanced public shoreline access. Preliminary thoughts include the possibility of connecting the northern shores of Boulevard Park with an over-water pedestrian walkway to the southern shore of this area similar to the recently completed Taylor Street Dock. The small Cornwall beach area which lies adjacent is also a candidate for enhancement and public use.

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The long-term vision for the Area 21 is reflected in the Waterfront Futures Group's 2004 Waterfront Vision and Framework Plan, "City Center Character Area". The City Center character area includes a vision for Area 21 that calls for habitat enhancement and a park along the shoreline, and mixed uses on the eastern side of the property. In order to achieve this vision, the former Industrial land use designation should be changed to a mixed-use classification upon adoption of a specific redevelopment plan for the area. The city and the Port are currently working on a master development plan that includes the land in Area 21. Once adopted, the development plan will contain the permitted uses and other design and development regulations for Area 21.

Area 21 Land Use Designation: Industrial/Mixed-Use

Area 22 [Unchanged]

Area 23

The Waterfront District Sub-Area Plan includes land within the CBD Neighborhood on Bellingham Bay. The Subarea Plan is intended as a policy document for an overlay zone that will guide future development within the subarea. See Appendix B – Waterfront District Sub-Area Plan for details.

Area 23 Land Use Designation: Urban Village

Section 4. Areas 2B, 4, 11, 14, 15, 20, and 21, that portion of Area 7 generally located southeast of the southeast boundary of J Street (extended), and that portion of Area 17 generally located northwest of Railroad Avenue centerline and southwest of E. Myrtle Street centerline, on **BMC 20.00.030 CBD Neighborhood Zoning Map**, are amended to be consolidated into a single area, Area 23, as shown on **Exhibit C**.

Section 5. **BMC 20.00.030 CBD Neighborhood Table of Zoning Regulations** is amended as shown on **Exhibit D**.

Section 6 Bellingham Municipal Code Section 20.08.020, is amended to add a new term, "*District Specific Utilities*", and corresponding definition as follows:

"District Specific Utilities" means utilities deployed on a district-scale that may include but are not limited to energy sources, district heating and cooling, and non-potable water systems. Installation and administration of these utilities may be undertaken by the City, or when approved by the City, by a site developer, a private utility provider, or public-private partnership.

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Section 7. Bellingham Municipal Code Chapter 20.25 concerning Design Review is amended to add a new design standards section, **20.25.080 Waterfront District**, attached hereto as Exhibit E.

Section 8. Bellingham Municipal Code Section 20.36.030 A., concerning Permitted Uses in Industrial Development under the "Heavy" and "Marine" Use Qualifiers, is amended as follows:

20.36.030 - Permitted Uses

A. Uses Permitted Outright. No building or land shall be used within an area designated with an industrial general use type except as permitted below, corresponding to the use qualifier designated for such property.

The following uses shall be permitted outright; corresponding to the designated use qualifier.

Use Qualifier	Permitted Use
Light	[NO CHANGES]

Heavy	<ol style="list-style-type: none">1. Warehousing and wholesaling establishments.2. Manufacturing and assembly of any product or material not prohibited hereunder is permitted. The operation and manufacturing, compounding, processing, refining, treatment and assembly of significant quantities of the following materials is prohibited. For the purpose of this section, "significant quantity" consists of a barrel or more at a single time.<ol style="list-style-type: none">a. Explosives.b. Distillation of bones, rendering of inedible fat, and disposal of dead animals.c. Glue, ammonia, chlorine, and bleaching powder.d. Slaughterhouses and stockyards.e. Petroleum or gas refining.3. Retail trade limited to the following:<ol style="list-style-type: none">a. Lumber and other building materials dealers.b. Paint, glass and wallpaper stores.c. Hardware.d. Motor vehicle and heavy equipment dealers (new and used).

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- e. Boat dealers.
 - f. Eating and drinking establishments.
 - g. Fuel and ice dealers.
 - h. Farm supplies.
 - i. Industrial equipment and supplies.
4. Advertising devices; however, such devices shall not be located within 500 feet of a designated scenic route.
 5. Transportation and public utilities (such as freight operations, terminals, communication services, utility transmission systems, and utility generation systems only as provided in BMC 20.36.030(C)).
 6. Construction businesses (such as construction offices and storage yards).
 7. Uses similar to the above; however, adult entertainment uses shall be prohibited in the heavy industrial district.
 8. Billboards, subject to the provisions of this chapter, and only within the billboard overlay zones delineated by BMC 20.08.020, Figure 15.
 9. Wireless communication facilities, subject to the provisions of Chapter 20.13 BMC.
 10. Community public facilities, with the exception of branch libraries.
 11. ~~Interim nonindustrial uses, on port of Bellingham (POB) owned properties in the CBD neighborhood, Areas 2B and 15, subject to adoption of a legally binding agreement between the city and the POB. All interim uses shall be terminated upon adoption of the master development plan for the area, if the uses are inconsistent with the permitted uses as established in the master development plan.~~

~~Permitted interim uses may include: offices; personal and professional services; eating and drinking establishments; retail sales; museums; art galleries; parks and other recreational facilities; fitness clubs; schools; and other public and private educational facilities; and institutional uses. Adaptive reuse of landmark buildings should be allowed by conditional use permit.~~

~~Based on the interim nature of the allowed uses, lot frontage requirements, required parking and parking improvement standards, landscaping requirements and other development standards for such uses could be waived by the planning and community development director if appropriate.~~

Marine 1. Manufacturing of water related goods such as:

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- a. Ship and boat building and repair.
- b. Canned and cured fish and seafoods.
- c. Fresh or frozen packaged fish and seafoods.
- 2. Transportation and public utilities including:
 - a. Motor freight transportation and warehousing.
 - b. Water transportation (includes marinas).
 - c. Utility transmission systems and utility generation systems only as provided in BMC 20.36.030(C).
- 3. Other uses pertaining to the storage, manufacture or construction of any product which requires or is functionally dependent upon water transport.
- 4. Eating and/or drinking establishments.
- 5. Public parks, beaches or aquariums, museums, art galleries, botanical and zoological gardens.
- 6. Uses similar to the above; however, adult entertainment uses shall be prohibited in the marine industrial district.
- 7. Wireless communication facilities, subject to the provisions of Chapter 20.13 BMC.
- 8. Community public facilities, with the exception of branch libraries.
- 9. ~~Interim nonindustrial uses, on port of Bellingham (POB) owned properties in the CBD neighborhood, Areas 4, 11, and 21, subject to adoption of a legally binding agreement between the city and the POB. All interim uses shall be terminated upon adoption of the master development plan for the area, if the uses are inconsistent with the permitted uses as established by the master development plan.~~

~~Permitted interim uses may include: offices; personal and professional services; eating and drinking establishments; retail sales; museums; art galleries; parks and other recreational facilities; fitness clubs; schools, and other public and private educational facilities; and institutional uses. Adaptive reuse of landmark buildings should be allowed by conditional use permit.~~

~~Based on the interim nature of the allowed uses, lot frontage requirements, required parking and parking improvement standards, landscaping requirements and other development standards for such uses could be waived by the planning and community development director if appropriate.~~

Planned 1. See Chapter 20.38 BMC.

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[NO CHANGES BEYOND THIS POINT]

Section 9. Bellingham Municipal Code Section 20.37.020 concerning Urban Village is amended as follows:

20.37.020 Purpose and Intent

A. through E. [NO CHANGES]

F. The **Waterfront District Urban Village** qualifier is intended to implement the Waterfront District Sub-Area Plan which provides a policy framework for an approximately 237 acre area generally located along the Bellingham waterfront north of Boulevard and Wharf Street, west of the Central Business District Commercial area, and south of Roeder Ave and the I&J Waterway.

[NO CHANGES BEYOND THIS POINT]

Section 10. Bellingham Municipal Code, Chapter 20.37 Urban Village is amended to add **Article V. Waterfront District Urban Village** development regulations consisting of Sections 20.37.400 through 20.37.480, as shown in Exhibit F.

Section 11. Bellingham Municipal Code Chapter 20.42.050 A.1.c. concerning Public Development is amended as follows:

20.42.050 Land owned by the city of Bellingham, Whatcom County, the port of Bellingham, the Bellingham housing authority or the Bellingham school district and designated public.

A. Permitted Uses. Use of public land must be within the range of the use qualifiers as defined herein.

1. Use Qualifier – Range of Use.

- a. Agricultural (or Arboretum). To provide adequate facilities related to the cultivation of plants, usually for scientific or educational purposes. The term includes associated accessory buildings and uses such as greenhouses, equipment storage buildings, living quarters for employees, and limited facilities (trails, benches, etc.) to view and enjoy the plants and environment.
- b. Cemetery. To provide an area used for the burial of the dead, including related accessory buildings and uses.
- c. Governmental Services. To provide any of a diversified range of governmental services such as offices, fire and police stations, libraries, museums, senior activity centers, arts and crafts facilities and similarly related uses.

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~~Interim nonpublic uses, on port of Bellingham owned properties in the CBD neighborhood, area 20, subject to adoption of a legally binding agreement. Any approved interim uses shall be terminated upon adoption of the master development plan for the area, if the uses are inconsistent with the uses allowed as established in the master development plan.~~

~~Permitted interim uses may include: offices; personal and professional services; eating and drinking establishments; retail sales; museums; art galleries; parks and other recreational facilities; fitness clubs; schools, and other public and private educational facilities; and institutional uses. Adaptive reuse of landmark buildings should be allowed by conditional use permit.~~

~~Based on the interim nature of the allowed uses, lot frontage requirements, required parking and parking improvement standards, landscaping requirements and other development standards for such uses could be waived by the planning and community development director if appropriate.~~

- d. Housing, Public. To provide living units for use by low income families. The term shall include related accessory buildings and uses.
- e. Housing, Student. To provide living units for use by students of Western Washington University including related accessory buildings and uses.
- f. Open Space. To preserve land in its "natural state" with limited recreational activities such as trails and benches.
- g. Parks. To provide for a diverse range of leisure and/or recreational activities. The term shall include accessory buildings and uses but is not intended for activities which normally attract large numbers of spectators.
- h. Recreation. To provide for active recreational facilities including accessory buildings and uses where a large number of spectators may be anticipated. The term may include uses which cater to the public such as eating places.
- i. School. To provide a diverse range of educational opportunities. Accessory buildings and uses including recreational activities are included in the term.
- j. Utilities. To provide for a diverse range of basic governmental facilities including equipment storage and repair facilities (central shops), transit garages and terminals, sewage and water treatment centers, water reservoir, stormwater retention areas, parking garages, gravel pits and similar uses.

Section 12. The Council agrees with, and hereby adopts the June 6, 2013 Findings of Fact, Conclusions and Recommendations of the Planning Commission, attached as **Exhibit G**, with the exception of Recommendation 12 dealing with permitted uses in the Marine Trades Planning Area.

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PASSED by the Council this 9th day of DECEMBER, 2013



Council President

APPROVED by me this 9th day of DECEMBER, 2013



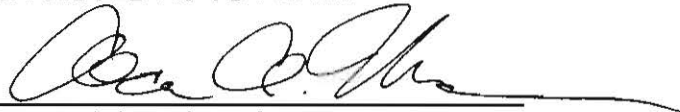
Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published: 12/20/13

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THE waterfront DISTRICT

BELLINGHAM  WASHINGTON



Stephanie Bower, Architectural Illustration

Sub-Area Plan

2013

A Port of Bellingham/City of Bellingham
Partnership Project

Prepared by the Port of Bellingham and the City of Bellingham, with assistance from CollinsWoerman, the Waterfront Advisory Group and many other Whatcom County citizens and volunteers.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

Bellingham's central waterfront is in a state of transition from its long history as an active industrial site to a new mixed-use neighborhood. Over the past several years, the Port of Bellingham and the City of Bellingham have joined together to create a vision and develop a clear path to transform this vacant brownfield site into a thriving mixed-use urban neighborhood. In early 2005, the Port of Bellingham acquired approximately 137 acres of waterfront property and tidelands adjacent to Bellingham Bay. This property had been owned by the Georgia-Pacific Corporation, which operated a pulp and tissue mill on the site. This property, along with other Port, City and private properties, made up a project site, which was initially called "New Whatcom", and later renamed the "Waterfront District". The Sub-Area Plan boundary was expanded in 2012 to include the bluff along Boulevard and State Street to make the boundary contiguous with the Sehome and South Hill neighborhood boundaries and to delete several parcels which overlapped with the Old Town Urban Village Plan. See Figure 1-1 Sub-Area Boundary.



1.1 Purpose of the Sub-Area Plan

The Sub-Area Plan's purpose is to provide a framework for future development of the 237 acre site known as the "Waterfront District". The Waterfront District Sub-Area Plan includes a balance of environmental, economic and community objectives developed to

restore the health of the land and water, improve waterfront access, promote a healthy and dynamic waterfront economy, and reinforce the inherent qualities of the waterfront.

The Waterfront District Sub-Area Plan represents a joint planning effort with the City of Bellingham involving residents, landowners, community stakeholders and resource agencies to create a long-term redevelopment opportunity for the Waterfront District.

1.2 Relationship to the 2006 Comprehensive Plan

The 2006 City of Bellingham Comprehensive Plan establishes goals and policies to guide future decision-making and coordinate growth within the City over a 20-year planning period. The Comprehensive Plan serves as a guideline for designating land uses, infrastructure development and community services, and long-range implementation strategies.

The Waterfront District falls within two urban villages defined in the Comprehensive Plan: the "Central Waterfront District" and the "Central Business District (CBD) Core Village". Infill within urban villages is an essential element of the City growth strategy.

Comprehensive Plan Policy FLU-18 requires a master plan to be prepared for each urban village to provide a framework for development. The Waterfront District Sub-Area Plan meets the criteria for a Master Plan as defined in the City Comprehensive Plan. Master or Sub-Area plans for urban villages must specify land uses and densities; street and utilities layout; lot arrangement; housing types; village square or plaza locations; streetscape amenities; relationship of the buildings to the street; parking structures or lots; protection of critical areas; pedestrian and bicycle facilities; and compatibility with surrounding areas.

The Waterfront District is located within the City of Bellingham CBD Neighborhood. When the CBD Neighborhood Plan was updated in 2008, the neighborhood plan incorporated sections of the Waterfront Futures Group Vision and Framework Plan pertaining to the City Center, which includes the Waterfront District. Concurrent with the adoption of the CBD Neighborhood Plan, the Waterfront District was rezoned to a new zoning category called "Waterfront Mixed-Use". This new zoning designation becomes effective upon adoption of the Waterfront District Sub-Area Plan, which more clearly defines the intended uses and development patterns within the area.

1.3 The Planning Process

Related Planning Processes

Bellingham's City Center and Central Waterfront has been a focus of numerous planning efforts since the early 1990's. Those plans include:

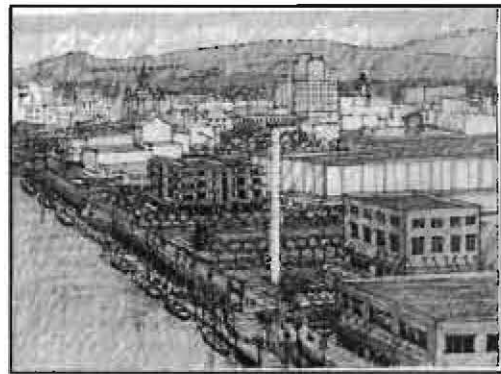
- Regional Urban Design Assistance Team Report (1992)
- Visions for Bellingham (1992)
- Bellingham Bay Demonstration Pilot (1996–present)
- Whatcom Creek Waterfront Action Program (1996)
- Downtown Development Workshop (1998)
- Bellingham Bay Comprehensive Strategy FEIS (2000)
- City Center Master Plan (2002)
- Community Forum on Growth Management (2004)
- Waterfront Futures Group (WFG) Vision and Framework Plan (2005)
- Bellingham Comprehensive Plan (2006)
- Central Business District Neighborhood Plan (2008)

These planning efforts involved various forms of community input and involvement.

Each process identified the Waterfront District

as an underutilized area and a vital link between the Central Business District, Old Town, and adjacent residential neighborhoods. Job opportunities, environmental restoration, and increased public access and recreational opportunities on the waterfront have been identified as priorities for the area.

An extensive planning effort was conducted by the Waterfront Futures Group (WFG) in 2003/2004. The Port and City appointed this citizen-led task force to take a fresh and independent look at the future of the entire waterfront in response to the closure of Georgia-Pacific's (GP) pulp and tissue operations. The



WFG held 41 public meetings and had 26 guest forums and special events focusing on the future of the waterfront. The WFG completed the community visioning process by publishing the Waterfront Vision and Framework Plan which called for redevelopment of the city center waterfront into "a mixed-use neighborhood that combines commercial, institutional, industrial, retail and residential uses, and that over time will provide many new job opportunities and a substantial amount of urban housing."

The WFG vision was approved by City Council and the guiding principles and recommendations were used to update Bellingham's Comprehensive Plan and the CBD Neighborhood Plan in 2006 and 2008 respectively.

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Figure 1-1: Waterfront District Boundaries



Public Investment

After closure of the pulp mill in 2001, GP explored options to fund the required environmental clean-up to market the property for private development, but the cost of clean-up and the required infrastructure investment made it difficult to attract private investors. During this period, the Port studied the potential acquisition of the GP property to determine if public ownership was viable. The Port purchased the GP property in 2005 after extensive community outreach and partnership commitments from the City and the Washington State Department of Ecology to make the long-term public investments necessary to implement the community's vision on the central waterfront. The Port committed to pay for most of the environmental cleanup, to build marine infrastructure, and to dedicate land for parks, public space and rights of way. The City agreed to build new streets and utilities to serve the site, to develop waterfront parks and trails, and to create a regulatory environment that would attract private investment. The Department of Ecology pledged grant support for environmental cleanup costs.

Since acquiring the GP property, the Port and City have secured significant state and federal grant support and have started to spend money on environmental cleanup, habitat restoration and infrastructure design. These public investments are intended to attract substantial private sector investment and generate long-term positive impacts for the community.

The Waterfront District Planning Process

The Port and City launched a public planning process to develop a Sub-Area Plan for the Waterfront District shortly after acquiring the GP property. To ensure this plan was consistent with the community vision, the Port and City appointed the Waterfront

Advisory Group (WAG) to integrate recommendations of the WFG into plans, projects and regulations. From 2005-2010, this citizen-led task force held regular public meetings to gather public input and ensure public awareness and participation in waterfront planning.

The Port and City started development of the Sub-Area Plan by inviting neighbors, business owners and anticipated stakeholders to a series of eight workshops and community meetings during 2005 and 2006 to help turn the WFG vision into a Draft Framework Plan, which could be tested under the



State Environmental Policy Act (SEPA). During these meetings and workshops, the community evaluated a range of design alternatives that illustrated how infrastructure, development, public parks and trails, and new habitat might take shape on the waterfront.

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The Draft Environmental Impact Statement (DEIS) identified a traffic congestion problem with the proposed street layout in the "Draft Framework Plan" and evaluated alternate street layouts, densities and other mitigating measures to address traffic, view corridors, historic and cultural resources, critical areas and a range of other important considerations. The Draft Framework Plan also provided an opportunity for the Port and City to assess the project economics.

Additional public meetings and workshops were held during 2007 and 2008 to update the community, address specific issues raised by the SEPA analysis and by the public, and receive input to guide development of draft master plan concepts and regulations. During this process, the public provided input on the Waterfront District's character-defining features, view corridors and vistas, preferred land uses, building heights and design standards. The community discussed the role of Western Washington University (WWU) and its plans to create a campus on the waterfront, multimodal circulation, development character, environmental considerations, parks, trails, plazas, economic viability, block sizes, parking strategies, development phasing, historic and cultural resources, and sustainable strategies.

A group of local architects volunteered to evaluate the planning concepts and provide recommendations and ideas that maintained the original WFG vision. The Port and City also hired an architectural firm to assess the potential for preservation and adaptive reuse of eleven industrial buildings and structures. This evaluation considered the condition of the historic resources, the cost of construction, market feasibility and compatibility with other planning objectives.

In addition to the public input received during the planning process, the Port and City received feedback and recommendations from the Waterfront Advisory Group, Western Washington University, Whatcom Transportation Authority, environmental resource agencies, regional and local developers and professional consultants. This Sub-Area Plan is the culmination of these public processes.

1.4 Context

Natural and Historical Setting

Bellingham's current waterfront is made up of land forms created by filling tidal flat areas over the past century. Before this filling occurred, these tide flats provided food and protection to young salmon as they left nearby rivers and adjusted to salt water in preparation for a journey out to sea.



Source J.B. Hann circa 1902

For thousands of years, ancestors of the present day Lummi Nation and Nooksack Indian Tribe relied upon catching the salmon passing the nearshore areas. The beaches and nearshore areas were used by these Native American tribes as seasonal encampments for fishing and shellfish harvesting.

For the last 100 years or more, Bellingham's waterfront has served the regional economy as a thriving industrial area, transportation gateway and home to many maritime activities. In 1891, the Great Northern Railroad finished an overwater rail trestle across the mud flats on Bellingham's central waterfront allowing the

distribution of goods across a new, nationwide rail network. In the early 1900's, the Whatcom Creek federal waterway was established and silt from the dredged waterway was used as fill along parts of the waterfront.

In 1926, Ossian Anderson opened Bellingham's first pulp mill on the south side of the Whatcom Waterway creating a new economic opportunity for Whatcom County's extensive timber resources. In the years after, Pacific Coast Paper Mills and Puget Sound Pulp were founded and operated as major employers on the waterfront. Through the 1930's and 40's, the Bellingham waterfront saw major activity related to the pulp mill and the production of ethyl alcohol (a by-product from pulp mill waste). In the early 1960's, Georgia-Pacific acquired the waterfront mill site. Operations continued through the following decades, discharging various waste products to adjacent waterways and upland properties. During this time, Bellingham's waterfront industries were largely unregulated and there was not a general awareness or understanding of the importance of environmental stewardship.



In 1972, the United States passed the Clean Water Act ushering in a new era of pollution control. In response to the growing framework of environmental regulations, GP

built a 36-acre wastewater treatment lagoon on the north side of the Whatcom Waterway to treat process water.

The GP mill adjusted to economic trends over the years, but in 2001 the pulping operation was permanently closed down. This signaled a slow decline that continued until Georgia-Pacific closed its Bellingham site permanently on December 21, 2007.

The Waterfront District Today

Today, the Waterfront District is bordered by Bellingham Bay to the west, CBD and Old Town to the east, the Lettered Streets and Columbia neighborhoods to the north, and Sehome and South Hill neighborhoods to the south.

Present densities within the Waterfront District are low. There is no residential population and most of the property is vacant with pockets of contamination due to past industrial activities. The site is primarily paved and occupied by inactive industrial structures. Despite its prominent location between Bellingham Bay and downtown Bellingham, public pedestrian and vehicular access is limited and the only recreational use of the site occurs at the southwesterly end of Cornwall Avenue where a small pocket beach is located. Most of the shorelines are hardened with industrial wharfs, bulkheads, and non-engineered rip rap.

Redevelopment of the Waterfront District is a "once in a century" opportunity intended to restore public access along the shoreline and convert the upland area closest to the Central Business District to a vibrant mixed-use extension of downtown Bellingham. Other portions of the site will be remediated and marketed for shipping, marine trades and light industrial uses to replace a portion of the jobs lost when the Georgia Pacific mill closed.

CHAPTER ONE

INTRODUCTION

1.5 Redevelopment Potential

The redevelopment of the Waterfront District as an urban neighborhood will help concentrate a significant amount of expected population growth within the existing city limits and reduce impacts on agricultural, forest and rural landscapes in the county. The 2006 Bellingham Comprehensive Plan projects a demand for 1,225 infill housing units in the Central Waterfront District Urban Center, and an additional 1,321 units in the Downtown Core Urban Center by the year 2025. The Waterfront District encompasses the majority of the vacant land within these two Urban Centers and redevelopment at urban density is an important element in the City's adopted infill strategy.



There are 237 acres within the planning area of the Waterfront District, including the ASB lagoon, most of which is currently in public ownership by the Port, City and Washington State Department of Natural Resources. Over half of the project area will be retained for public open space and infrastructure, including 33 acres of new park land, 4 acres of existing public open space, 60 acres for streets, utilities and railroad rights-of-way, and 29 acres for a marina. The remaining 111 acres of Port, City and private property will be available for industrial use or redevelopment for residential, retail, commercial, and institutional use.

One of the key challenges for this planning effort was the definition of an appropriate goal for the level of development density within the Waterfront District. During initial planning discussions in 2005, the Port and City planning team identified the Fairhaven Historic District as a starting point for evaluating density options. The density of building in Fairhaven, if applied to the entire Waterfront District would result in approximately 6.0 million square feet of building floor space. This density assumption was used in the Draft Framework Plan published jointly by the City and Port in September, 2006, and was used as the medium density development alternative in the evaluation of a range of alternatives in the Environmental Impact Statement (EIS) for the proposal. A low-density alternative of 4.0 million square feet and a high-density alternative of 7.5 million square feet were also analyzed. Based on this analysis and public comment, the medium-range density of 6.0 million square feet of floor space was selected as the preferred alternative in the 2008 Supplemental Draft EIS.

As the preferred alternative was further refined, five separate planning areas were defined, each of which has a different redevelopment character and density. The Downtown Waterfront Area is expected to accommodate a density somewhat higher than Fairhaven, while the Marine Trades, Shipping Terminal and Cornwall Beach Areas will be significantly less dense than Fairhaven. The Log Pond Area is proposed to remain in industrial use through the end of the planning period for the Sub-Area Plan. At full build-out, the Waterfront District is projected to have 5.3 million square feet of building capacity, with a mix of commercial, residential, office, institutional and industrial uses.

CHAPTER TWO

VISION

2.0 Vision

The community vision for Bellingham's central waterfront has been developed over more than two decades of planning and strategic investment. Some of the key vision statements from the WFG's guiding principles for the City Center character and Central Business District Neighborhood Plan are repeated in this Waterfront District Sub-Area Plan to ensure that the plan is consistent with and implements the City's Comprehensive Plan, Central Business District Neighborhood Plan and the WFG vision.



Architectural Concept Images by Stephanie Bower

2.1 Waterfront Futures Group Vision

Guiding Principle 1 – Reinforce the Inherent Qualities of Each Place on the Waterfront:

- 1-1. Make the waterfront a regular part of the lives of more people.
- 1-2. Respect history, cultures, and the arts.
- 1-3. Make the waterfront inviting to people on foot.
- 1-4. Reinforce a unique "sense of place" at different waterfront locations.
- 1-5. Complement adjacent uses.

Guiding Principle 2 – Restore the Health of Land & Water:

- 2-1. Enhance or reintroduce natural systems.
- 2-2. Create and restore habitat wherever possible.
- 2-3. Remediate upland and in-water contamination.
- 2-4. Protect existing natural shorelines.
- 2-5. Seek opportunities to soften existing hardened shorelines.
- 2-6. Tailor environmental cleanup strategies and remediation to planned use.
- 2-7. Manage stormwater to enhance estuarine habitats.
- 2-8. Require sustainable practices in all development.
- 2-9. Restore, enhance and expand beaches wherever possible.
- 2-10. Connect proposed open space and natural areas to regional open space network and natural wildlife corridors.
- 2-11. Explore mitigation banking and incentives (such as environmental credits) for environmental resource protection and enhancement prior to redevelopment.



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VISION

Guiding Principle 3 – Improve Waterfront Access:

- 3-1. Develop strong connections between up lands and water.
- 3-2. Provide links to regional trail systems.
- 3-3. Provide multiple modes of access to each area of the waterfront.
- 3-4. Provide convenient connections between different modes of transportation (jitney/bus).
- 3-5. Create and connect large and small parks and open spaces with a "braided" system of pedestrian trails.
- 3-6. Enhance opportunities for visual access to waterfront areas.
- 3-7. Provide the opportunity to walk the waterfront while respecting natural habitat.
- 3-8. Help people find their way.
- 3-9. Provide way finding for the Coast Millennium Trail as a route that follows existing and proposed trails.
- 3-10. Explore the concept of public access "banking" and other financing incentives for improving public access.
- 3-11. Protect and enhance environmental resources when designing shoreline access and upland development.

Guiding Principle 4 – Promote a Healthy and Dynamic Waterfront Economy:

- 4-1. Create new mixed-use areas on the waterfront for commercial, industrial, educational, recreational and residential uses.
- 4-2. Support water dependent activities and uses.
- 4-3. Create conditions attractive to jobs of the future.
- 4-4. Strengthen the tie between local jobs and resources.
- 4-5. Provide public amenities and

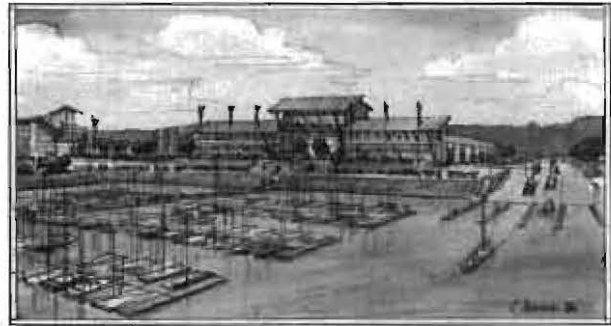
infrastructure to support redevelopment.

4-6. Improve permitting processes to achieve the goals and principles of the Waterfront Vision.

4-7. Explore economic spin-off related to Bellingham Bay Pilot cleanup strategies.

4-8. Provide incentives and credits for "green" buildings.

2.2 The Waterfront District



Guiding Principles and Implementation Strategies

The WAG sponsored a public involvement process during 2005 and 2006, which led to the adoption of "New Whatcom Guiding Principles and Implementation Strategies" by the Port and City in 2006. The Implementation Strategies provide further guidance related to redevelopment of the Waterfront District and are listed in the applicable chapters of this Sub-Area Plan.

2.3 City Of Bellingham Comprehensive Plan

The WFG plans, visions, guiding principles and recommendations were used to inform updates to the Bellingham Comprehensive Plan. Accordingly, the visions for the six "character areas" along the waterfront and 39 general guiding principles were included in the Framework Goals and Policies chapter of the 2006 City of Bellingham Comprehensive Plan.

2.4 Central Business District Neighborhood Plan

The WFG guiding principles for the City Center character area were summarized and incorporated into the Central Business District Neighborhood Plan to ensure consistency with, and implementation of the City's Comprehensive Plan and the WFG's recommendations for Bellingham's waterfront.

- Create a mixed-use neighborhood, with a combination of commercial, institutional, educational, retail services and housing.
- Provide a place where people can live, work, study and spend their leisure time without relying on auto transportation.
- Convert the existing ASB into a new marina or marine habitat.
- Maintain deep water and transient moorage and marine-related commerce in and along the Whatcom Creek Waterway.
- Significantly improve public access opportunities throughout the area.
- Locate WWU and/or other educational or institutional facilities in the area.
- Acquire the GP property to ensure community involvement in planning for redevelopment and to secure acquisition of land for parks, roads and public access.

When implemented, this vision will connect downtown Bellingham with the central waterfront and contribute in a significant way toward the vibrancy of the community and the region.

2.5 Bellingham Shoreline Master Program

The City of Bellingham adopted an update to its Shoreline Master Program (SMP) in 2013. The SMP goal for shoreline development within the Waterfront District is:

Coordinate shoreline uses to ensure uses that result in long-term over short-term benefit, protect and restore the shoreline resources and ecological

functions, increase public access to the shoreline, and promote economic development and accommodate water-dependent uses.

The proposed shoreline uses, setbacks and development standards in the Waterfront District Sub-Area Plan are consistent with and implement the SMP.

2.6 Applicants' Objectives

The applicants' objectives prepared for the Draft Environmental Impact Statement for the Waterfront District, and listed below, reflect the Vision statements adopted over the past two decades of planning and public involvement and are the basis for the plans, policies and implementation strategies included in the Waterfront District Sub-Area Plan:

- Redevelop the industrial site into a mixed use, waterfront neighborhood providing opportunities for a range of uses and activities. Create a vibrant area that integrates water-dependent uses and open space with new office, retail, services, institutional, and residential uses, and enhances the economy and livability of the area.
- Connect the Waterfront District Redevelopment project with surrounding neighborhoods including the Central Business District by: ensuring that the redevelopment is compatible with adjacent areas; encouraging uses that complement, not replace, neighboring uses; and integrating new roadway, pedestrian access and trails with surrounding systems.
- Provide community benefits through the phased construction of public open spaces and beaches, pedestrian trails, and moorage for small vessels that fit within the overall intent of the redevelopment plan.
- Identify opportunities to restore and create habitat along the waterfront environment; creating an economically-viable redevelopment.

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- Ensure that redevelopment is compatible with environmental remediation efforts.
- Enhance the region's economic vitality by creating conditions that are attractive to a range of employment opportunities and businesses, including water-related industries, research and development ventures, goods and service establishments, and educational and cultural facilities.
- In conjunction with the City of Bellingham, construct an integrated and economically responsible infrastructure network and public amenities that adequately support phased, long-term redevelopment of the site and stimulate private investment in the project. The ability to provide the infrastructure and public amenity system should be derived from grants and the sale or lease of redevelopment parcels by the Port and from grants, bond financing and tax revenues by the City and other applicable fees and service charges. These sources of capital will be used to offset the initial and ongoing investment in infrastructure and amenities to minimize subsidy from the general tax base of the Port or City.
- Increase public access to the waterfront by developing pedestrian, bicycle and vehicular connections to/from the site and an interconnected system of trails, viewpoints, walkways, streets, parking and boat moorage facilities. Use of non-motorized transportation modes will be a priority.
- Work with non-profit organizations and developers to provide opportunities for a mix of housing products affordable to a range of employees on the site and in the community.
- Work cooperatively with the City of Bellingham and the public to adopt a Sub-Area Plan and Development Agreement that provide the necessary predictability, consistency and expediency for long-term success of the redevelopment, and allow for flexibility to respond to market factors over time.
- Encourage sustainable and "green" development practices as part of future building and infrastructure design and construction at the site.
- Incorporate features into the planned marina to complement future mixed-use redevelopment, including: boat slip configurations, public walkways/small parks around the perimeter of the marina, and enhanced habitat opportunities.
- Continue to coordinate with state, federal and local agencies, tribes, organizations, institutions, the public and the private sector to facilitate redevelopment planning and implementation that is successful and an asset to the community.



CHAPTER THREE

ENVIRONMENTAL CONSIDERATIONS

3.0 Environmental Considerations

Environmental Cleanup

Most of the Waterfront District is built on tidelands, which have been dredged and filled to support over 100 years of heavy industrial waterfront activity. Portions of the site are affected by soil, groundwater and/or sediment contamination caused by historic releases of hazardous substances. Bringing this environmentally compromised land back into functioning and productive use is essential to meet the community vision for the central waterfront. Clean up of contaminated properties is regulated by the Washington State Model Toxics Control Act (MTCA). MTCA is a citizen-mandated law enacted through a voter's initiative and is the state counterpart to the federal Superfund law. Ecology is the lead agency responsible for the implementation and enforcement of MTCA. The mission of Ecology is to protect, preserve, and enhance Washington's environment, and promote the wise management of air, land and water for the benefit of current and future generations.



There are six state-listed cleanup sites within the Waterfront District. The MTCA cleanup process includes multiple steps from the initial discovery of contamination, to long-term monitoring to ensure the effectiveness of the cleanup action, to deed restrictions that ensure the long-term integrity of the cleanup action. The Department of Ecology, the Port and the City are working cooperatively to effectively and efficiently integrate site cleanup, habitat restoration, and redevelopment activities. Ecology's cleanup requirements will vary

from site to site and will depend on a number of considerations including the nature and extent of contamination and the intended uses of the property.

Ecology must select the most appropriate cleanup action for current and reasonable foreseeable uses of the property. Cleanup methods may include treating, removing, or isolating contaminants in order to reduce exposure to humans and the environment. For each site, Ecology will evaluate a range of cleanup options that meet cleanup requirements given the current and planned uses of the property.

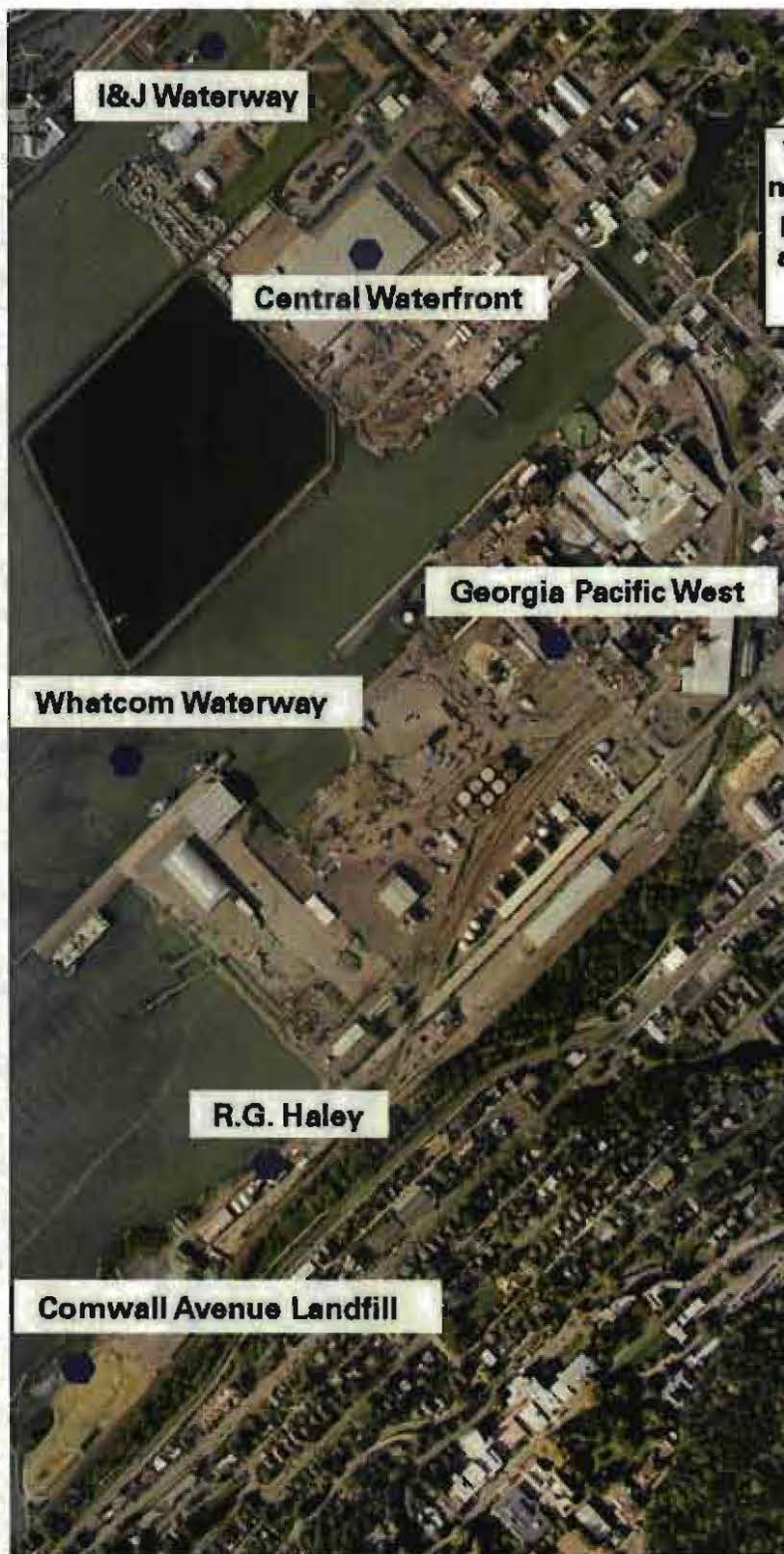
Environmental cleanup can be effectively and efficiently performed in conjunction with redevelopment activities. For example, if an environmental cleanup requires isolation of contaminated soil to reduce exposure, that isolation could be achieved through paving or buildings. The former GP tissue warehouse, located on the north side of the Whatcom Waterway, is an example of the integration of environmental cleanup and redevelopment. This warehouse was built in 1999 on top of a former municipal landfill and a state-listed cleanup site. The warehouse floor and surrounding parking lot were designed to function as an environmental cap which isolates contaminants in the underlying landfill from humans and the environment. The warehouse foundation includes a vapor control system which releases gases generated as the landfill decomposes over time.

Environmental cleanup requirements established by Ecology under state law will be adhered to throughout the redevelopment of contaminated properties within the Waterfront District.

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ENVIRONMENTAL CONSIDERATIONS

Figure 3-1: State-Listed Cleanup Sites



These sites are being actively managed to coordinate cleanup plans with habitat restoration and redevelopment to attain a safe and healthy waterfront.

There are six state-listed cleanup sites within the Waterfront District. These sites include contaminants at levels exceeding state standards in the soil, surface water, ground water and sediments caused by historic industrial activities. The upland sites were originally tide flats and sub-tidal areas in Bellingham Bay that were filled in, beginning in the mid 1800's, to support industrial activities.

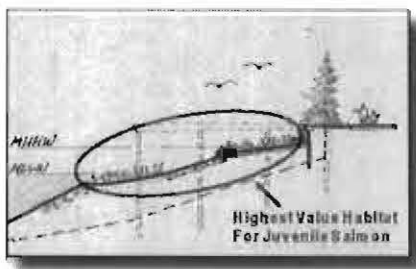
Site	Description
Cornwall Avenue Landfill	This site was used to support a variety of industrial activities from the late 1800's to 2004 including sawmill operations, a garbage dump, and pulp and paper mill product storage. The site is primarily contaminated with heavy metals, petroleum compounds, and solid waste caused by use of this property from 1953-1965 as a municipal landfill. The Port acquired this property in 2005 and is developing cleanup options under Ecology oversight which protect human health and the environment based upon a large waterfront park and mixed-use redevelopment along the bluff.
R.G. Haley	This site was used for a variety of industrial activities from the mid 1800's to late 1900's including lumber, coal and wharf operations. The site is primarily contaminated with petroleum compounds caused by wood treatment operations performed by R.G. Haley and other companies from 1951 to 1986. The City acquired this property in 2010 and is developing cleanup options, under Ecology oversight, which protect human health and the environment based upon mixed-use redevelopment.
Georgia Pacific West	This site was used to manufacture paper products from 1925-2007. The site is primarily contaminated with petroleum compounds, mercury, metals, and caustic caused by pulp, paper and chemical manufacturing operations performed by GP from 1963-1992. The Port acquired this property in 2005 and is developing cleanup options under Ecology oversight which protect human health and the environment based upon a combination of industrial and mixed-use redevelopment.
Whatcom Waterway	This site, located within the waters of Bellingham Bay including the Aerated Stabilization Basin, is primarily impacted by mercury contamination discharged from GP's former chemical plant from 1965-1979. The Port is implementing Ecology's selected cleanup action which protects human health and the environment based upon habitat restoration, a new marina, visitor moorage, marine trades and public access along the shoreline.
Central Waterfront	This site was used to support a variety of industrial activities from the early 1900's to the 1970's including a municipal and wood waste landfill, boat yards, foundry activity, petroleum storage, and pulp and paper mill product storage. The site is primarily contaminated with heavy metals, petroleum compounds, and solid waste caused by a range of historic industrial activities. The Port and City acquired most of the privately-owned portions of this site in 2005 and 2006 and are developing cleanup option plans under Ecology oversight which protect human health and the environment based upon industrial mixed-use redevelopment.
I&J Waterway	This site, located within the waters of Bellingham Bay, has been used since the early 1900's to support a variety of industrial activities including lumber mills, a rock crushing plant, frozen foods processing, and a seafood processing facility. The site is primarily contaminated with metals and phthalates caused by a range of historic industrial activities. The Port is developing cleanup options under Ecology oversight which protect human health and the environment based upon mixed-use redevelopment of the surrounding uplands and ongoing light industrial navigation requirements in the I&J Waterway.

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ENVIRONMENTAL CONSIDERATIONS

Habitat Restoration

In 1999, Chinook salmon were listed as threatened under the Endangered Species Act in the waters throughout the Bellingham area. These fish, the largest of the Pacific salmon, once filled the surrounding waters and represented the natural heritage of the northwest coast. A combination of factors including over fishing, the destruction of habitat in the rivers and the ocean, and dams and other barriers, brought these massive fish to the brink of extinction. The decline of salmon is closely associated with the decline in the health of Bellingham Bay and Puget Sound. Over the past one hundred years, there has been a large recession in the population of species which inhabit the surrounding area including forage fish, bottom fish, orca whales, salmon and marine birds. The restoration of shoreline habitat is critical to a coordinated, ecosystem-wide restoration effort and figures prominently into redevelopment plans for the Waterfront District.



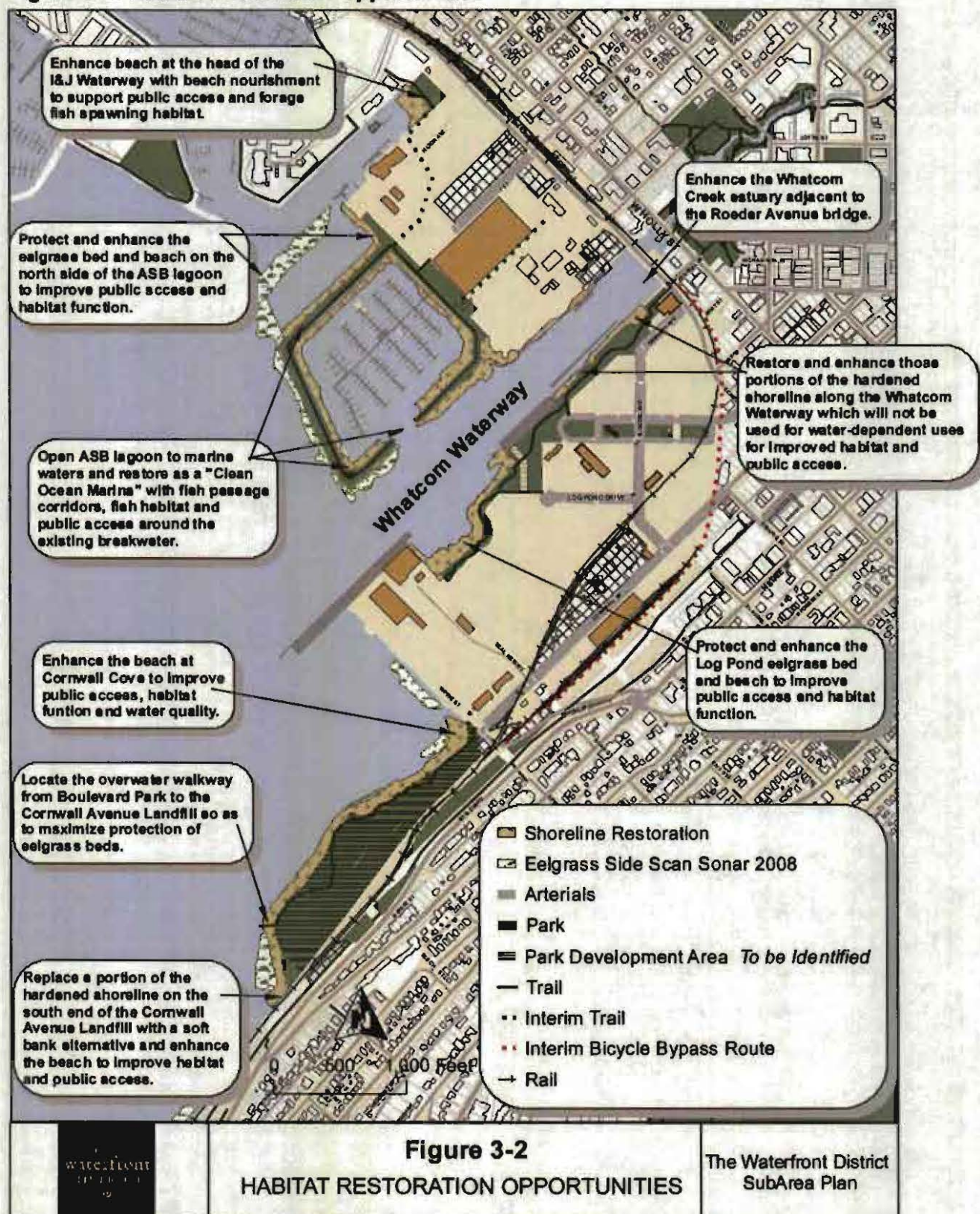
Bellingham's central waterfront was once surrounded by shallow mudflats and extensive eelgrass beds which offered a surplus of food and protection to juvenile salmon as they left nearby rivers and adjusted to salt water in preparation for a journey out to sea. This natural environment has been devastated by more than a century of unregulated heavy industrial activity on the waterfront. Historic industrial development expanded on top of traditional salmon spawning grounds and the shallow mudflats were filled to create new

industrial land. Shorelines were hardened with bulkheads, docks, wharves and rip rap and, as young salmon lost their traditional habitat, they became increasingly vulnerable to predators. Today, the shorelines throughout the Waterfront District include a legacy of failing bulkheads, old docks and over-water industrial structures. While these structures were important to the waterfront operations that supported the local economy for many years, some of the existing overwater structures are now recognized as impediments to the new community waterfront envisioned by the WFG. Removing the failing and unused infrastructure will create opportunities to soften and reshape the shorelines to provide richer and more productive habitat for salmon at all tidal stages. Portions of the GP Wharf which are in usable condition will be retained into the future to support water-dependent uses in the Log Pond area.

The Port and City, working in collaboration with the multi-agency task force, the Bellingham Bay Pilot, have identified the highest priority habitat restoration areas in Bellingham Bay. The Waterfront District will support Puget Sound recovery efforts by restoring several miles of urban shorelines, removing creosote pilings and unnecessary overwater structures, improving nearshore connectivity, and building more than four acres of new shallow habitat benches. Human activities and the natural environment will be balanced through design solutions which integrate shoreline habitat into mixed-use urban redevelopment. While salmon recovery and the customary return of Chinook will ultimately require all causes of decline to be addressed, the Waterfront District redevelopment will restore critical nearshore salmon habitat and serve as a Puget Sound model for how urban development can be carefully balanced with intricate human-nature interactions.

The habitat restoration projects illustrated on Figure 3-2 will occur over time as environmental remediation projects are completed and upland areas are converted to mixed-use development.

Figure 3-2: Habitat Restoration Opportunities



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Shoreline Development

The Waterfront District includes approximately 3 miles of shoreline, which is regulated by the City's Shoreline Master Program. (SMP) The Washington State Department of Ecology approved the City's SMP in February of 2013.

The SMP includes the "Waterfront District" shoreline designation under which "Special Area Planning" was conducted as specified in WAC 173-26-201(3)(d)(ix).

The stated purpose of the Waterfront District Shoreline Designation is:

"To plan for, protect and implement restoration of the shoreline ecological function, reserve areas for water-dependent and water-related uses, maximize public access to the shoreline and accommodate shoreline mixed uses and non-water-oriented uses where appropriate."

The SMP establishes Shoreline Management Policies for the Waterfront District, which were adapted from the WFG Guiding Principles for City Center and the Waterfront District Implementation Strategies. The Shoreline Policies and Implementation Strategies in the Waterfront District Sub-area Plan are consistent with and implement the Waterfront District Shoreline Management Policies in the SMP.

The SMP includes habitat protection and restoration management policies for the Waterfront District that incorporate and are integrated with the Bellingham Bay Demonstration Pilot Project Comprehensive Strategy analysis. The policies include:

- Coordinating with state, federal and local agencies including Lummi Nation and Nooksack Tribe to improve ecological function of the shoreline.

- Cooperative projects and funding for shoreline restoration, habitat enhancement, environmental remediation and public access should be identified.
- Pocket beaches within the Waterfront District should be reserved for preservation and restoration / enhancement as habitat and public access points."

The SMP also includes a Waterfront District Development Regulation Matrix with minimum and maximum shoreline setbacks, buffers and height regulations for each shoreline use area. The SMP provides that:

"The maximum setbacks and buffers within the Waterfront District shoreline mixed-use sub-area may be reduced down to the minimum setbacks and buffers (both as specified in BMC 22.11.30 F) as conditioned upon the adoption of a Comprehensive Plan amendment for a Waterfront District Master Plan and Development Agreement for the entire Waterfront District Special Development Area or, upon the adoption of a master plan for a portion of land area within the Waterfront District."



Sea Level Rise

The Waterfront District infrastructure and development will be constructed to accommodate potential long-term sea level rise and tsunami conditions. Most of the site is currently located at an elevation of 5-7 feet above the Mean High Water Mark. Recent climate change studies have projected sea level to rise 15" to 50" over the next 100 years. Development in the Waterfront District shall be constructed in accordance with the best available science sea level rise information at the time the development occurs.

The site grade for parks, infrastructure and development pads will be raised to levels appropriate for the design lifetime of the projects. Marine-related industrial uses which need water access and buildings or facilities with a low initial cost or short life span may be located close to current sea level elevations and modified over time to adjust to rising sea level. Commercial, residential and institutional uses with a longer building life or more significant investment will be elevated at appropriate levels to reflect projected sea level rise.

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Waterfront District Guiding Principles and Implementation Strategies

The WAG sponsored a public involvement process during 2005 and 2006, which led to City and Port adoption of "Guiding Principles and Implementation Strategies" in 2006. The following Implementation Strategies provide guidance related to Environmental Restoration, Habitat and Shorelines:

- Continue to work with State and Federal and local agencies, organizations, institutions, including the Lummi Nation and Nooksack Tribe to be good stewards of the environment. Identify opportunities for cooperative projects and joint funding for shoreline restoration, habitat enhancement, environmental remediation and public access improvements.
- Evaluate sites identified in the Waterfront Futures Group "Opportunities and Ideas for Habitat Restoration and Water Access on Urban Bellingham Bay" and other plans and studies for designation as public access and shoreline restoration sites in the New Whatcom* Master Plan and City of Bellingham Shoreline Master Program update.
- Designate the natural shoreline areas at the head of the I&J Waterway, the foot of Cornwall, and adjacent to the Log Pond for preservation and enhancement as habitat and public access points.
- Explore opportunities to rehabilitate and enhance hardened shoreline along the Whatcom Waterway, ASB lagoon and other shores for improved habitat and public access.
- Continue work with NOAA to develop a "Clean Ocean Marina" standard which incorporates environmental remediation, habitat enhancement, pollution prevention practices and public access, and apply these standards to the proposed New Whatcom* Marina.
- Make the majority of water's edge accessible via non-motorized means of transportation, including pedestrian walkways, bicycle trails, motorized and non-motorized boat access, and transient moorage, connected to a network of parks, trails and transit connections. Restrict or control public access to areas used for water-dependant industry, sensitive habitat or government agency uses where public access would conflict with public health or safety, habitat protection or national security.

* Note: This planning area, originally called "New Whatcom" has been renamed the Waterfront District.

3.1 Environmental Considerations Policies

Environmental Cleanup

1. Work with Ecology to coordinate the selection of environmental cleanup strategies that are appropriate and compatible with anticipated land uses.
2. Integrate habitat restoration into Ecology required cleanup actions.
3. When implementing Ecology-required cleanup actions, incorporate sustainable strategies to minimize the net environmental footprint.
4. Identify areas within cleanup site boundaries which best support modified Low Impact Development solutions as part of future upland redevelopment.
5. Evaluate the beneficial reuse of dredge material that meets Ecology standards as fill material and as raw material for construction projects.
6. Clean-up levels will be developed pursuant to state law to be protective of land uses in the Waterfront District.
13. Use Low Impact Development stormwater principles to improve wildlife habitat and enhance estuarine functions.
14. Restrict off-leash dog areas and boat anchoring from sensitive nearshore habitat areas.
15. Develop complex riparian vegetation along the shoreline in order to restore habitat. Where appropriate, include designated trails and areas of focused public access to the water.
16. Restoration and enhancement opportunities should be integrated with site clean-up plans to the extent allowed under project-specific regulatory permitting requirements and implemented as specified in the SMP's Restoration Plan, the Whatcom Resource Inventory Area 1's "Marine Nearshore and Estuarine Assessment and Restoration Prioritization" plan and the City's Habitat Master Restoration Plan.

Habitat

7. Where appropriate, replace hardened shorelines with natural beach alternatives in coordination with cleanup and redevelopment activities to enhance habitat, improve aesthetics, reduce long-term maintenance costs, and achieve the stabilization and safety of the shoreline.
8. Protect, restore, and enhance eelgrass habitat.
9. Protect, restore and enhance nearshore habitat connectivity.
10. Protect, restore, and enhance natural habitat forming processes such as stream hydrology, tidal hydrology, sediment supply, wave environment, long shore sediment transport, and the food web.
11. Create shallow water habitats by modifying elevations.
12. Remove creosote-contaminated logs, pilings and debris or replace with non-creosote alternatives.
17. The majority of water's edge should be accessible via non-motorized means of transportation, including pedestrian walkways, bicycle trails, motorized and non-motorized boat access, and transient moorage, connected to a network of parks, trails and transit connections.
18. Public shoreline access may be restricted in areas used for water-dependent industry, sensitive habitat or government agency uses where public access would conflict with public health or safety, habitat protection or national security.
19. Shoreline areas within the Cornwall Beach, ASB marina and the head of the I&J Waterway are designated as a Recreational Shoreline Environment where the primary uses within shoreline jurisdiction are public recreation, open space and habitat restoration. Accessory uses intended to support public recreation or serve park visitors should also be permitted in this area.

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20. The shoreline within the Log Pond area was also designated as a Recreational Shoreline in the Final Draft SMP. The shoreline will be restored for public access and habitat function. Water-dependent, water-related and water-enjoyment uses are also permitted within Recreational Shorelines.
21. The shoreline within the Downtown Waterfront area is designated as a Mixed-Use Shoreline Environment where the water's edge is reserved for habitat and public access, with variable building setbacks to allow businesses, residences, and public facilities to be located within shoreline jurisdiction.
22. Buildings located within shoreline jurisdiction along the Whatcom Waterway should have variable shoreline setbacks and open space between buildings to avoid construction of a wall of buildings close to the water.
23. The Bellingham Shipping Terminal and Marine Trades Area of the Waterfront District are identified as appropriate locations for water-dependent and water-related uses and ancillary activities to support commercial fishing, recreational boating and maritime industries, including boat building and repair.
24. Parking within shoreline areas should be located under buildings or within parking structures located on the upland side of the development unless associated with a water-dependent use or unless no other feasible alternative exists. Surface parking, with appropriate stormwater management, may be developed as an interim use on areas planned for future redevelopment. Where interim surface parking is permitted, the long-term parking strategy and timing of the proposed redevelopment should be specified in the shoreline permit for the project.
25. Streets within shoreline jurisdiction should be designed and aligned in such a manner that the minimum width of travel way for vehicles is provided to facilitate circulation and accommodate future land uses.
26. Shoreline buffers should be managed to preserve, enhance and restore native vegetation and habitat functions. Public trails to provide water access should be permitted within shoreline buffers, provided they are designed and managed to protect or enhance shoreline ecological function.
27. Parks, trails, public plazas, artwork, signs benches and outdoor seating areas should be allowed within shoreline setbacks outside of designated shoreline buffers, other than areas designated for habitat restoration in future park plans.
28. Site grades should be raised to accommodate potential long-term sea level rise and tsunami conditions appropriate to the design life-time of the project.



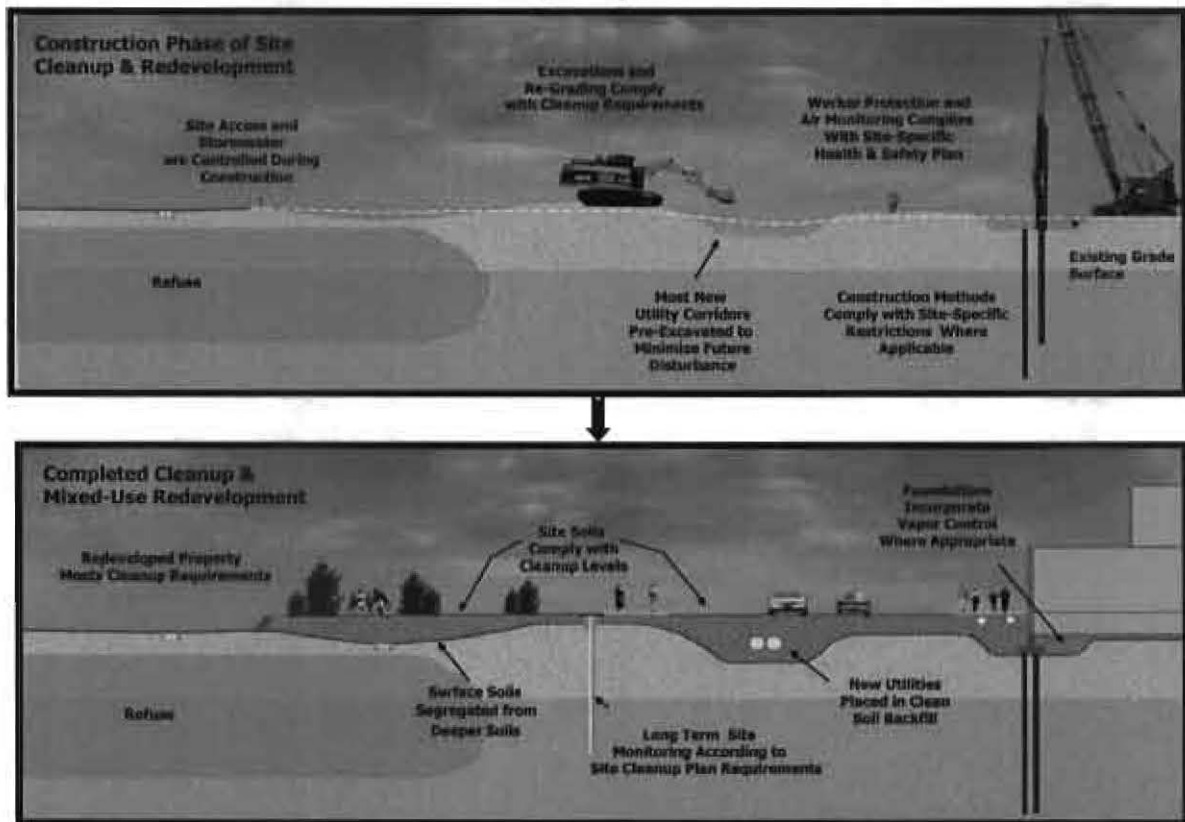
3.2 Environmental Considerations Implementation Strategies

1. Replace a portion of the hardened shoreline on the south end of the Cornwall Avenue Landfill with a soft bank alternative and enhance the beach to improve habitat function and public access in coordination with cleanup and redevelopment activities in the Cornwall Beach Area.
2. Locate the overwater walkway from Boulevard Park to the Cornwall Avenue Landfill so as to protect eelgrass beds from construction impacts. Enhance the Cornwall Cove beach to improve public access and habitat function in coordination with cleanup and redevelopment activities in the Cornwall

Beach Area.

3. Enhance stormwater management at Cornwall Cove beach in accordance with Ecology stormwater standards, in coordination with the upgrade of Cornwall Avenue.
4. Enhance the Log Pond beach to improve public access and habitat function in coordination with cleanup and redevelopment activities in the Log Pond Area.
5. Protect and enhance the Log Pond eelgrass bed.
6. Portions of the hardened shoreline along the Whatcom Waterway which are not being retained for water-dependent uses should be restored and enhanced for improved habitat and a variety of public access experiences upon completion of environmental remediation and in coordination with redevelopment activities in the Downtown Waterfront area.
7. Build public promenades along the waterfront with viewing platforms and overlooks to provide users with recreational opportunities and vistas of key estuary and habitat areas in coordination with upland redevelopment activities.

**Figure 3-3:
Coordinating Site Redevelopment
with Cleanup Requirements**



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8. Enhance the Whatcom Creek estuary adjacent to the Roeder Avenue Bridge.
9. After completion of environmental remediation, the ASB lagoon may be opened to marine waters and restored as a Clean Ocean Marina with fish habitat and public access around the rim of the existing breakwater. In the event that a marina is built, it should include fish passage corridors through the north and south sides of the breakwater which are located so as to protect existing eelgrass beds from construction impacts.
10. Enhance the shoreline next to the C Street stormwater outfall in coordination with cleanup and redevelopment activities in the Marine Trades Area. This beach shoreline area should not be designated as a public beach due to proximity to the stormwater outfall.
11. Enhance the beach on the north side of the ASB lagoon to improve public access and habitat function in coordination with cleanup and redevelopment activities in the Marine Trades Area.
12. Enhance beach at the head of the I&J Waterway with beach nourishment to support public access and forage fish spawning habitat in coordination with cleanup and redevelopment activities in the Marine Trades Area.
13. Remove creosote-treated pilings and unnecessary overwater structures or replace with non-creosote alternatives.
14. Use sustainable design as part of environmental cleanup where feasible (i.e. design impermeable, rainwater-harvesting structures that act as subsurface "caps" for deeper contaminated materials but allow for near-surface water movement and infiltration for collection).
15. Continue to work with State and Federal and local agencies, organizations, institutions, including the Lummi Nation and Nooksack Tribe to be good stewards of the environment. Identify opportunities for cooperative projects and joint funding for shoreline restoration, habitat enhancement, environmental remediation and public access improvements.
16. Development within shoreline jurisdiction shall comply with the shoreline buffers, setbacks and height limits for the Waterfront District, established in the Final Draft SMP, upon Ecology approval.
17. Restrict off-leash dogs and boat anchoring from sensitive near-shore habitat areas.
18. Develop an interpretive signage program to educate the public about sensitive habitat areas and access restrictions.



CHAPTER FOUR

DEVELOPMENT CHARACTER

4.0 Development Character

The Waterfront District redevelopment is intended to implement the community vision for the Central Waterfront by converting a large under-utilized Brownfields industrial site into a vibrant mixed-use neighborhood where people can live, work, shop, study and spend their leisure time, without relying on vehicular transportation. The project will reflect the commitment of Bellingham citizens to environmental stewardship by remediating historic contamination and restoring degraded shorelines to provide habitat for fish, birds and small wildlife species, as well as, opportunities for public access to the water. A network of interconnected waterfront parks, trails and public open space will provide outdoor recreation opportunities and community gathering places to serve the entire Whatcom County community and attract new residents, businesses and visitors to the region.

The mix of uses and phasing of development and infrastructure within the Waterfront District is intended to complement and enhance businesses in the Central Business District and adjacent neighborhoods. Development should include a healthy balance between the creation of new jobs and housing opportunities, supported by goods and services. Public ownership of the majority of the land, during the planning phase, will allow some of the land to be leased or sold for development over time.

Interim uses are proposed to make use of vacant properties until the development market and infrastructure investment can support more intensive uses. These interim uses include but are not limited to: marine-related light industrial and transportation, construction staging, environmental remediation, alternative energy research and production, food production and surface parking.

The policies and implementation strategies in

this chapter, and the associated development regulations, are intended to guide the redevelopment of the site as a compact urban village with sufficient density to support transit and pedestrian-oriented development. Development standards relating to building height, setbacks, and design are proposed to preserve key view corridors to and from adjacent neighborhoods, limit building mass adjacent to parks and rights-of-way, and encourage sustainable design features and amenities to support pedestrian-oriented commercial activity and public gathering space at the ground level.



The Waterfront District Downtown Area achieved a Stage 1 Certification under the US Green Building Council's LEED (Leadership in Energy and Environmental Design) for Neighborhood Development pilot program. This program integrates the principles of smart growth, new urbanism and green building and benefits communities by reducing urban sprawl, increasing transportation choices, decreasing automobile dependence, encouraging healthy living, and protecting threatened species. These development strategies are reflected in policies and implementation strategies throughout this Sub-Area Plan.

The Waterfront District, Old Town and a portion of the Central business District have also been selected by the Portland Sustainability Institute to participate in the EcoDistrict Program. There is considerable overlap between LEED ND program concepts and EcoDistrict concepts. Where feasible, these concepts have been integrated into the updated draft Sub-area Plan and Development Regulations.

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Waterfront District Guiding Principles and Implementation Strategies

The Waterfront Advisory Group sponsored a public involvement process during 2005 and 2006, which led to City and Port adoption of the Guiding Principles and Implementation Strategies" in 2006. The following New Whatcom Implementation Strategies provide guidance related to Development Character:

- Redevelop the New Whatcom site with a mix of uses including jobs, housing, retail development, services, educational and cultural facilities and water-dependent industrial uses.
- Divide the New Whatcom redevelopment area into a number of districts with distinct character and function, developed in phases to correspond with market demand.
- Encourage a mix of uses which complement, rather than duplicate, businesses in the Central Business District and provide family-wage jobs, including offices, research and development, business incubators, live-work studios, and water-related industries.
- Maintain a balance between jobs, housing, retail development and services developed on the New Whatcom site. Develop a phasing plan which establishes a ratio between retail, services, offices or institutional uses, and residential development on the site.
- Encourage the development of businesses which provide goods and services to residents of the site and surrounding neighborhoods, local businesses and employees, and visitors to attractions on the site. Develop size and design criteria which discourage "big box" stores which draw the majority of their customers from other areas of the City.
- Work with non-profit organizations and private developers to provide incentives for development of a mix of housing types affordable to the employees of the businesses provided on the site.
- Include sites for water-related industry and services to support commercial fishing, recreational boating and maritime industries, including boat building and repair to preserve the nautical history of our community.
- Develop appropriate design features and transitional areas to buffer uses which produce noise, glare or odors from incompatible uses where needed.
- Capitalize on the synergistic relationship between New Whatcom and adjacent commercial districts by enhancing rather than competing with adjacent areas especially the Central Business District. This can be achieved by an early emphasis on jobs, residential units and other activities which support businesses in the adjacent areas.
- Work with universities, agencies, organizations and business groups involved in education, art and culture to attract educational and cultural facilities to the waterfront.
- Work with non-profit organizations and provide a combination of incentives, mandates, and subsidies for private developers to develop a mix of housing types affordable to employees of the jobs provided nearby.
- Implement land uses that acknowledge Bellingham's deep maritime and cultural history.
- Design a building scale and business atmosphere which encourages unique, locally owned businesses.
- Utilize appropriate site design standards, such as Whatcom County Building Industry of Washington "Green Community" program or Leadership in Environmental Education and Design (LEED)™ Neighborhood Development standards and encourage new or remodeled buildings to be BuiltGreen™ or LEED™ certified.
- Establish unique urban waterfront design guidelines to encourage contemporary architecture and leading green building techniques that blend with the historic industrial buildings on the GP site and highlight the maritime flavor and cultural heritage of the Bellingham waterfront.
- Work with Lummi and Nooksack leaders to facilitate their development of cultural and educational facilities which feature Native American culture and history.

4.1 Development Character

Policies Land Use Policies:

1. Encourage a compatible mix of urban density commercial, residential, recreational, institutional, and light industrial uses.
2. Maintain a balance between job creation, housing, and building space for goods and services within the Waterfront District. Allow the market to influence uses within individual development projects.
3. Cluster compatible land uses and adopt appropriate development regulations to establish areas of unique character within different sub-zones of the Waterfront District.
4. Develop a network of waterfront access points, parks, public gathering places and areas for public use and enjoyment throughout the Waterfront District. Integrate parks and open space into development areas to add value to adjacent properties.
5. Encourage pedestrian-oriented development at street level and require the ground floor of buildings fronting on Commercial Street and Bloedel Avenue to be designed for commercial, retail, services or public facility use. Allow these spaces to be occupied by offices or other interim uses until such time as the market supports conversion to commercial use.
6. Preserve sufficient land for marine cargo



and marine-related commercial, recreational and industrial uses in areas

with access to navigable waters, and adopt appropriate development standards for these areas which recognize the potential for noise, glare and the need for water access, open yard space and buildings big enough to store and repair large vessels and equipment.

7. Identify a site with sufficient size and expansion space for a campus of higher education or other institutional or business campus and adopt flexible design standards to allow a unique character to be established for this campus area.
8. Allow for opportunities to accommodate a grocery store, elementary school, day care center, recreation facilities and similar services for families with children and encourage construction of such facilities when there is sufficient demand.



9. Establish transitional areas to be used for light industrial use, construction staging, environmental clean-up uses, including temporary storage or treatment of dredge materials, alternative energy research or production, local food production, surface parking and similar interim uses until such time as the market and infrastructure is available for these areas to be developed into more intensive uses.
10. Enable the development of inclusive affordable housing for low and moderate income persons. A variety of housing types and price ranges should be available, including housing for elderly and disabled persons, families with children, students and employees of local businesses.

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11. Encourage the development of public services, art and cultural facilities which reflect the history of the site and region to serve area residents and attract visitors to the District.
 12. Provide for sufficient density to allow public entities to recover investments into land, clean-up costs, parks and infrastructure, through land sales and future tax revenues.
 13. Phase development to meet market demand and installation of infrastructure.
 14. Encourage land uses in the Waterfront District that complement and help to diversify and expand the City Center and that also take advantage of the unique urban waterfront location.
 15. Encourage industrial land uses that provide jobs for light manufacturing and assembly, high technology, research and development and industrial uses which depend upon or relate to the waterfront.
- Sustainable Development Policies:***
16. Promote sustainable design strategies and development practices generally consistent with LEED for Neighborhood Design and other sustainable development programs.
 17. Ensure that environmental remediation of soil, groundwater and marine shoreline areas occurs prior to or in conjunction with redevelopment.
 18. Restore marine shorelines by removing creosote pilings and dilapidated industrial structures and replace with shoreline materials and contours which support ecosystem recovery goals and public access, where appropriate.
 19. Encourage re-use and recycling of materials on-site.
 20. Re-use the existing Aerated Stabilization Basin breakwater materials for environmental capping, shoreline restoration and fill for parks and roadways to lower the carbon footprint of the project
 - and reduce impacts on local sand and gravel quarries
 21. Encourage building and site designs which conserve energy and potable water, capture and treat storm water on-site, and utilize alternative energy, recycled wastewater, sustainable building materials and innovative construction techniques.
 22. Create a framework for personal wellness and environmental stewardship by providing habitat restoration, outdoor recreation opportunities, convenient recycling and compost facilities, roof top and patio gardens, sites for local food production and facilities to support pedestrians, and alternative modes of transportation such as bicycles, motorcycles, transit and ride-share programs.
 23. Incorporate bio-swales and other low-impact stormwater management techniques into landscape medians, street plantings and stormwater systems where possible to provide an aesthetic amenity and reduce the impacts of stormwater runoff.
 24. Utilize natural vegetation and low-water use plants in landscape design to avoid the need to use potable water for irrigation.
 25. Design circulation systems and parking facilities which encourage non-motorized transportation, transit and ride-share programs, reduce paved driving surfaces, and protect water quality.
 26. Encourage the adaptive reuse of existing buildings if an assessment of structural, economic, market and land use factors show positive benefits of keeping the building. New buildings should be built utilizing methods that will allow easy adaptive reuse in the future if the building use changes over time.
 27. Development should utilize district specific utilities, such as district heating and cooling, and non-potable water systems if available and implemented through a

Waterfront Utilities Master Plan.

Site Design Policies:

28. Within mixed-use commercial and residential areas, define pedestrian-scale blocks and building pads by developing a network of interior roads, bicycle routes and pedestrian connections with a block size similar to or smaller than the existing City of Bellingham Central Business District and Fairhaven. Where buildings or blocks exceed 240 feet, require pedestrian through-block routes and pedestrian access through buildings during business hours.
29. Encourage pedestrian-oriented development in mixed-use commercial areas by locating buildings adjacent to the sidewalk on arterial streets, except when set back to accommodate public plazas, outdoor seating, dining, landscaping or artwork.
30. Minimize the visual impact of surface parking by reducing parking space requirements, locating surface parking along interior streets or alleys, behind or within the interior of buildings, or below street grade where feasible, and requiring landscaping or screening of surface parking lots. (See related parking policies in Chapter 5 entitled Multi-modal Circulation & Parking.)
31. Establish view corridors and design standards to preserve water views from public streets and designated view points within adjacent neighborhoods and establish visual connection with the Central Business District.
32. Encourage public and private open space at ground level through design regulations and incentives for dedication of public open space.

LEED ND Credit Opportunities

Note: LEED ND, developed by the US Green Building Council, is one of many different voluntary rating systems to address and achieve sustainability goals. The following plan features provide potential credit toward LEED ND certification:

The project includes a balance of housing units and jobs. At least 25% of the total building square footage is designed for residential use, and the project is located within a ½ mile walking distance of 4,900 existing jobs.

Half of the housing units are within walking distance of the proposed Western Washington University campus site.

Site design policies and development standards encourage walkable streets, with buildings located close to the sidewalk, commercial uses at ground level, doors and windows facing the sidewalk, and pedestrian amenities such as weather protection, benches, lighting and art work at street level.



Commercial street frontage and pedestrian amenities soften the appearance of parking garages and maintain walkable streets.

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Building Design Policies:

33. Establish design regulations and a predictable design review process to ensure that building designs are consistent with the intended character of the various development areas.
34. Encourage pedestrian-oriented uses on the ground floor of buildings fronting arterial streets within Commercial Mixed- Use areas, and provide street-level amenities, such as awnings, benches, lighting and landscaping to support pedestrian and transit use.
37. Encourage appropriately scaled signs and kiosks integrated with building design and street furniture to identify businesses and direct the public to parks, trails, transit facilities, parking and other locations of interest.
38. Design building roof tops and mechanical equipment with consideration for appearance from the adjacent bluff. Encourage screening, vegetation and use of materials to minimize glare.

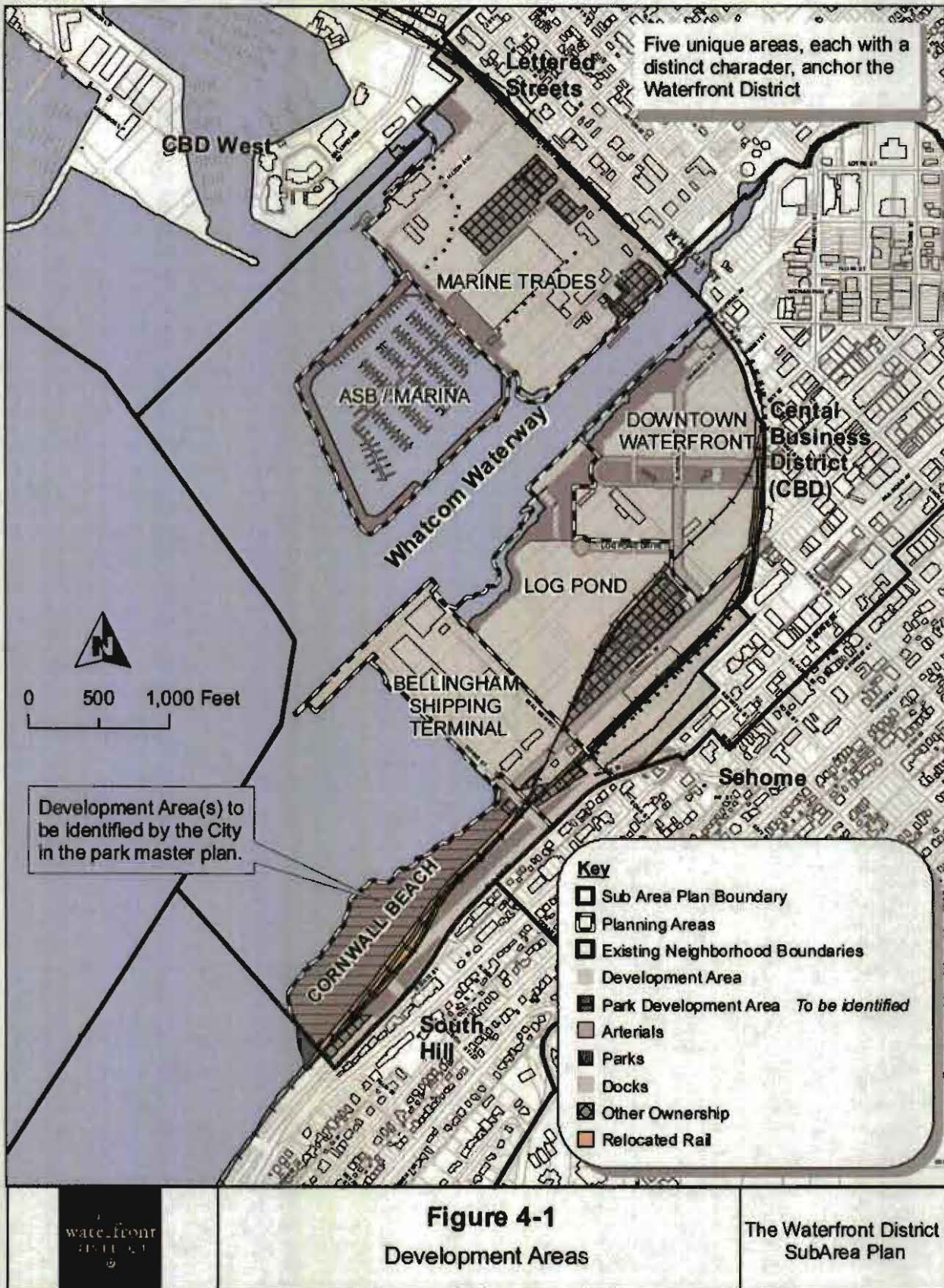


35. Establish building heights, density, and design standards relating to building bulk and scale to encourage building forms which are inviting to pedestrians at street level, preserve views to and from adjacent neighborhoods, and have sufficient density to support use of public transit and attract private investment.
36. Recognize the need for larger industrial buildings and less stringent design standards to accommodate marine industrial uses, upland boat storage and other light industrial uses within Industrial Mixed-use areas. Provide lighting standards, setbacks, screening or landscaping to reduce impacts and separate Industrial Mixed-use areas from other mixed-use development areas.



When residential development is located at street level, the ground floor should be elevated above street level or set back from the sidewalk with landscaping along the street frontage.

Figure 4-1: Waterfront District Development Areas



Areas of Unique Character

The Waterfront District is divided into five areas of unique character where the mix of land uses, density, building types and the layout and design of streets, trails, parks and open spaces will define the character and function of the proposed development:

Marine Trades Area

This 58-acre area is characterized by a working waterfront that will support a new Clean Ocean Marina which adaptively reuses the wastewater treatment lagoon. The main focus of development in this area is to accommodate jobs revolving around marine trades such as fishing, boat building, boat repair, marine haul out facilities, marine product manufacturing and supplies, research and development.



Shipping Terminal Area

The existing deep water port in this 25-acre area will be maintained for shipping, port and industrial related opportunities. Industrial uses characterize this area with the potential for use of its peripheral areas to accommodate transitions between related office, transportation, and light industrial uses.

The Downtown Waterfront Area

The character of this 37-acre area is similar to the commercial portion of the Central Business District (CBD) or Fairhaven. Uses that provide goods and services will mainly serve the population of the area and are not intended to compete with those in the CBD. A mix of housing, office and institutional uses are proposed to be accommodated in a high density configuration centered around the Commercial Street Green open space and Bloedel Avenue. A site for a higher-education or other institutional or business campus is identified along the southern edge. Minimum building heights will be encouraged to establish an urban environment that will become the heart of the Waterfront District. This area's waterfront development will have an urban character with pedestrian-oriented uses encouraged along the waterfront promenade.



Log Pond Area

This 52-acre area is identified as an Industrial Mixed-use area to be utilized for transportation, construction or light industrial uses through the end of the planning period for the Waterfront District Sub-area Plan. Preferred land uses in the area also include light manufacturing and assembly, high technology, and research and development. Materials which are manufactured, processed or stored in this area may be imported or exported by truck or by vessel through the Bellingham Shipping Terminal or over the remaining portion of the GP Wharf. The Port is working with Burlington Northern to obtain permission to install a rail spur to serve this area in the future. The shoreline and beach along the Log Pond will be restored for habitat and public enjoyment, accessible via a waterfront pedestrian and bicycle trail and by non-motorized vessel. Public access through this area may need to be interrupted during periods when recreational use would conflict with industrial or cargo activities.

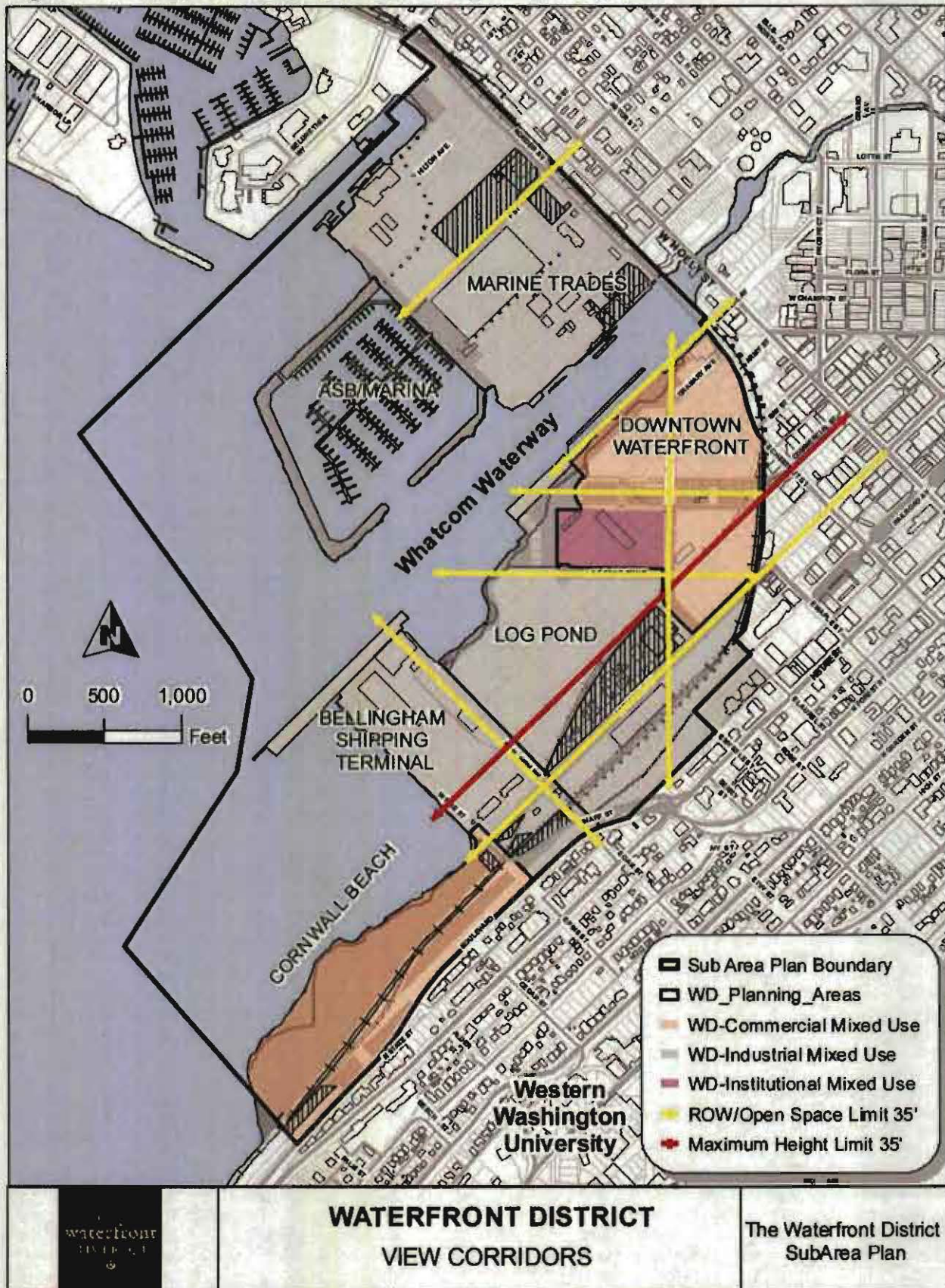


Cornwall Beach Area

A mix of residential and office uses, with a small amount of goods and service uses are proposed in this 29-acre area. The goods and service uses will mainly serve residents of the Waterfront District and the users of the Cornwall Beach Park, which is a major component of this area, with connections to Boulevard Park via an over-water walkway. Medium density development will be encouraged to relate to the park environment. The Cornwall Beach area includes the bluff located east of the railroad tracks along Boulevard and State Street. The majority of this bluff is in public ownership and is not developable due to steep slopes and limited access. The Environmental Impact Statement for the Waterfront District did not contemplate any development along this bluff. If the private property along the bluff develops in the future, additional planning and SEPA review will be required.



Figure 4-2: Waterfront District Urban Village View Corridors



CHAPTER FOUR

DEVELOPMENT CHARACTER

Floor Area Ratio (FAR)

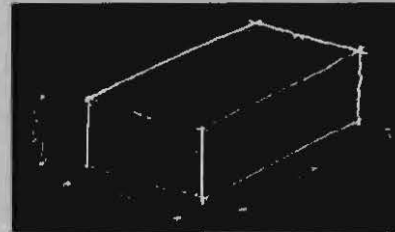
During initial planning discussions in 2005, the Port and City planning team identified the Fairhaven historic district as a starting point for evaluating density options. The density of building in Fairhaven, if applied to the entire Waterfront District would result in approximately 6.0 million square feet of building floor space.

Lower density development is proposed in the Marine Trades, Bellingham Shipping Terminal and Log Pond areas and urban density development is concentrated in the Downtown Waterfront area and the development pad within the Cornwall Beach area.

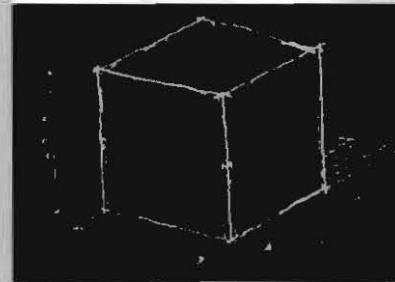
Base and Maximum FAR for the various Waterfront District planning areas are included in the Waterfront District Development Regulations.

What is Floor Area Ratio(FAR)?

FAR is the gross square footage of a building, excluding structured parking, divided by the square footage of the site.



**Two different forms of
a 1.0 FAR building**



For example: In both examples above, the building is 10,000 square feet, and is built on a 10,00 square foot lot. This is an FAR of 1.0.

If you know the FAR and you want to calculate how much gross floor area you could build, multiply the FAR by the site area.

Historic and Cultural Resource Policies:

39. Utilize the assumptions, methodology and recommendations from the Waterfront District Adaptive Re-Use Assessment dated 2009, prepared by Johnson Architecture to evaluate any proposals to demolish any of the structures identified on Figure 4-3. An updated assessment of market conditions and/or developer interest in adaptive re-use should be completed for the Granary Building, Board Mill Building or east portion of the Alcohol Plant prior to demolition of these buildings.
40. Temporarily hold certain structures for further market consideration and demolish certain unsafe structures and structures with limited potential for reuse, and salvage or reuse of materials and equipment within buildings and open spaces.
41. Document and preserve the rich industrial and Native American histories of the site through photographs and interpretive displays, signage, display of old industrial equipment and tanks, and reuse materials salvaged from demolished structures.
42. Ensure the preservation of culturally significant features through adherence to defined protocols and procedures for site cleanup and redevelopment.
43. Encourage the adaptive reuse of existing buildings if an assessment of structural, economic, market and land use factors show positive benefits of keeping the building. New buildings should be built utilizing methods that will allow easy adaptive reuse in the future if the building use changes over time.

Old Granary Building



Built: 1928
Dimensions: 121'x110' with
81'x39' office
Footprint Area: 16,459 sf.

Resource: Possible adaptive reuse of structure, or relocate and reuse materials.

Digester Building Tanks



Built: Ca 1938
Dimensions: 235'x44'
Footprint Area: 10,340 sf.

Resource: Possible reuse of materials, industrial equipment or display of tanks as a park feature.

Ceramic Tanks



Built: 1930
Dimensions: 31' x 120
Footprint Area: 1,607 sf.

Resource: Possible adaptive reuse as park feature, augmented with relocation of other historic equipment and materials.

Board Mill



Built: Ca 1946
Dimensions: 303'x72'
Footprint Area: 21,816 sf.

Resource: Possible adaptive reuse of structure, or relocate and reuse materials.

Chip Bins



Built: Ca 1937-1946
Dimensions: 129' x 51'
Footprint Area: 11,938 sf.

Resource: Possible adaptive reuse of structure, or relocate and reuse materials.

Alcohol Plant



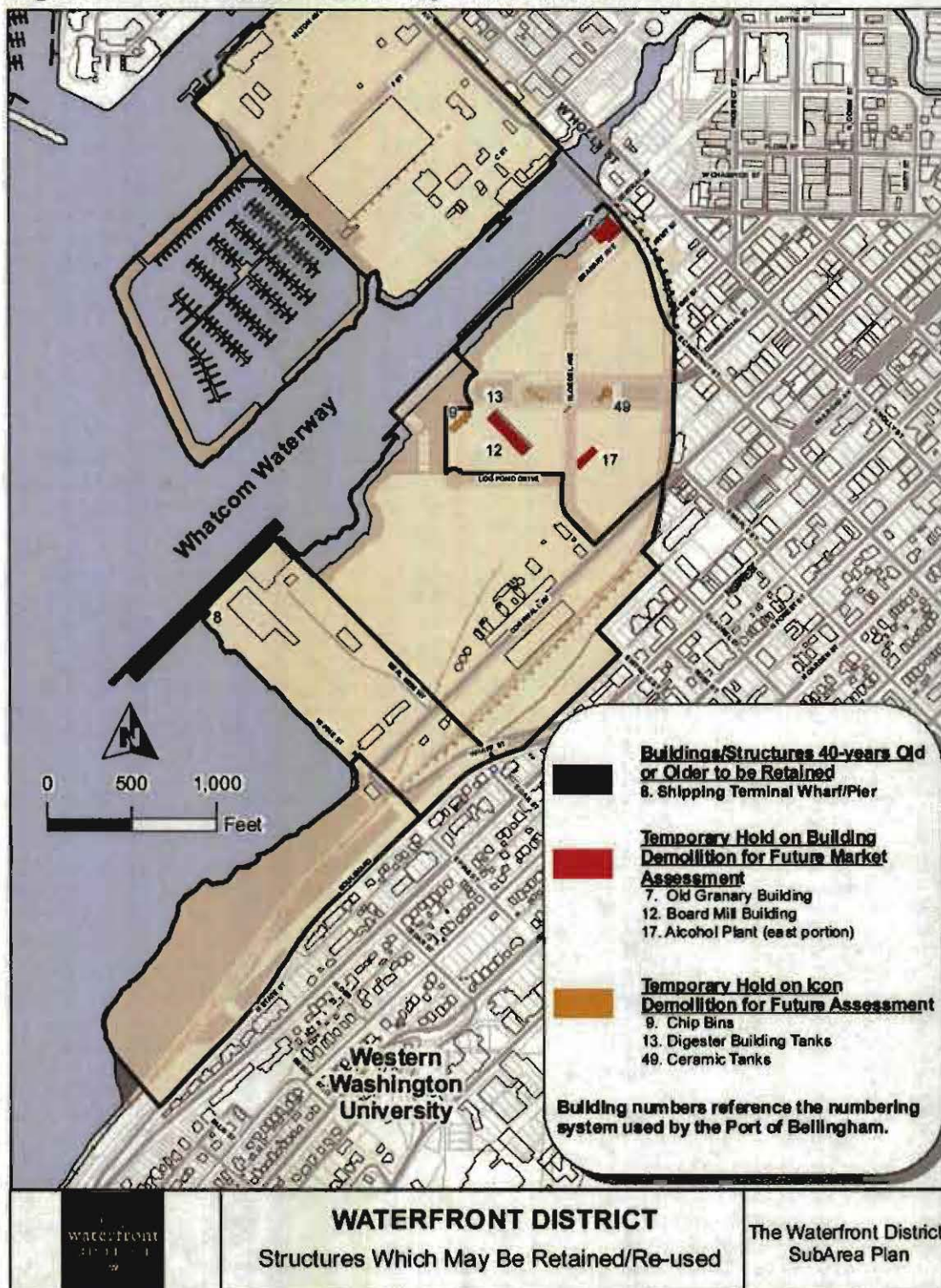
Built: Ca 1937-1946
Dimensions: 141.5' x 50'
Footprint Area: 15,575 sf.

Resource: Possible adaptive reuse of structure, or relocate and reuse materials.

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Figure 4-3: Structures Which Maybe Retained/Re-used



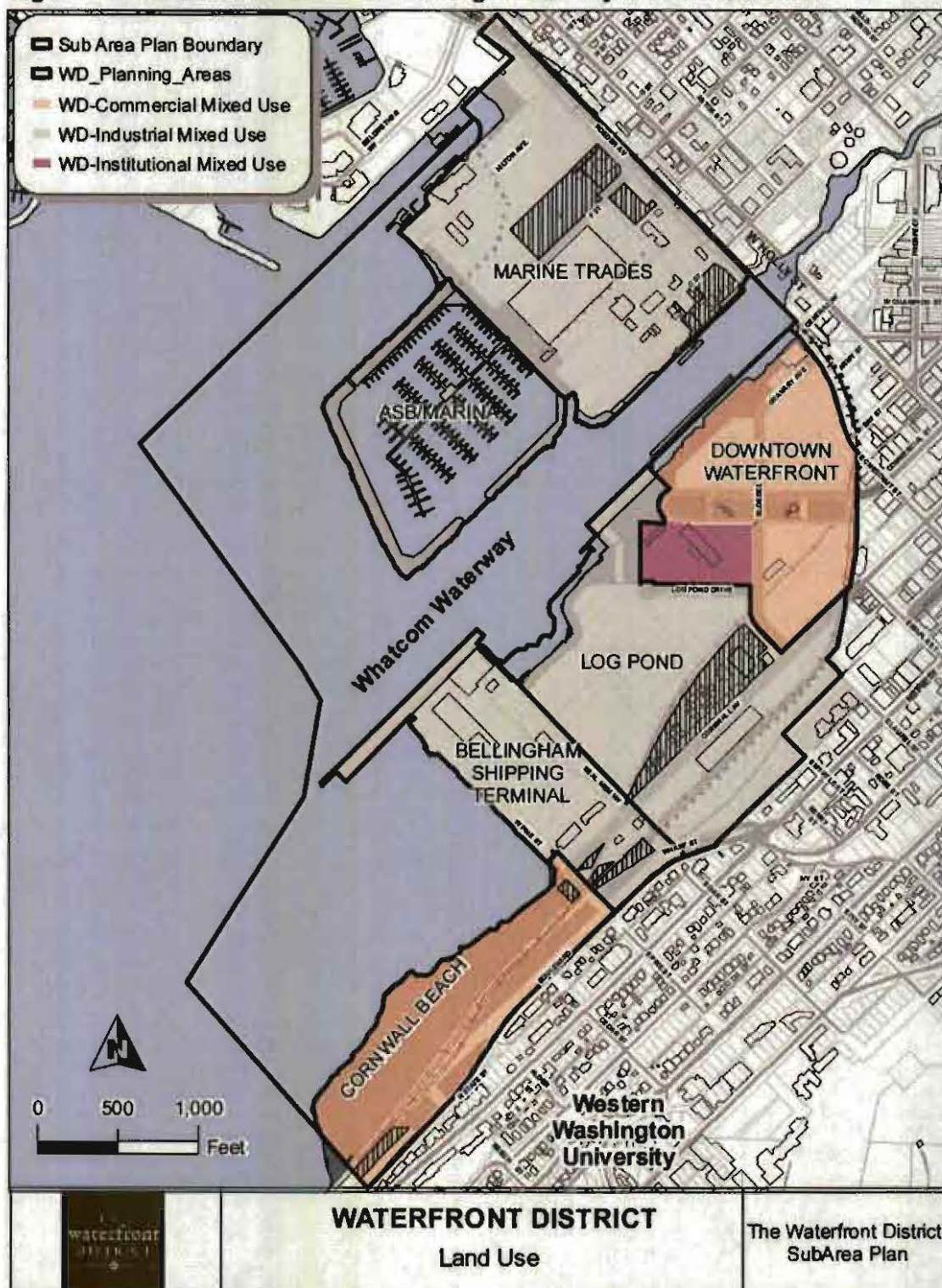
4.2 Implementation Strategies

1. Establish areas of unique character and several different Waterfront Mixed-Use zones to encourage clustering of compatible uses and variation in density and development standards by area.
2. Adopt development regulations, design standards and a predictable and efficient development approval process to implement the community vision established in the Waterfront District Sub-Area Plan.
3. Establish building height regulations and a Floor Area Ratio (FAR) system to encourage urban density development with sufficient critical mass to support transit and pedestrian-oriented mixed-use development.
4. Provide density bonuses to encourage provision of public open space, affordable housing, LEED Silver (or equivalent) buildings, or acquisition of density credits from the Lake Whatcom watershed.
5. Establish view corridors and design regulations to preserve public views along waterways and to and from street ends, public places and view points within adjacent neighborhoods.
6. Establish a phasing plan to phase building square footage by area to coincide with market demand and the availability of infrastructure, with flexibility to respond to changes in the economy or market and the availability of grant funding or private investment.
7. Establish the character of the early phase development by providing parks, trails, bicycle & transit facilities and pedestrian amenities in conjunction with early development.
8. Implement the Waterfront District Adaptive Re-Use recommendations by actively marketing buildings with adaptive reuse potential, retaining certain industrial icons within public spaces, completing mitigation for removal of structures and demolishing unsafe and/or unusable structures.
9. Work with the Bellingham/Whatcom Housing Authority, Kulshan Community Land Trust and other public and private housing developers to construct affordable housing units within residential or mixed-use development projects. When evaluating alternative development proposals, give priority to proposals which include programs to maintain at least 10% the housing units at levels affordable for purchase or rent by households which earn up to 80% of the City of Bellingham area median income.
10. When subdividing the property include a range of parcel sizes so as not to exclude any potential developers the opportunity to lease or purchase land in the Waterfront District.
11. Evaluate alternative development scenarios utilizing evaluation criteria to balance environmental impacts, economic impacts and community benefit.
12. Provide additional flexibility in the application of development standards in the Land Use Code to facilitate the development of buildings attempting to meet the Living Building Challenge (LBC) or equivalent. Such flexibility could be in the form of incentives such as added height and floor area ratio, or less stringent adherence to certain development and design standards. The LBC is a green building certification program created by the International Living Future Institute to recognize buildings meeting the most advanced sustainable standard. Information on the challenge is available at www.ilbc.org/lbc.

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Figure 4-4: Waterfront District Urban Village Boundary & Land Use Areas



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MULTI-MODAL CIRCULATION & PARKING

5.0 Multi-modal Circulation & Parking

The circulation network for the Waterfront District includes a system of multi-modal pedestrian-friendly streets, sidewalks, transit routes and bike paths which will reconnect the City of Bellingham to the waterfront.



The street network is one of the most important components for defining the character in each of the five different planning areas within the Waterfront District. In some places, the street design will accommodate commercial and light industrial activities associated with marine trades. In other areas, the streets will be designed as arterials or "green" streets within a more compact urban environment. Throughout the Waterfront District, the circulation system will encourage people to access and enjoy new community parks, walkways, open space and restored shorelines along Bellingham Bay. The circulation design, policies and implementation strategies in this chapter are intended to provide convenient, cost effective access for people of all ages and physical abilities, while maintaining a walkable character.

The Waterfront District has unique opportunities and challenges presented by its location. The street network must integrate a number of functions, if it is to support the successful transition of this area into a new urban neighborhood. Some of the most important functions of the street network include:

- **Connectivity** – Waterfront streets will establish new connections between the waterfront and adjacent neighborhoods by extending the existing street grid, new view corridors, and access points, allowing safe transport over the bluff and an active railroad.
- **Local traffic** – Streets within the waterfront will be designed to serve mostly local traffic and include a number of traffic calming features, such as narrow lanes, paving and sidewalk textures and landscaping to ensure that vehicles move at slow speeds, in keeping with the character of the area.
- **Pedestrian environment** – A variety of pedestrian features will create a walkable environment, with design adjustments to accommodate a comfortable blend of opportunities for people moving on foot, and using bikes, transit, commercial and personal vehicles.



- **Phased implementation** – The street network will be constructed gradually over time in planned phases. A biennial monitoring program will provide information on frequency of use and available capacity for each section of the network to assist the City and Port in programming needed infrastructure improvements and maintaining concurrency with adopted levels of service.

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The design objective, whether in the Marine Trades, Downtown Waterfront, or Cornwall Beach area is for a slow-moving experience that encourages safe and comfortable interactions among people using various modes of transit, in pursuit of diverse business and pleasure activities.

The parking strategy provided in this chapter is intended to promote a pedestrian-friendly waterfront



environment and encourage transit ridership, while providing sufficient parking to accommodate public access, support future businesses and attract private developer investment. Reduced surface parking is a key strategy in creating pedestrian-oriented development. Reduced surface parking will also decrease the total amount of impervious surfaces in the Waterfront District and lessen the impacts of stormwater runoff. Parking policies and design standards support reduced minimum parking space requirements, shared parking, commute trip reduction, and require off-street parking in commercial mixed-use areas to be located behind, beside or under buildings, or within parking structures. These provisions are needed to accommodate the projected density without creating a waterfront dominated by surface parking.

Parking will be accommodated through a balanced mix of on-street, surface, integrated structured parking and freestanding garages to support the future development capacity. Initially, on-street parking and low-cost interim surface parking lots will provide much of the parking capacity. As density increases, the interim surface parking will transition to structured parking integrated into the

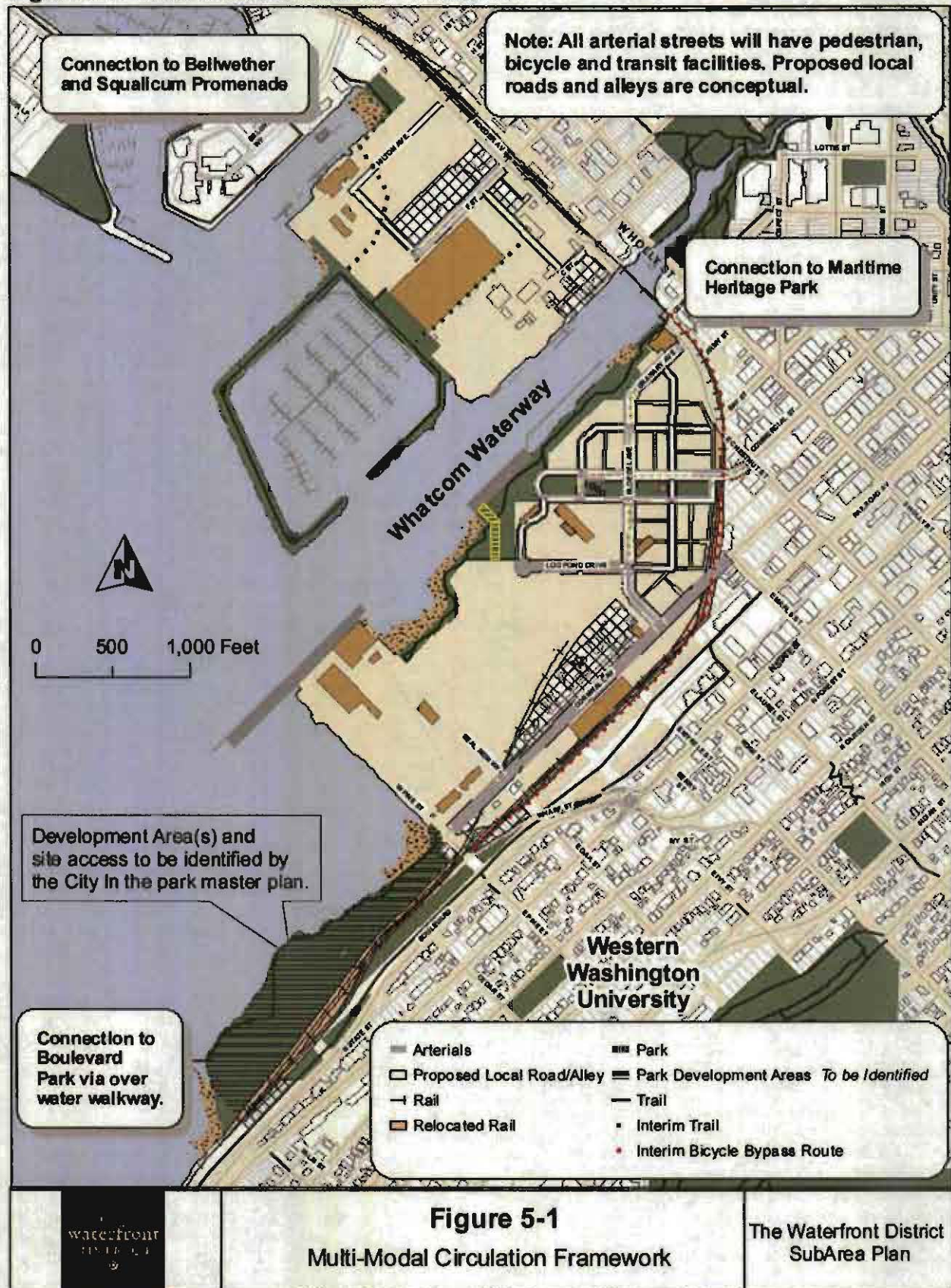
development. The long-term strategy to redevelop surface parking lots as infill sites allows maximum flexibility to encourage initial development without sacrificing the long-term vision of the Waterfront District as a dense urban environment with limited, but sufficient off-street surface parking. Permitting for development will include clear time lines for closure of interim surface lots and provisions for alternate parking facilities upon loss of interim surface parking.

The Waterfront District is split in two sections by the Whatcom Waterway. Properties north of the Whatcom Waterway are accessed by C Street, F Street and Hilton Avenue, which connect to Roeder Avenue. These streets have historically provided automobile and truck access to businesses on the site. In the future, F Street will be upgraded to be the primary access to the new marina and businesses, and will include sidewalks and dedicated bicycle lanes. Hilton Avenue and C Street will become local streets designed to accommodate truck traffic, forklifts, large and heavy freight and boats on travel lifts.

Properties south of the Whatcom Waterway are accessed primarily via Cornwall Avenue. Central Avenue historically provided access to the GP mill site via Roeder Avenue and is temporarily closed and gated. Wharf Street provides limited access to the south end of the site. A network of private streets which historically provided access within the GP paper mill is currently closed to the public.

Currently, bus service is available within a few blocks of the site on Holly Street and State Street. This service will need to be extended through the site as it develops. A network of pedestrian, bicycle and transit routes serve the surrounding Central Business District and neighborhoods. Sidewalks along Cornwall Avenue, Chestnut Street and Roeder

Figure 5-1: Multi-Modal Circulation Framework



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Avenue currently provide pedestrian access to the site, which will be extended along the new roads constructed within the development areas. Bicycles currently share traffic lanes with automobiles on Cornwall Avenue. The South Bay trail provides pedestrian and bicycle access to Fairhaven along the top of the bluff at the southern end of the site. This bicycle network will be expanded with dedicated bike lanes on all arterial streets through the site as it develops.

The main line of the Burlington Northern Railroad passes through the site, with active rail crossings at Cornwall Avenue, Wharf Street and Laurel Street. Passenger trains pass through the site and stop at the Fairhaven Station, approximately 4 miles south of the site. Relocation of the railroad to a corridor along the base of the bluff is proposed to allow development of an efficient road grid within the site and avoid at-grade rail crossings. A portion of the old rail way could be retained as a side spur to serve the Bellingham Shipping Terminal.

The Waterfront District is also accessible by water. The Bellingham Shipping Terminal provides deep-water access to ocean-going ships. Navigable waters in the Whatcom and I&J Waterways provide water access, loading and off-loading, and haul-out facilities for commercial fishing boats, barges and recreational boats. Pocket beaches at the head of the I&J Waterway, north of the ASB lagoon, the Log Pond, Cornwall Cove, and south of the Cornwall Avenue Landfill could be upgraded for hand carry boats.

The Waterfront District has unique

opportunities provided by its location, but also has limitations due to the topography, soils, historic contamination, the railroad, water bodies, view corridors, historic resources, the location and elevation of existing facilities, future tenant requirements, constructability and cost. The Environmental Impact Statement (EIS) evaluation of the site provided insight into many of these issues and provided analysis of a number of circulation options, designs and construction sequences. Specific on-site and off-site mitigation measures are identified in the Final EIS and 2012 EIS Addendum for each phase of development.

A phased network of transportation system improvements is proposed to accommodate the needs of automobiles, pedestrians, cyclists and transit. At full build-out, the network will consist of a fine grid of interconnected multi-modal streets, trails, dedicated bike lanes and transit routes to integrate the Waterfront District with surrounding neighborhoods. However, redevelopment is expected to occur over a relatively long time frame. Phased construction of the circulation network will focus development in specific areas so that a cohesive feeling for the Waterfront District is maintained over time as growth occurs. Interim roads and trails will provide connectivity in some areas until permanent infrastructure can be constructed.

An Infrastructure Phasing Plan is included in the Development Agreement, Planned Action Ordinance and Facilities Agreement, proposed for adoption concurrently with the Waterfront District Sub-area Plan. The phased installation of a multi-modal system of streets, walkways, bike paths, trails and transit routes in the Waterfront District will be monitored and managed over time, in order to encourage preferred patterns of development,

but also to take advantage of unplanned opportunities that may arise. Redevelopment of the waterfront is taking place during a time when traditional patterns of land use and transportation are being adjusted. Climate change, for example, is placing demands on local communities to explore and encourage shifts in how people get from one place to another. As outlined in Figure 5.2, the goal for mode shift in the Waterfront District represents a 15.6% increase from 2010 census data. This is possible because the Waterfront District redevelopment project will include mixed-use urban-density development and provide the opportunity to build a more modern system of multi-modal transportation from the beginning, rather than retrofitting existing infrastructure. While this goal is not a regulatory requirement, it is an important feature of the multi modal circulation system to avoid traffic congestion and encourage non-motorized access.

Management of the transportation system will be data driven. A biennial traffic monitoring program will be established for the waterfront. Data collection under the program will be conducted during the evening peak traffic hour and include the following components:

- Traffic Counts. Daily and peak hour traffic counts at all site access locations.
- Vehicle Classification Counts. Daily and peak hour vehicle classification counts at the site access locations, including trucks, cars and transit.
- Pedestrian and Bicycle Counts. Peak hour pedestrian and bicycle counts at each site access location.

The ability to achieve certain mode shifts is influenced by the land use within each planning area. Separate monitoring will be required in each of the five planning areas, and mode shift expectations may be different for each area. The Marine Trades Area, for example will typically have a higher auto use due to the type of activity in that area.

The data collected for each planning area will

be used to confirm when street infrastructure improvements are required and will be used to make adjustments to concurrency determinations for planned redevelopment. In addition, the data will be used to assist in understanding whether mode share targets are being achieved. The ability to meet or exceed mode share targets may reduce the level of infrastructure improvements required to serve the site. Conversely, the inability to meet targets may require a reduction in the overall level of development accommodated during any given phase of development.

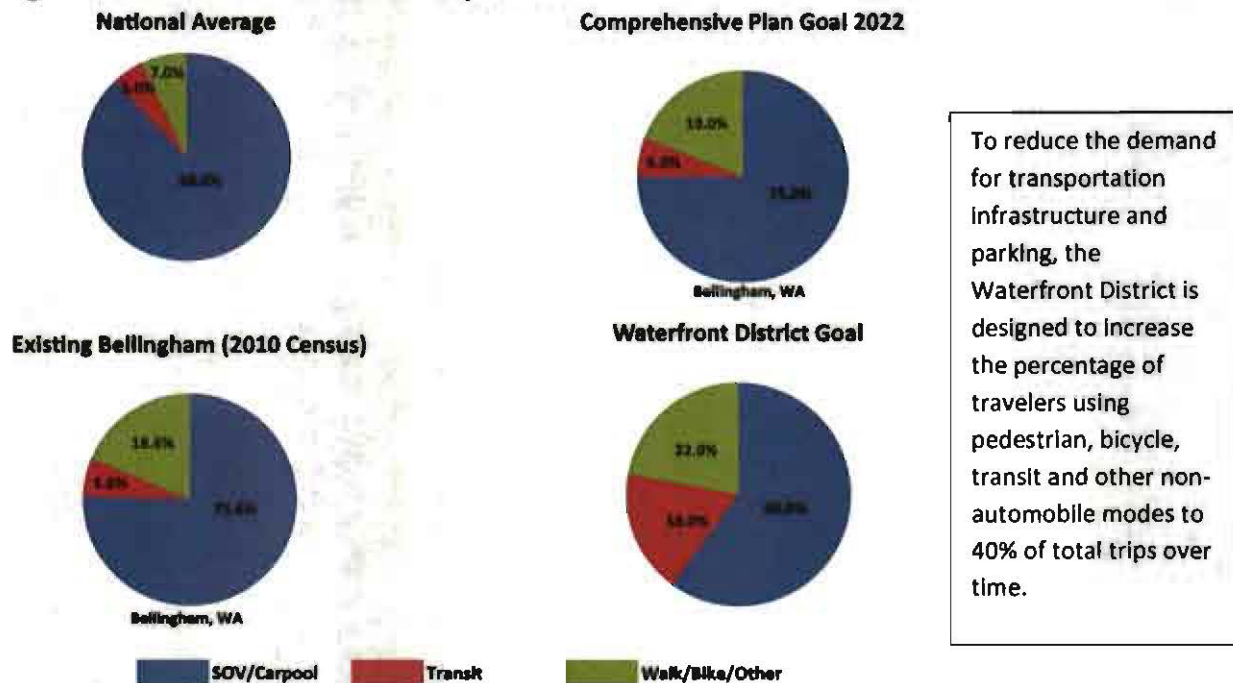
The response to mode shift data may take many different forms, including such things as behavioral adjustments, operational and/or engineering solutions, or policy determinations or some combination thereof. Behavioral adjustments by people accessing the waterfront may come in the form of people choosing to shift from cars to walking, biking or transit because of congestion. Operational solutions may take the form of having curb-side parking be limited during peak hours in order to provide an additional lane for vehicle traffic (e.g., cars, carpools, or dedicated transit lanes). Engineering solutions may include modifying existing roads, or construction of the next segment of street infrastructure before additional development occurs. A policy determination may be made that the public is satisfied with clogged intersections for an hour a day in order to keep the walkable character of the area.



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Figure 5-2: Mode Share Assumptions



Early phases of infrastructure are designed to activate the northern portion of the Downtown Waterfront Area, providing strong connections between downtown and the waterfront. The installation of park and trail connections will also occur in incremental phases in conjunction with installation of streets and utilities. The combination of transportation and public access features in early phases will create strong physical and visual connections between downtown and the waterfront and establish signature parks and public access features along the south side of the Whatcom Waterway. The Log Pond Area

will continue to be used for light industrial activities without any significant public investment in roads or utilities.

As the Downtown Waterfront Area gradually develops into an urban village, infrastructure will be expanded as necessary to serve proposed development and increase public access to the waterfront. Additional infrastructure will also be installed in the Marine Trades Area and the Cornwall Beach Area in later planning phases. Installation of the transportation network, public parks and trails will be managed over time in response to development trends and opportunities, funding availability, community priorities, and the schedule for railroad relocation.

Guidance from the New Whatcom Strategic Guidelines and Implementation Strategies (now known as the Waterfront District)

The Waterfront Advisory Group sponsored a public involvement process during 2005 and 2006, which led to the adoption of "New Whatcom Guiding Principles and Implementation Strategies" by the Port and City in 2006. The following Implementation Strategies provide guidance related to Circulation:


- *Develop a network of interconnected pedestrian, bicycle and transit facilities within the site with connections to adjacent neighborhoods and parks.*
- *Design the living, working and shopping areas with a pedestrian scale, which is not dominated by vehicles.*
- *Dissolve the barriers that separate the waterfront from the Bellingham Central Business District, connecting the City with the Bay.*
- *Develop strong vehicular and pedestrian connections between New Whatcom, E. Holly Street, Roeder Street and State Street, while acknowledging and creatively working the obstacles of topography and the railroad. If there is a WWU presence on the New Whatcom site, develop a connection to the WWU campus.*
- *Encourage non-motorized transportation by creating a "park once" environment that makes it safe and attractive for pedestrians or bicycles to connect to amenities, goods and services, jobs and housing. Provide covered transit stops, pedestrian facilities and bicycle parking areas to support non-motorized travel.*
- *Encourage frequent, convenient and well designed transit service as well as sufficient density to support it.*
- *Connect the New Whatcom open space and trail network to Boulevard Park with an over water trail from the south end of the Cornwall Landfill to Boulevard Park.*
- *Parking should be thought of as infrastructure and must be convenient, ample, efficient and affordable, and facilitated or managed by a local jurisdiction.*
- *Generally, parking should be located under buildings and in parking structures located away from the shoreline, unless associated with a water-oriented use.*
- *Subject to the Sub-Area Plan design and phasing, surface parking may be developed as an interim use on areas planned for future redevelopment, enabling its evolution over time into a denser environment.*

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5.1 Multi-Modal Circulation and Parking Policies

Circulation Policies

1. The Waterfront District should be designed to increase pedestrian, bicycle and transit usage through the installation of appropriate infrastructure, land-use mixture and density, site design, policies, and education. Develop a transportation system which enables the movement of more people in proportionately fewer automobiles.
 2. Spatially connect the City to the waterfront through a network of new interconnected roads and trails designed to accommodate pedestrians, bicycles, automobiles, trucks and transit.
 3. Integrate and connect new waterfront streets and trails to the existing network of streets, bike routes and trails within the Central Business District (CBD) and surrounding neighborhoods.
 4. Block size within commercial mixed-use areas should be similar to or smaller than blocks in the existing CBD and Fairhaven. Blocks exceeding 240 feet in length or depth should include an alley or pedestrian access through the block. Large buildings on oversize blocks should include pedestrian access through the building during business hours.
 5. Blocks within the Shipping Terminal, Marine Trade Area and Log Pond Area may be larger to accommodate marine transportation and industrial uses.
 6. All streets and sidewalks should be open to the public and available for general public use, with the exception of streets within the Bellingham Shipping Terminal and portions of the site where active environmental clean-up, construction or industrial activities require site security or could pose a hazard to the public.
 7. Cul-de-sacs should be avoided unless temporary in nature or required to access areas constrained by water bodies, the railroad or bluff. If new cul-de-sacs are created, pedestrian or bicycle through-connections shall be provided to adjacent blocks, where feasible.
 8. All streets should be limited to a maximum speed of 25 miles per hour.
 9. Sidewalks or foot paths should be provided on both sides of all arterial and local streets within mixed-use areas. Pedestrian access to uses within Marine Industrial areas may be separated from traffic routes for safety.
 10. Sidewalks, crosswalks and walkways shall be designed in compliance with the accessible design provisions of the American Disabilities Act (ADA).
- 
11. Physically separated or protected bike lanes should be located within or parallel to arterial streets, in dedicated parts of the right-of-way, so that all residences, businesses and public facilities have easy access to a dedicated bicycle route. When possible, these protected bike routes should be connected with shared pathways that are part of parks and open space areas, to create an integrated system for non-motorized transportation. Local streets may include two-way bicycle tracks or bicycle lanes shared with automobiles.

12. Businesses, public facilities and residential developments should provide bicycle parking spaces or storage.
13. Safe and comfortable transit facilities should be located at major trip generators to encourage transit use and reduce driving. Where feasible, transit stops should be located adjacent to buildings with weather protection or include shelters and benches, partially enclosed to buffer wind and rain, with lighting, route information and schedules.
14. A variety of boat and barge docking, moorage and launching facilities and services should be developed to provide water access for boats of all sizes, support water transportation and make the Waterfront District welcoming to visiting boaters.
15. Per City policy, this area receives an impact fee credit for the number of PM peak hour vehicle trips generated by the former Georgia Pacific Mill and other recent industrial uses within the Waterfront District. Transportation Impact Fees should not be imposed until such time as development exceeds the historic number of PM peak hour vehicle trips generated in this area, which will likely occur after early development phases; however, transportation impact fees should be phased in when redevelopment exceeds the threshold of historic transportation impact defined by number of PM peak hour vehicle trips.
16. The goal of the Waterfront District is to increase the percentage of travelers using pedestrian, bicycle, and transit modes to at least 40% of total trips to and from the site over time.

Streetscape Policies

17. Encourage building design which supports pedestrian-oriented commercial activity and provides opportunities for visual or interactive links between businesses and pedestrians within commercial or mixed-use areas.
18. In commercial and mixed-use residential areas, street furniture, artwork and shielded lighting should be provided along streets and within open spaces adjacent to streets to create comfortable outdoor gathering places for residents and visitors. The specific design of the street furniture and lighting should be reviewed at the time each phase of development is proposed to ensure a compatible design which contributes to the cohesiveness of the area, but allows for variation between the unique development areas.
19. Within commercial and institutional mixed-use areas, street trees should be planted between the vehicle travel way and the sidewalk on arterial streets at intervals no greater than 50 feet. Within view corridors, tree species should be selected to minimize view impacts.
20. Street trees should not be required along interior streets in Industrial areas where they could conflict with industrial traffic, but should be provided along F Street and Roeder Avenue. The exterior boundaries of industrial areas and boat yards should be landscaped where they abut commercial mixed-use areas, parks or public roads.
21. Landscaping should feature native or drought tolerant plants which do not require permanent irrigation systems. Where feasible, streets should be designed with bioswales, tree wells or other natural stormwater treatment facilities to treat stormwater run-off from roads and double as landscaping.
22. Parking lots, garages, and waste disposal facilities should be screened from public streets and trails.

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23. Transit stops, transit pull-outs and shelters should be located along all arterial streets at convenient intervals and should have priority over on-street parking and landscaping.
24. Well designed signage and way-finding should be located at frequent intervals to direct visitors to business districts, parking, transit stops, bicycle and pedestrian routes and public places throughout the Waterfront District and provide public information about site history and natural features.

Parking Policies

25. Parking should be provided through a combination of on-street, surface and structured or below-grade parking facilities, with on-street parking spaces reserved for short-term visitors and customers.
26. Minimum parking requirements should be reduced to a standard which is appropriate for a mixed-use urban setting in the future, assuming fewer cars, smaller cars, shared parking facilities and mode-shift to non-auto modes. Regulations should include provision for further reduction to parking space requirements for uses which provide shared parking facilities and programs to reduce automobile dependence.
27. At full build-out, no more than one-third of the total automobile parking spaces in Commercial or Institutional mixed-use areas should be provided in off-street surface parking lots.
28. Within commercial mixed-use areas, surface parking lots and the entrances to parking garages should be located at the side or rear of buildings, and off-street parking lots should not be located between the building and the street.

Figure 5-3: Parking Strategies

Various parking types respond to the character of each development area within the Waterfront District.

Surface



Surface parking will be used to accommodate early action development. As density increases over time, surface parking will be minimal.

Structure (Integrated)



Structure (integrated) parking is accommodated below buildings or integrated into the center of a block to support multiple uses. This is the most typical parking type.

Free-Standing Garage



Free-standing garages are utilized to support office, institutional and community parking requirements.

On-Street



On-Street parking (essential to a vibrant urban neighborhood) will carry approximately 10% of the parking demand at full development build-out.

Marina



Surface parking will be utilized at the marina to accommodate interim marina parking and truck/trailer parking for the Clean Ocean Marina.

29. Within shoreline jurisdiction, parking should be located under buildings, or within parking structures located away from the shoreline, unless associated with a water-oriented use. Parking should not be located between the building and the shoreline.
30. Surface parking may be developed as an interim use on areas planned for future redevelopment, enabling its evolution over time into a denser environment. Where interim surface parking is permitted, a clear strategy and time line for development of permanent parking spaces and redevelopment of interim surface lots should be established in development permit conditions.
31. In areas where development sites abut the bluff, streets should be designed to provide space for parking within buildings below street grade, with building entrances at street level.
32. Parking lots should be designed to reduce heat island impacts by limiting the size of surface parking lots, providing landscaping to shade parking lots and encouraging covered or structured parking.
33. Parking lots and structured parking should be designed to include pedestrian walkways connecting the parking facility to the buildings or uses which they serve, and should be landscaped or screened from adjacent streets and walkways.
34. If a structured parking facility is located at street level, the street frontage along any arterial street should be occupied by a retail, service or public use, or the facility should include landscaping, art work or outdoor seating along the street frontage, subject to design review.
35. Bike parking or covered storage areas should be located near the entrances to all public and private buildings, facilities or clusters of uses. Central bicycle facilities may be provided for institutional campuses or business parks with internal pedestrian routes.
36. Parking throughout the Downtown Waterfront Area should primarily be located under buildings or within parking structures located on the upland side of the development.

LEED ND Credit Opportunities

Note: LEED ND, developed by the US Green Building Council, is one of many different voluntary rating systems to address and achieve sustainability goals. The following plan features provide potential credit toward LEED ND certification.

Walkable streets include on-street parking, street trees, sidewalks, bike lanes and pedestrian oriented development at street level.

Project will encourage transit use and reduce driving by providing safe and comfortable transit facilities.

Parking is designed to increase pedestrian orientation and minimize the adverse effects of parking facilities by limiting the size and location of surface parking lots and providing bicycle and car-pool parking.

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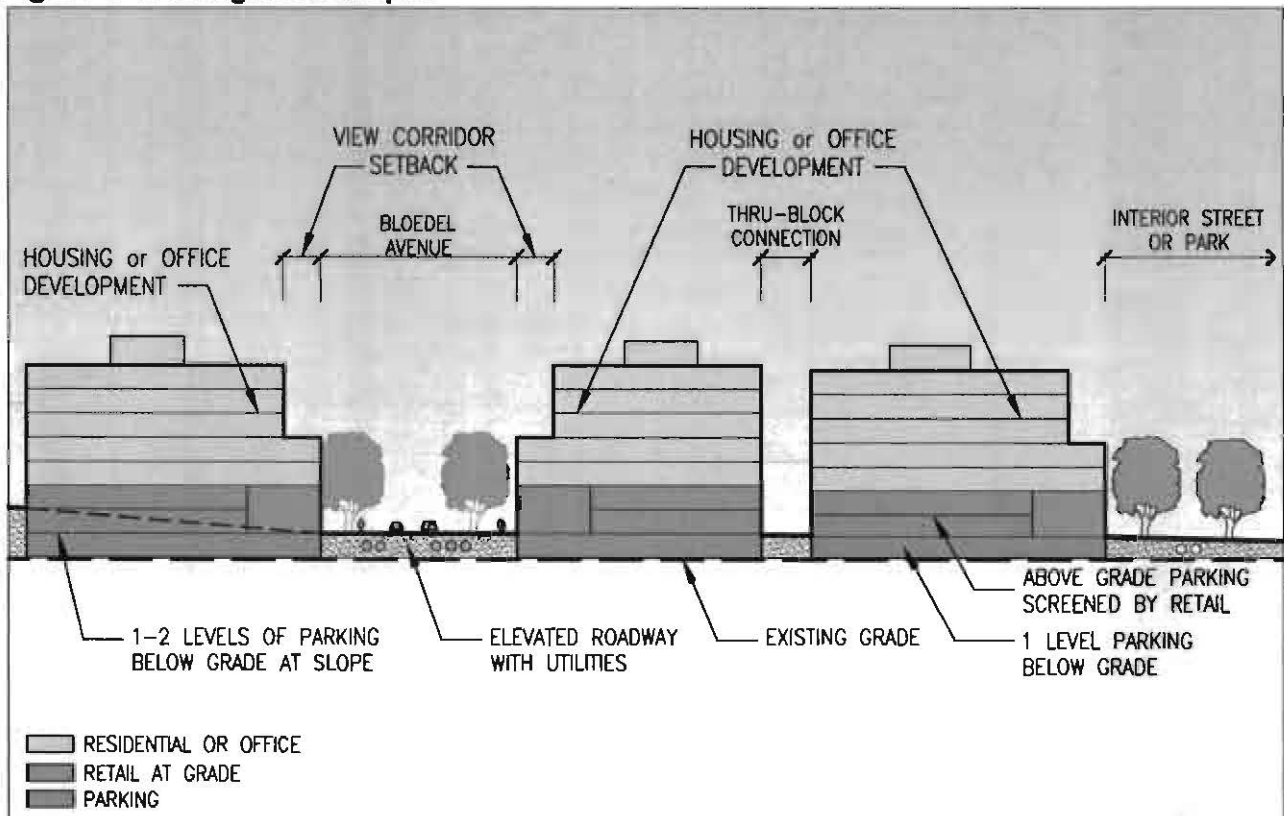
Integrated Slopes Approach

The existing site grade in the Downtown Waterfront Area is approximately 30 feet below the level of the existing downtown at Commercial, Cornwall and Bay Streets. Site conditions pertaining to water tables, potential sea level rise and soils make it unfeasible to excavate below the existing grade for underground parking. Raising the street level across the site provides the opportunity to install below-grade parking with pedestrian scale uses at street level. This approach also allows placement of utilities and stormwater systems under streets with minimum excavation.

In order to provide the possibility for below-grade parking and reduce the

grade difference between the downtown and the Waterfront District, an "Integrated Slope Approach" is envisioned to raise the elevation of the streets within the Downtown Waterfront area a minimum of 10 feet. Street grade will slope upward from the shoreline to the Central Business District, providing the potential for up to three levels of below-grade parking along the bluff adjacent to Roeder Avenue and Chestnut Street. This approach for parking will also create a noise buffer between the relocated BN/Santa Fe railroad tracks and the Waterfront District development. This configuration could provide the opportunity for parking garages within the Waterfront District to be accessed from existing downtown streets, reducing the amount of automobile traffic traveling on Waterfront District streets.

Figure 5-4: Integrated Slopes



5.2 Implementation Strategies

1. Design a network of arterial streets and trails to serve as the primary vehicle, bicycle and pedestrian access routes to development sites and public amenities within the Waterfront District.



2. Phase the development of arterial streets, trails and infrastructure to coincide with environmental clean-up, the development of adjacent properties, funding availability, and the schedule for railroad relocation.
3. Design and construct local streets, alleys, bike and pedestrian routes to provide access to individual buildings and parking areas at the time development is proposed.
4. Where feasible, install streets and utilities on clean fill placed above the current ground level to minimize excavation in areas with contaminated soils and elevate streets above potential flood levels which could result from the impacts of global warming, sea level rise or storm surge events.

5. Adopt design standards which encourage an appealing and comfortable pedestrian street environment within commercial and residential mixed-use areas with buildings located contiguous to sidewalks, building entrances facing public streets, transparent glass on businesses at ground level, weather protection, landscaping, artwork, lighting and outdoor seating areas. Allow alternate design standards to be established for institutional campuses or business campuses with internal pedestrian access.
6. Work with the Whatcom Transportation Authority (WTA) to ensure adequate funding for an efficient, convenient transit system with stops located in close proximity to the majority of residences and businesses, prior to occupancy of the first 1 million square feet of building space.



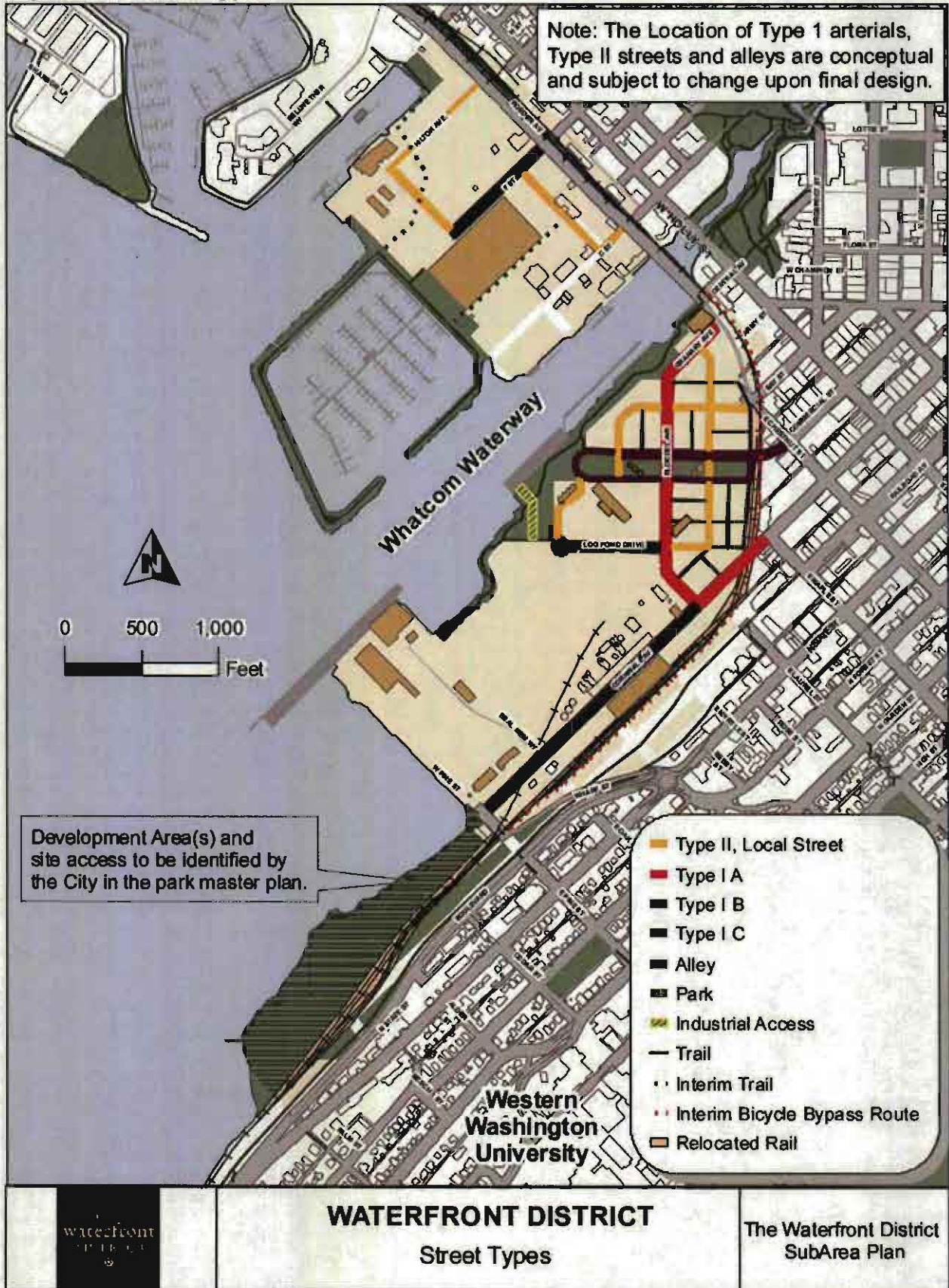
7. Obtain input from WTA regarding street design to ensure bus maneuverability around the site, allowing convenient connections to Downtown, Fairhaven and Western Washington University.

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8. Provide transit with priority access to the site if needed. This may include transit only lanes, shared bike/transit lanes, signal priority, or on-street parking lanes which convert to transit lanes during peak hour.
9. Work with Burlington Northern Railroad and seek grant funding to relocate the main line of railroad to a new route along the bluff, while maintaining a rail spur to serve the Bellingham Shipping Terminal and Log Pond transitional use area.
10. Work with the Port of Bellingham and BNSF Railroad to install a railroad quiet zone with supplemental safety measures at all track crossings in the Waterfront District.
11. Encourage landscaping, park design, and stormwater biotreatment facilities, such as bioswales, and use of native and/or drought tolerant plants which will not require permanent irrigation systems and support clean stormwater goals.
12. Maintain the Bellingham Shipping Terminal as a deepwater moorage and cargo facility, with adequate upland laydown area to support this use.
13. Develop a Clean Ocean Marina by adaptively re-using the ASB to serve the need for moorage.
14. Develop launching facilities and services for hand carry boats in one or more of the following areas: at the head of the I&J Waterway, north of the ASB lagoon, the south side of the Whatcom Waterway, Cornwall Cove, and/or south of the Cornwall Avenue Landfill.
15. Develop visitor moorage facilities along the Whatcom Waterway and encourage the development of services to attract visiting boaters to the Waterfront District.
16. Maintain and upgrade piers, moorage facilities and boat lifts along the north side of the Whatcom Waterway and south side of the I&J Waterway, and develop additional commercial boat haul-out facilities if needed to improve marine industrial water access.
17. Work with private carriers and pursue grant funding to assist in developing a network of water-taxis or a small ferry system to connect the Waterfront District to other transportation links.
18. Encourage landscaping with native or drought tolerant plants which do not require permanent irrigation systems.
19. Develop parking regulations and design regulations to prevent parked cars from dominating the landscape by reducing minimum parking requirements below existing city code requirements, encourage shared parking and commute trip reduction, and requiring surface parking lots to be located behind buildings and screened from public roads and trails.
20. Develop and implement a biennial traffic monitoring program to collect data and use results to encourage mode shift from cars to alternate forms of transportation such as walking, biking and transit, consistent with mode shift goals.
21. Take steps designed to encourage early development within each planning area in order to obtain the type of anchor tenants that will help define the character of development consistent with the Sub-Area Plan.
22. Develop an engineering response to the potential future closure of the at-grade crossing at Wharf Street that will support safe access to the Waterfront District by all users.

Figure 5-5: Street Types

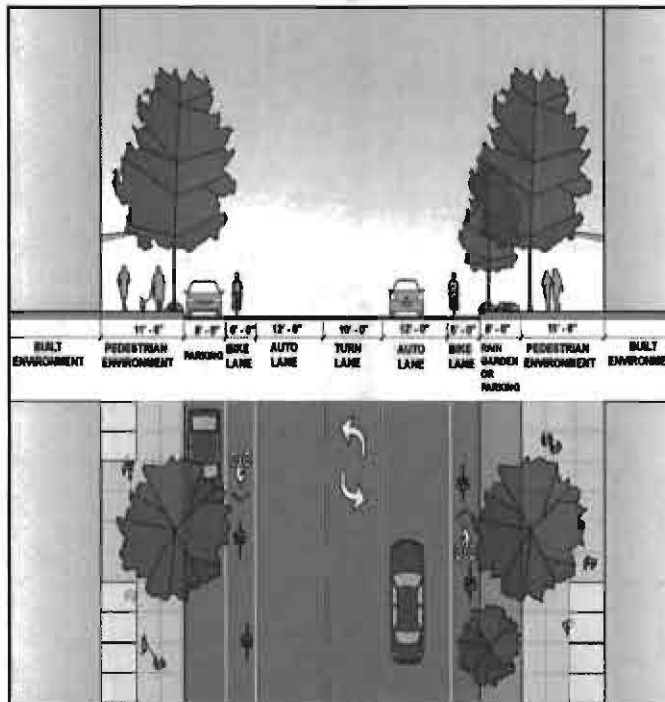


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MULTI-MODAL CIRCULATION & PARKING

Figure 5-6: Waterfront District Street Designs

The following street designs are conceptual. Alternate standards may be approved by the Public Works Director provided they are consistent with, and will further, the policies and implementation strategies in this chapter.



Type IA - Arterial Streets

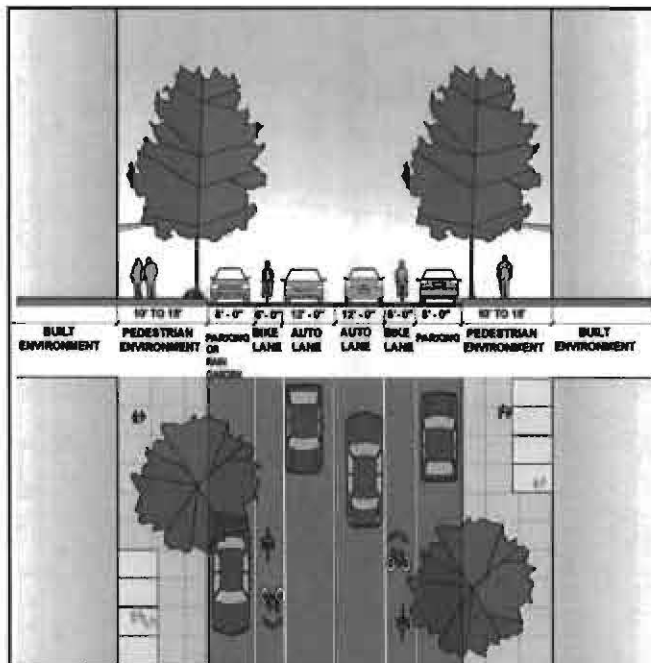
ROW: 85 ft. (2-way street) with one turn lane at intersection or optional center landscaping.

Bikes: Two dedicated bike lanes

Parking: Parallel parking on one or both sides of street

Landscaping: Street trees, highlighted landscape areas at wide sidewalk, natural biofiltration option in lieu of on street parking on one side of street.

Pedestrian Environment: Sidewalks on both sides of the street along with ground floor retail and commercial uses encourage pedestrian-oriented activity.



Type IB - Arterial Streets

ROW: 72 to 82 ft. (2-way street)

Bikes: Two dedicated bike lanes

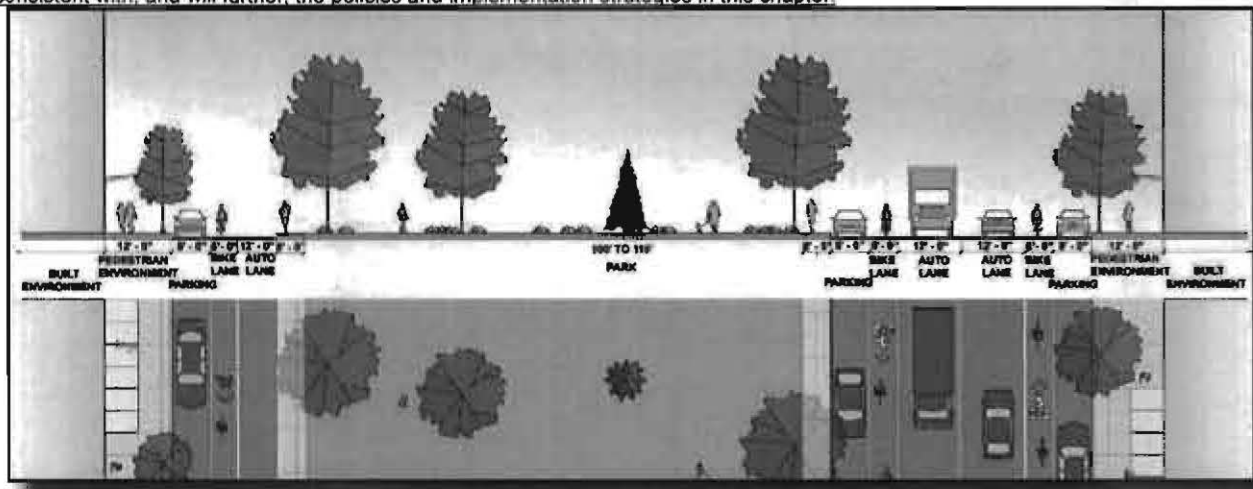
Parking: Parallel parking on one or both sides of street.

Landscaping: Street trees, natural biofiltration option in lieu of on street parking on one side of street.

Pedestrian Environment: Sidewalks on both sides of the street encourage pedestrian oriented activity.

Figure 5-6: Waterfront District Street Designs (continued)

The following street designs are conceptual. Alternate standards may be approved by the Public Works Director provided they are consistent with, and will further, the policies and implementation strategies in this chapter.



Type IC - Arterial Street "Commercial Street Green"

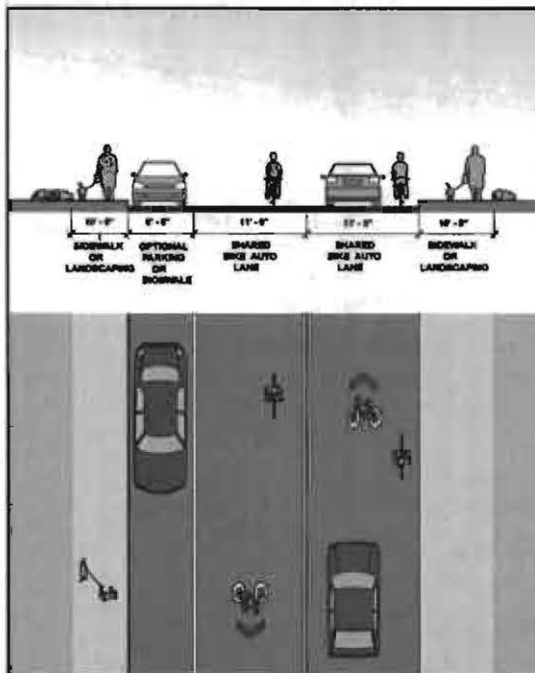
ROW: 210 TO 220 ft. (2-way street & 1-way street)

Bikes: Three dedicated bike lanes (2 on 2-way street & 1 on 1-way street)

Parking: Parallel parking both sides of the 2-way street & one side of the 1-way street

Landscaping: Street trees, potential for biofiltration, mill artifacts & landscape features within the center open space area.

Pedestrian Environment: Primary pedestrian link from downtown; encouraged activity at the ground floor. Sidewalks on both sides of the street and park.



Type II - Local Streets

ROW: 36 to 56 ft. (2-way street)

Bikes: Auto lane shared with bikes (lane striping to indicate shared auto/bike environment).

Parking: Optional parallel parking or bioswale on one side of street.

Landscaping: Street trees, low scale shrubs and ornamentals over utility vaults. Landscaping requirement may be waived within industrial areas.

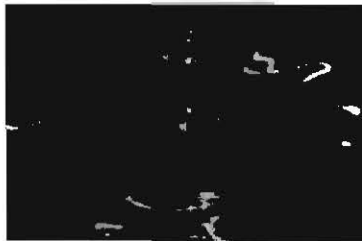
Pedestrian Environment: Sidewalks on both sides, or optional sidewalk on one side and other side landscaped when located adjacent to park or trail with equivalent pedestrian facilities. Within industrial areas, separated pedestrian route may be provided.

CHAPTER SIX

UTILITY SYSTEMS

6.0 Utility Systems

The Waterfront District requires an expansion of utility services to support the anticipated levels of development. Public and private utility suppliers have the capacity to service the full amount of planned development and system upgrades will be made in coordination with the site development schedule. Traditional conveyance lines for water, sewer and stormwater will be included in City rights-of-way. A non-potable, treated waste water conveyance system may also be located in City rights-of-way for irrigation use. These new utility corridors will be pre-excavated and backfilled with clean materials during the initial phase of utility and roadway installation, consistent with site cleanup activities. A utilities master plan, evaluating existing systems and envisioned improvements, will be prepared by the City's Public Works Department prior to site development to provide a framework for the short-term and long-term improvements. Innovative systems to treat or recycle wastewater or stormwater run-off within buildings or sites will be privately developed and maintained.



Water

The City provides water service to customers in and around the Waterfront District. The City's Capital Facilities Plan, updated in 2006, affirms that improvements to the existing water system can service the full amount of planned development. Potable water mains surround the Waterfront District and extend

into the site at a number of locations (Beal Memorial Way in the vicinity of the Oak Street right of way, Pine Street, Laurel Street, C Street, F Street, Hilton Avenue). Additional water system infrastructure will be placed within the site's new roadway network contingent on site development needs and in coordination with other utility system improvements.



Sanitary Sewer

The City provides sanitary sewer utility service to customers in and around the Waterfront District. The City's Capital Facilities Plan, updated in 2006, affirms that improvements to the existing sanitary system can service the full amount of planned development. Sewer pipes surround the Waterfront District and extend into the site at a number of locations (Beal Memorial Way, Pine Street, Laurel Street, C Street, Hilton Avenue). The majority of the site's existing gravity sewer system, especially in the area south of the Whatcom Waterway, will be reconstructed and relocated within the site's new roadway network contingent on-site development needs and in coordination with other utility system improvements. New on site pump stations will be required to help transport collected wastewater to the Post Point Pollution Control Plant.

Electricity

Puget Sound Energy (PSE) provides electricity to customers in and around the Waterfront District. PSE is expanding its electrical substation system to meet the area's long-term energy demands and will accommodate the planned levels of development in the Waterfront District contingent upon energy demands and site development needs. Most of the site's existing electrical lines will be removed or replaced with below-grade lines within the site's new roadway network in coordination with other utility system improvements.

Natural Gas

Cascade Natural Gas provides natural gas service to customers in and around the Waterfront District. Cascade Natural Gas has sufficient capacity to service the full amount of planned development in the Waterfront District. A 16-inch high-pressure natural gas distribution line traverses the perimeter of the site along Roeder Avenue, Chestnut Street and Cornwall Avenue and gas lines extend into the site at a number of locations. Most gas lines will be removed or replaced within the site's new roadway network contingent on site development needs and in coordination with other utility system improvements.



Stormwater Management

The careful management of stormwater is a high priority for waterfront communities throughout the Puget Sound. Federal, state and local regulatory requirements for stormwater



management have become increasingly stringent in an ongoing effort to protect adjacent marine resources. Stormwater is generally managed within the Waterfront District by both the Port of Bellingham and the City of Bellingham under Phase II Municipal Stormwater permits issued by the Department of Ecology. Stormwater management associated with other specific operations, such as construction activity, boatyards and the Aerated Stabilization Basin (ASB), is also regulated by Ecology. Currently most of the stormwater generated in the Downtown Waterfront, Log Pond and Marine Trades areas is routed to the ASB. Stormwater treatment within the ASB will be discontinued prior to cleanup and redevelopment of that facility as a new Clean Ocean Marina, requiring the design and permitting of new conveyance and treatment facilities throughout the Waterfront District.

New conveyance and treatment facilities for stormwater typically will be installed in coordination with the phased construction of streets and other infrastructure. The new stormwater systems will be designed in accordance with Ecology stormwater requirements, low-impact development strategies, and MTCA requirements for protecting soil, groundwater, and marine resources. In many locations, the infiltration of stormwater will be avoided in order to prevent contact with contaminated subsoils. However, low-impact development strategies, such as the use of green roofs, pervious surfaces, rain gardens, and bioswales may be incorporated throughout the site as long as they are designed to be compatible with MTCA site cleanup requirements and meet applicable storm water

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UTILITY SYSTEMS

regulations. Where appropriate and consistent with park goals and plans, these sustainable stormwater features may also be integrated into the new system of waterfront parks, creating a visual and attractive theme of natural water connections between upland areas and newly restored shorelines. New stormwater outfalls will be designed and permitted to ensure that clean stormwater is discharged to Bellingham Bay in locations compatible with comprehensive shoreline restoration projects.

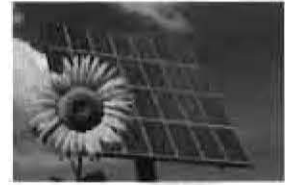


Communication

The Waterfront District is served by telephone, wireless telephone service and cable television. Cable television is available through Comcast Corporation by franchise agreement with the City. Standard telephone service is available through Qwest and wireless telephone service is offered by a number of providers. Communication lines will be extended into the site contingent on site development needs and in coordination with other utility system improvements.

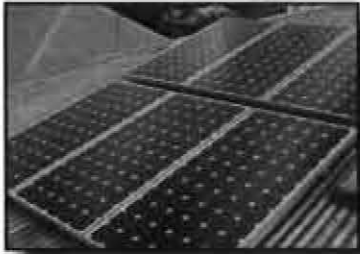
Sustainability

The installation of utility systems provides a unique opportunity to integrate sustainable design principles and functions within the planned infrastructure to help minimize the environmental impacts of development and implement water-neutral and carbon-neutral resource strategies. Utility corridors could include additional piping and infrastructure to support the long-term development of district heating and cooling, on-site energy generation and wastewater reuse. An alternative approach might be to construct utility tunnels in some areas to facilitate the future addition of required infrastructure. The vast network of parks and open space could incorporate low-impact development stormwater solutions with significant environmental and economic benefits. As the waterfront develops into an urban village, a coordinated set of sustainable utility system strategies will help improve habitat, minimize the reliance on imported water and demand for water treatment and reduce the demand for nonrenewable energy resources.



District heating and cooling saves energy and money by using underground pipes to distribute hot water, chilled water or steam from a single source to a network of buildings which do not need boilers, furnaces, or cooling systems. The Waterfront District will have a variety of potential district energy sources, including recaptured "waste heat" from WWU, other institutional buildings or the Encogen plant.

On-site power generation is an energy efficiency strategy which reduces transmission losses from regional power stations



and responds directly to the site's energy needs. These systems can be large or small and surplus power can be fed back into the regional power grid. Potential on-site renewable sources of power include solar, wind, tidal, or hydropower. Hydropower could be generated from a surplus industrial pipeline extending from Lake Whatcom to the site which has a hydraulic capacity of 50 million gallons of water per day and historically supplied process water to GP.

Wastewater reuse systems significantly reduce water usage by using advanced treatment to recycle water to support landscape features, toilet flushing, and other building operations. On-site wastewater treatment could be phased with development and might be a cost-effective opportunity to expand treatment capacity and reduce loading to the Post Point Pollution Control Plant.

Low-impact development stormwater solutions could be used in combination with traditional engineering alternatives to reduce infrastructure costs and increase land values.



A naturalized stormwater system could be facilitated in areas like the Commercial Street Green with a planned grade change.



Relatively clean water from roofs and open spaces could be conveyed in a naturalized creek and pond system which would also serve as an aesthetically pleasing, signature "green" infrastructure resource. Polluted stormwater from traffic areas could be treated in properly designed oil separators and underground settling tanks. Special consideration is needed for implementing low-impact development stormwater solutions in areas where contaminated soils may be isolated and capped or blended with clean soils to meet state standards for public health and safety. Engineering solutions might include impermeable, rainwater-harvesting structures which act as subsurface "caps" for deeper contaminated materials but allow for near-surface water movement and infiltration for collection.

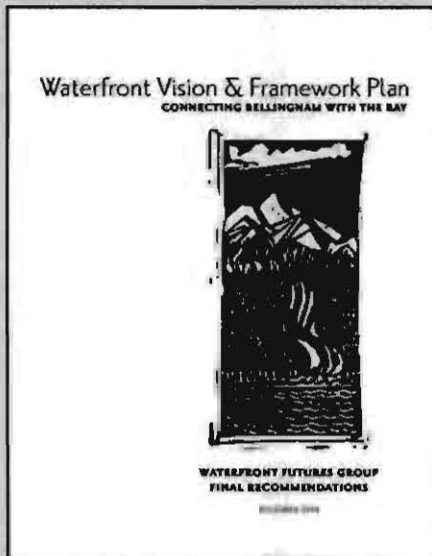
A proactive approach towards sustainable utility systems and infrastructure will help minimize the long-term demand for water and energy, improve habitat, provide aesthetic and recreational value, and reduce long-term capital and maintenance costs.

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UTILITY SYSTEMS

Waterfront District Guiding Principles and Implementation Strategies

The Waterfront Advisory Group sponsored a public involvement process during 2005 and 2006, which led to City and Port adoption of "Guiding Principles and Implementation Strategies" in 2006. The following Implementation Strategies provide guidance related to Utility Systems:



- *Where feasible, use bioswales, rain gardens and other appropriate low-impact development techniques to treat stormwater.*

6.1 Utility System Policies

1. Provide utility facilities that are sufficient to support the planned levels of development.
2. Wherever practicable, place utility distribution lines underground in corridors that are pre-excavated and backfilled with clean materials during the initial phase of utility and roadway installation.
3. Where above ground utility infrastructure and facilities are installed, all efforts should be made to minimize environmental, visual, and aesthetic impacts. Street lights should be shielded to avoid off-site light impacts.
4. Locate transmission lines, pipelines, and other utilities in the same infrastructure corridors whenever possible.
5. Encourage energy conservation, on-site energy generation and the use of on-site renewable energy sources.
6. Reduce the unnecessary or wasteful consumption of water.
7. Encourage low-impact development practices for stormwater management which are compatible with MTCA site cleanup requirements, stormwater regulations, and demonstrate the integration of natural system connections between shoreline restoration projects and appropriate waterfront park designs.

6.2 Utility Systems Implementation Strategies

1. Coordinate new road construction and the maintenance of existing roads with utility trenching activities.

2. Wherever practicable, install utility infrastructure that supports the long-term implementation of district heating and cooling, wastewater reuse and on-site energy generation.
3. Extend utility services to the site in accordance with the requirements of the utility companies.
4. Coordinate with utility providers for consistency between the comprehensive plans of each utility and development plans in the Waterfront District.
5. Provide timely notice of new construction, maintenance, and repair of existing roads to utility providers.
6. Encourage the use of water conserving design and techniques in required landscaping.
7. Whenever practicable, install utility infrastructure which is compatible with or allows the future conversion to on-site energy production.
8. Wherever practicable, manage and treat stormwater with low impact development techniques that support natural hydrology and ecosystem functions while meeting MTCA site cleanup requirements for protective confinement of contaminated subsoils.
9. Where appropriate, incorporate clean stormwater as an integral resource in the design and construction of parks, open space, landscaping, and shoreline restoration projects in a way that encourages public interaction and awareness of the natural system connections between uplands, shorelines and Bellingham Bay.

LEED ND Credit Opportunities

Design or purchase traffic lights, street lights, water, wastewater pumps and treatment systems that achieve a 15% annual energy reduction beyond an estimated baseline energy use for this infrastructure.

Incorporate the use of shared on-site, non-polluting renewable energy generation technologies such as solar, wind geothermal, small scale/micro hydro electric and biomass with peak generating capacity at least 5% of the total electrical service load.

Note: LEED ND, developed by the US Green Building Council, is one of many different voluntary rating systems to address and achieve sustainability goals. The above plan features provide potential credit toward LEED ND certification.

CHAPTER SEVEN

PARKS, OPEN SPACE & TRAILS

7.0 Parks, Open Space and Trails

One of the most significant elements of this redevelopment project is that it will provide people with numerous new waterfront access opportunities through the creation of approximately 33 acres of new upland parks and trails and 6 acres of restored public beach. These signature parks and trails will link downtown Bellingham and adjacent neighborhoods to the waterfront and will feature outstanding areas to walk, play and experience the waterfront. Parks and open spaces within the Waterfront District will be interconnected by a network of pedestrian and bicycle trails, with connections to the Coast Millennium Trail system and other local parks and trail systems.



Approximately 18% of the Waterfront District land area is proposed for use as public park, trails and habitat, equaling approximately 33 acres of new upland parks, plus 4 acres of existing public land located east of the railroad tracks along the South Bay Trail, State Street and Boulevard Street. In addition, 6 acres of public beaches will be restored for habitat and public use. The Waterfront District will serve as an important linkage in developing a regional system of waterfront parks and trails. The majority of the shoreline within the Waterfront District will be dedicated for public access and improved for public recreation, water access and habitat. This will benefit the entire community as well as the future businesses

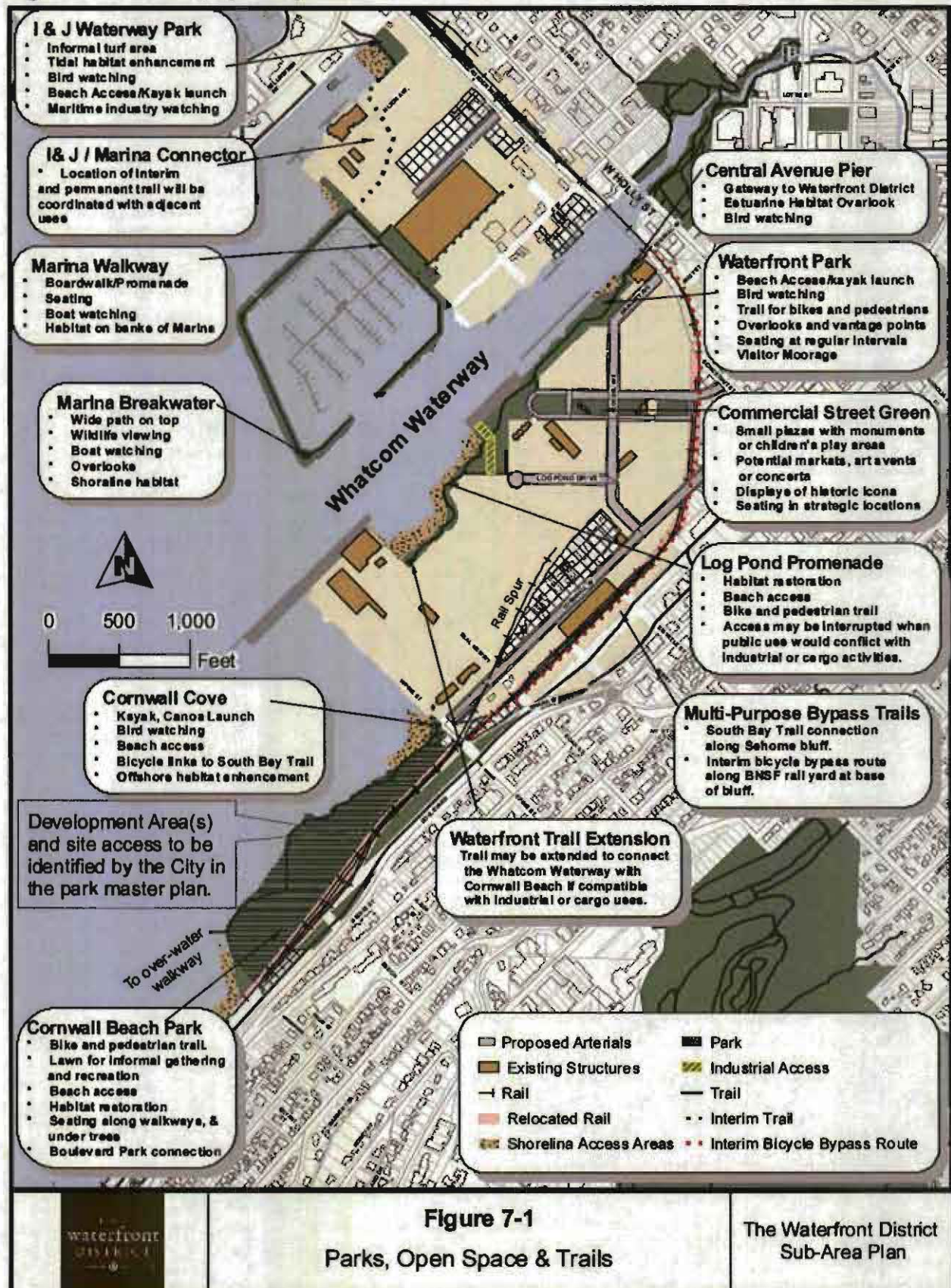
and residential development located within the Waterfront District. The precise design and layout of the parks, trails and habitat within each development area will be determined through future planning processes integrated with the design of future building footprints and streets. The Waterfront District Sub-Area Plan suggests the general location, size and key elements of various park developments, but recognizes that community discussion under the direction of Bellingham Parks and Recreation Department will further guide the details of the parks, open spaces and trails in the Waterfront District.

Similar to the transportation system, the parks, open space and trails will be phased as the site develops. Each phase of development will be accompanied by the creation of new public recreation, open space and habitat areas.



The public parks and open spaces described on the following pages will allow a variety of passive and active uses. Once development occurs within the Waterfront District, there may also be private open spaces within development parcels, such as courtyards, plazas and rooftop gardens. It will be important for designers to pay close attention to the transition between public and private open spaces.

Figure 7-1: Parks, Open Space & Trails



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PARKS, OPEN SPACE & TRAILS

Park and Open Space Descriptions and Acreage by Planning Sub-Area

Marine Trades Area (9-acres of upland park plus one acre of restored public beach)



The parks and open spaces within this area will create a dramatic new public access trail along the top of the breakwater to the Clean Ocean Marina. A public trail with pockets of natural vegetation and seating will extend along the length of this breakwater, ending at an overlook at the Marina entrance. People who walk to the outer end of the breakwater will experience an unencumbered feeling and unique views of Bellingham Bay, the city center, Western Washington University and Sehome Hill. The new breakwater trail will connect to a wide promenade or boardwalk with landscaping, public gathering areas and amenities fronting the future Marina. A bicycle trail or wide sidewalk along F Street will connect the marina boardwalk and trail system to an existing trail at the head of the I&J Waterway and a network of parks and trails at Squalicum Harbor and Bellwether on the Bay. A new beach park will be created at the north eastern end of the I&J Waterway for passive uses associated with hand-carry boat launching, exploring the beach or contemplating nature. Shoreline habitat

will be enhanced at this park and along portions of the Whatcom and I&J Waterways in areas where existing bulkheads are removed.

Downtown Waterfront Area (5-acres)



Maritime Heritage Park will link to the waterfront when the new park and trail areas take shape in the Downtown Waterfront Area. Much of the water frontage along the southern side of the Whatcom Waterway will become a public trail and park. The existing waterfront edge is a wharf on pilings or bulkhead, which may remain in front of the Granary Building and one or two other public viewing platforms. However, the majority of the waterfront edge will be softened over time by removal of the hardened edge, pilings, and over-water shading to provide a more natural shoreline along the Whatcom Waterway.

Several sections of the existing GP wharf southwest of the Clarifier tank will be retained to support environmental remediation activities and water-dependent uses through the first three phases of development. Most of the remaining wharf sections will be removed as environmental remediation is completed and the adjacent uplands are converted to mixed-use development. If industrial activities in the Log Pond area require ongoing water access, a section of wharf south of the Laurel Street crane pad may remain into the future.

A shoreline trail will extend south

through the Downtown Area of the Waterfront District along the southern edge of the Whatcom Waterway. This trail may continue through the Log Pond Area if compatible with industrial uses. A network of trails and sidewalks will eventually lead to Boulevard Park via an over-water walkway from the Cornwall Beach Area. The shoreline trail may be designed as a wide esplanade with benches, a railing and ornamental lighting along the top of the restored shoreline bank, with a few shoreline overlooks or viewing platforms. Lighting along the trail will be appropriately directed and shielded to provide adequate light for park and trail users, and avoid unnecessary glare on adjacent habitat and residential areas. This esplanade will merge with wide walks in front of waterfront mixed-use buildings, which will encourage cafes and restaurants to incorporate outdoor seating along the walk. The park space in this area will feature landscaped pockets, seating and spaces for passive recreation on lawn or turf between the shoreline trail and adjoining development. Areas between the trail and the water's edge will likely feature habitat restoration with designated public water access points at docks, overlooks and beaches formed when the bulkheads are removed and the banks are softened.

In areas where sections of the GP wharf remain, the shoreline trail will be constructed along the upland edge of the wharf. Public access along these sections of trail may need to be interrupted during periods when pedestrian or bicycle access would conflict with industrial or cargo activities on the wharf.

Log Pond Area



(5-acres of upland park and 2 acres of restored public beach are in the Log Pond area boundary) The shoreline

trail described within the Downtown Waterfront Area will continue along the Log Pond shoreline to provide public access to the restored Log Pond beach. Here people will experience a soft-bank shoreline similar to the shoreline at the Port's Marine Park facility in Fairhaven. Fronting onto the restored Log Pond, this park will offer a mixture of naturalized shoreline habitat, public overlooks and some water access via small beaches. The existing Log Pond shoreline may be reconfigured for more optimal habitat creation.

To the extent it is compatible with future industrial use, the Log Pond shoreline trail may continue through the Log Pond area to connect to the Cornwall Beach park and the overwater boardwalk. If public access through the Log Pond industrial area is not feasible, an alternate trail or sidewalk will be developed around the industrial use areas to connect the Whatcom Waterway to the Cornwall Beach Park.

Shipping Terminal Area (No new park acreage) The boundary of the Shipping Terminal was modified to add additional land along Wharf Street east of the previous sub-area plan boundary and exclude the small pocket beach previously described in this area. The Cornwall Cove pocket beach is now part of the Cornwall Beach area. A small parcel of City land with a short section of the existing South Bay Trail runs through the modified Shipping Terminal boundary.

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PARKS, OPEN SPACE & TRAILS

Cornwall Beach Area



(14-acres new upland park, 3-acres restored beach- conceptual image.)

The Cornwall Beach Area will provide the largest park in the Waterfront District, similar in size and experience to Boulevard Park, including a long natural beach for diverse recreational experiences.

This park, once a landfill, may include space for active and passive recreation use. This may be a good location for a small amphitheater for concerts with a stunning natural backdrop. The shoreline will be restored, with native plantings on the existing degraded shoreline and perhaps the creation of a new pocket beach along the southern shoreline. This entire area is a landfill, so shoreline reshaping will be required in some areas to cap and restore the shoreline. The park will include longer stretches of publicly accessible and walkable beach. This park will enable the realization of long term goals of connecting Cornwall Beach with the proposed over-water trail to Boulevard Park and the Taylor Avenue Dock to the south. This trail will intersect with a looping system of pedestrian trails or walks weaving through the park. Potential new residential or office development may overlook this park, providing an amenity for residents. This park could also be accessed in the future via a pedestrian bridge over the railway tracks from the South Bay Trail.

The expanded Waterfront District boundary includes approximately four acres of City and County land along the bluff above the Cornwall Beach planning area, which is currently used for public open space. The South Bay trail crosses through a portion of this public land. The trail could be extended along the Railroad Ave. right-of-way north of Wharf Street, or along the base of the bluff on BNSF land if an agreement can be reached with BNSF to allow a bicycle trail to be constructed within the railroad right-of-way.

The Cornwall Beach area also includes a small pocket beach adjacent to the Port Maintenance Shop, which has been discovered by the community as the perfect place to launch a kayak, enjoy a picnic or watch a sunset over Lummi Island. A small lawn area will provide gathering space and a location for boaters to prepare for launching, while areas adjacent to the beach will be restored to natural conditions to provide wildlife habitat. The size of this park is currently constrained by the location of the existing Port Maintenance Shop and parking lot and the existing location of Cornwall Avenue. If the Maintenance Shop site redevelops in the future, the size of this park, amenities and associated parking may be expanded.



Waterfront District Guiding Principles and Implementation Strategies

The Waterfront Advisory Group sponsored a public involvement process during 2005 and 2006, which led to City and Port adoption of "Guiding Principles and Implementation Strategies" in 2006. The following Implementation Strategies provide guidance related to Parks, Open Space and Trails:

- Establish signature design elements, a memorable park system, interconnected pedestrian and bicycle routes, and public amenities which set the New Whatcom area apart from other urban waterfront areas.
- Work with Lummi and Nooksack leaders to facilitate their development of cultural and educational facilities which feature Native American culture and history.
- Identify and preserve artifacts on the Georgia Pacific site, including equipment and storage tanks which have historic or aesthetic value, and utilize them as displays or art at community gathering points in the redevelopment project. Develop interpretive signs and information about the historical uses of the site.
- Develop an interconnected system of waterfront access and view points, public parks, open spaces, pedestrian walkways and bicycle routes which will be the backbone of the New Whatcom redevelopment project.
- Make the majority of water's edge accessible via non-motorized means of transportation, including pedestrian walkways, bicycle trails, motorized and non-motorized boat access, and transient moorage, connected to a network of parks, trails and transit connections. Restrict or control public access to areas used for water-dependant industry, sensitive habitat or government agency uses where public access would conflict with public health or safety, habitat protection or national security.
- Develop the Whatcom Waterway and its adjacent waterfront access as a community amenity, extending the Maritime Heritage Park to the Bay.
- Connect the New Whatcom open space and trail network to Boulevard Park with an over water trail from the south end of the Cornwall Landfill to Boulevard Park.



CHAPTER SEVEN

PARKS, OPEN SPACE & TRAILS

7.1 Park, Open Space and Trail Policies



Park Policies

1. An interconnected system of waterfront access and view points, public parks, open spaces, pedestrian walkways and bicycle routes should be designed and constructed to form the backbone of the Waterfront District.
2. Each park should be designed with a distinct character to provide a variety of park sizes, amenities and experiences for passive and active recreation for people of all ages, including water access and natural areas for wildlife habitat and viewing.
3. The detailed design, funding and construction of parks, open space and trail improvements should coincide with environmental clean-up, habitat restoration and the installation of streets and utilities for each phase of development.
4. Where appropriate and compatible with park plans, parks and open spaces should include some areas with natural or low-water use vegetation, utilize reclaimed wastewater for irrigation, or include water features which double as stormwater treatment or detention facilities.
5. Shoreline parks should include restored shoreline buffers and incorporate habitat enhancement projects consistent with the Bellingham Shoreline Master Program and Restoration Plan. Shoreline buffers may include trails and designated water access points, where no net loss of shoreline ecological function occurs to critical saltwater habitat. (See related policies in Chapter 3.)
6. Appropriate locations for off-leash dog areas should be identified within parks, with attention to conflicts with habitat areas. Off-leash dog use should be restricted in areas with eel grass or sensitive off-shore habitat, such as the Log Pond and pocket beach adjacent to the ASB.
7. Patios and private open spaces should include space for community gardens to allow residents to grow produce and flowers.
8. Reduce opportunities for crime and inappropriate activities by designing parks and trails with adequate lighting and visibility from adjacent roads, businesses and residents. Avoid isolated blind spots.



Open Space Policies

9. Within areas identified for development, buildings and landscaping should be designed to include public and private open spaces, plazas and roof top gardens for the use and enjoyment of residents, visitors and the general public. These spaces may be dedicated as public parks or managed by property developers, but are not counted as part of the 33 acres of new public park land described in this plan.
10. Public open space within development areas should be designed to be welcoming to the general public, with clearly defined access points to and from adjacent parks, sidewalks and pedestrian ways.
11. Private open spaces should be designed to be accessible by residents, employees or business patrons.
13. Recreational trail systems within parks should include clear directional signage and convenient connections to sidewalks and on-street bicycle routes.
14. Bicycle and pedestrian trails should be designed to comply with the accessible design provisions of the American Disabilities Act (ADA). Multi-modal trails should be at least 10 feet wide.



Trail Policies

12. Public parks and open spaces should be connected by a network of pedestrian and bicycle trails to establish a continuous corridor of non-motorized trails from Squalicum Harbor to the over-water walkway to Fairhaven.



CHAPTER SEVEN

PARKS, OPEN SPACE & TRAILS

7.2 Implementation Strategies

1. At full build-out, include at least 33 acres of new public parks and 6 acres of restored public beach, divided between the various development areas as follows:

Development Area	Upland Park	Public Beach
Marine Trades Area	9 acres	1 acre
Downtown Waterfront Area	5 acres	
Log Pond Area	5 acres	2 acres
Shipping Terminal Area	0 acres	
Cornwall Beach Area	14 acres	3 acres
Total	33 acres	6 acres

2. Construct early access park and trail features with Phase 1 and 2 development and infrastructure improvements to provide public access along the Downtown Waterfront Area and Cornwall Beach Area.
3. Work with Lummi Nation and Nooksack Indian tribal leaders to identify appropriate locations and facilitate the development of art work, displays and cultural facilities which feature Native American culture and history.
4. Where feasible and desirable, identify and preserve artifacts on the Georgia Pacific site that have historic or aesthetic value, including salvaged building materials, equipment and storage tanks, and utilize them as displays or art at community gathering points. Develop interpretive signs and information about the historical uses of the site.
5. Locate and design parks to serve as view corridors where appropriate. In those parks which are designated as view corridors, design landscaping and buildings to avoid obstructing views and limit the height of any structures to no

more than 35'. Limit building height to 25' within shoreline parks designated as "Recreational Shorelines" in the Shoreline Master Program.

6. Restore natural beaches and provide public access to the water's edge at the head of the I&J Waterway, the pocket beach northwest of the ASB lagoon, the restored beach within Log Pond Park, the pocket beach at the end of Cornwall Ave., referred to in this plan as Cornwall Cove, and the beach at the southern end of the Cornwall Ave. landfill.
7. Include hand carry boat launch areas and facilities for boaters within parks where topography and water depth support water access, with attention to potential impacts on near-shore habitat.
8. Restore shoreline buffers and natural systems within parks and set them aside as habitat, with landscaping, fencing or topography barriers to protect natural areas from more active recreation uses.
9. Restrict off-leash dogs and boat moorage within sensitive near-shore areas, including the Log Pond and pocket beach north of the ASB, and develop a signage program to inform visitors about the location and importance of habitat areas.
10. Develop the south side Whatcom Waterway and its adjacent waterfront as a community amenity, extending the Maritime Heritage Park along the Whatcom Waterway. Design a variable width system of parks and trails to be constructed over time as adjacent properties are developed. Develop interim access routes through or around areas where environmental cleanup or interim uses are not compatible with early public access.

11. Connect the Waterfront District park and trail network to existing parks and trails within adjacent neighborhoods. Connect to Bellwether on the Bay and the Squalicum Promenade through a new park at the head of the I&J Waterway. Provide access to Maritime Heritage Park with a pedestrian and bicycle connection at Central Avenue. Access the South Bay Trail with connections at Cornwall Ave. and Wharf Street, and construct a link to Boulevard Park with an over-water trail connecting to the large new park at the south end of the Cornwall Landfill.
12. Work with BNSF, the City Public Works and Park Department to develop additional pedestrian connections over the railroad from the Cornwall Beach area to the South Bay Trail, at Laurel Street and connecting Broadway to Bellwether Way, over time as funding is available.
13. Develop a park and trail along the frontage of the new Clean Ocean marina, with a public trail, natural vegetation and seating areas extending around the marina breakwater.
14. Establish development regulations and incentives which encourage the development of public open space within areas proposed for development. Provide floor area bonuses for projects that provide public open space or plazas for public use.
15. Explore options for increased parking adjacent to the Cornwall Cove pocket beach, including on-street parking along Cornwall Ave.
16. Provide a density bonus or impact fee credit to developers who fund the construction of public parks or open space.
17. Park plans for the first phase of the Whatcom Waterway Waterfront Park should identify a location for a small visitor float, pier or beach area for access and temporary storage of kayaks, dinghies and other small vessels.
18. Develop an interim and permanent off-road trail connection between Bellwether Way and the ASB/Marina trail. The specific location of the interim trail and future permanent trail will be coordinated with future industrial uses to avoid unnecessary conflict with Port and/or Port-tenant operations.
19. Develop a continuous waterfront trail along the south side of the Whatcom Waterway and Log Pond shoreline from Roeder Ave. to the Northeasterly edge of the Shipping Terminal. This trail should be extended through the Log Pond planning area to connect to Cornwall Ave. if compatible with industrial and/or cargo uses in the Log Pond area. If the Log Pond area is subdivided into smaller parcels to be leased or sold for long term uses which do not require access to the Shipping Terminal, dedication of a trail connection should be considered during the binding site plan approval process. Public access along the Log Pond trail may be suspended for public safety or site security purposes during periods when upland uses conflict with trail use.
20. The breakwater trail around the marina should include a flat surface to accommodate a variable width public trail with a minimum width of 12-15-feet, several public gathering areas and gently sloping public beaches suitable for public use.
21. Develop launching facilities and services for hand carry boats in one or more of the following areas: at the head of the I&J Waterway, north of the ASB lagoon, the South side of the Whatcom Waterway, Cornwall Cove, and/or south of the Cornwall Avenue Landfill.

CHAPTER SEVEN

PARKS, OPEN SPACE & TRAILS

LEED ND Credit Opportunities

Note: LEED ND, developed by the US Green Building Council, is one of many different voluntary rating systems to address and achieve sustainability goals. The following plan features provide potential credit toward LEED ND certification.

At least 50% of dwelling units and building entrances will be located within ¼ mile walk distance of a multi-use trail at least 3 miles in length.

Recreation facilities and trails will be designed according to the accessible design provisions of the American Disabilities Act (ADA)

At least 90% of the dwelling units and business entrances within the Waterfront District will be located within 1/6 mile of a park, green plaza or square at least 1/6 acre in area and average park size is greater than ¼ acre.



CHAPTER EIGHT

CAPITAL FACILITIES

8.0 Capital Facilities

The Waterfront District is a long-range project which will develop over several decades. The City and Port have worked jointly to develop an infrastructure phasing plan for the Waterfront District to ensure that transportation systems, utilities and parks within the Waterfront District will be adequate to serve each phase of development. The City and Port have also established a process to regularly evaluate and update the infrastructure phasing and associated capital projects over time.

Table 8-1 describes roads, bridges, utilities, parks, trails, cleanup and marine infrastructure projected to serve the first three phases of development. These projects correspond with Phase 1 through 3 in the infrastructure phasing plan, included in the Waterfront District Planned Action Ordinance and Facilities Agreement. Upon completion of these projects, the transportation infrastructure could support 2.7 million square feet of development south of the Whatcom Waterway and 0.7 million square feet of development north of the Whatcom Waterway.

These projects will be included in the respective City and Port Transportation Improvement Plans and Capital Improvement Plans. Projects will be scheduled and budgeted over time as development occurs and when additional infrastructure capacity will be needed.

Figure 8-1 Phase 1-3 Infrastructure and Cleanup Projects

Phase 1-3 Roads, Bridges & Utilities	Estimated Cost by Project*	Subtotals and Total Phase 1-3
Interim Central Avenue	\$2,500,000	
Granary/ Bloedel Avenue to Laurel And Interim Laurel St. to Cornwall	\$6,500,000	
Commercial Street Loop	\$4,400,000	
Wharf Street Roundabout	\$3,000,000	
Commercial Street Bridge	\$30,000,000	
Complete Commercial Street	\$3,200,000	
Sewer Lift Station	\$100,000	
Subtotal		\$49,700,000

* Cost estimates are based on preliminary designs in 2012 dollars, and are subject to change based on final design and construction timing.

CHAPTER EIGHT

CAPITAL FACILITIES

Phase 1-3 Parks & Trails		
Whatcom Waterway / Central Avenue Park	\$2,310,000	
Cornwall Beach Park (excluding cleanup)	\$12,550,000	
ASB Trail - Temporary	\$500,000	
Commercial Green Park	\$3,700,000	
Subtotal		\$19,060,000
Phase 1-3 Cleanup & Site Preparation		
GP West	\$19,600,000	
Cornwall Landfill	\$6,200,000	
Whatcom Waterway Phase 1	\$27,000,000	
Central Waterfront	\$12,900,000	
I&J Waterway	\$4,600,000	
RG Haley	\$6,000,000	
Demolition/ Site Preparation	\$5,500,000	
Subtotal		\$81,800,000
Total Phase 1-3 Infrastructure & Cleanup		\$150,560,000

* Cost estimates are based on preliminary designs in 2012 dollars, and are subject to change based on final design and construction timing.

Table 8-2 shows future projects projected to serve Phase 4 and 5 of development. The timing and cost of these projects may be modified over time to reflect more specific design, future demand and funding opportunities.

Figure 8-2 Phase 4-5 Infrastructure and Cleanup

Phase 4-5 Roads, Bridges & Utilities	Estimated Cost by Project *	Subtotals and Total Phase 4-5
C and F Street	\$4,200,000	
Maple and Chestnut Street	\$1,800,000	
Cornwall Ave Bridge	\$27,000,000	
Railroad Relocation	\$15,000,000	
Bloedel Ave. to Cornwall	\$6,900,000	
Subtotal		\$54,900,000
Phase 4-5 Parks & Trails		
Marina Park and Breakwater Trail	\$1,630,000	
I&J Waterway Park	\$1,140,000	
Whatcom Waterway Trail to Log Pond	\$200,000	
Log Pond Park and Trail	\$3,750,000	
Subtotal		\$6,720,000

Phase 4-5 Cleanup & Site Preparation		
Whatcom Waterway Phase 2	\$78,000,000	
GP Wharf Demolition	\$3,300,000	
Subtotal		\$81,300,000
Phase 4-5 Marine Infrastructure		
Clean Ocean Marina	\$27,000,000	
Waterway Moorage	\$3,500,000	
Subtotal		\$30,500,000
Total Phase 4-5 Infrastructure & Cleanup		\$173,420,000

The projects listed in Table 8-1 and 8-2 are proposed to be funded through a combination of state and federal grants, Real Estate Excise Tax (REET), Local Infrastructure Financing Tool (LIFT) funds, impact fees and other developer contributions. Projects described in the Infrastructure Phasing Plan and included in the City TIP may be funded out of sequence to respond to grant funding opportunities or the needs of early phase development projects.

The results of the biennial traffic monitoring program described in Chapter 5 will be used in conjunction with regular strategic budget discussions between the Port and City to ensure that infrastructure funding priorities are managed in alignment with development phasing.

9.0 Conclusions

The Waterfront District Sub-Area Plan describes a long-term redevelopment project which will convert an under-utilized Brownfields industrial site on the Bellingham waterfront to a vibrant mixed-use neighborhood, and restore three miles of shoreline for habitat and public access. The Waterfront Futures Group charted the course when they completed the Vision and Framework Plan for the Central Waterfront in 2004. The City and Port have been working together over the past seven years to complete the detailed planning, environmental review, development regulations and implementation strategies to allow this vision to move forward.



The following additional actions will to allow the first phases of development to begin, and will set the stage for a long term cooperative relationship between the City and Port as the site fully develops:

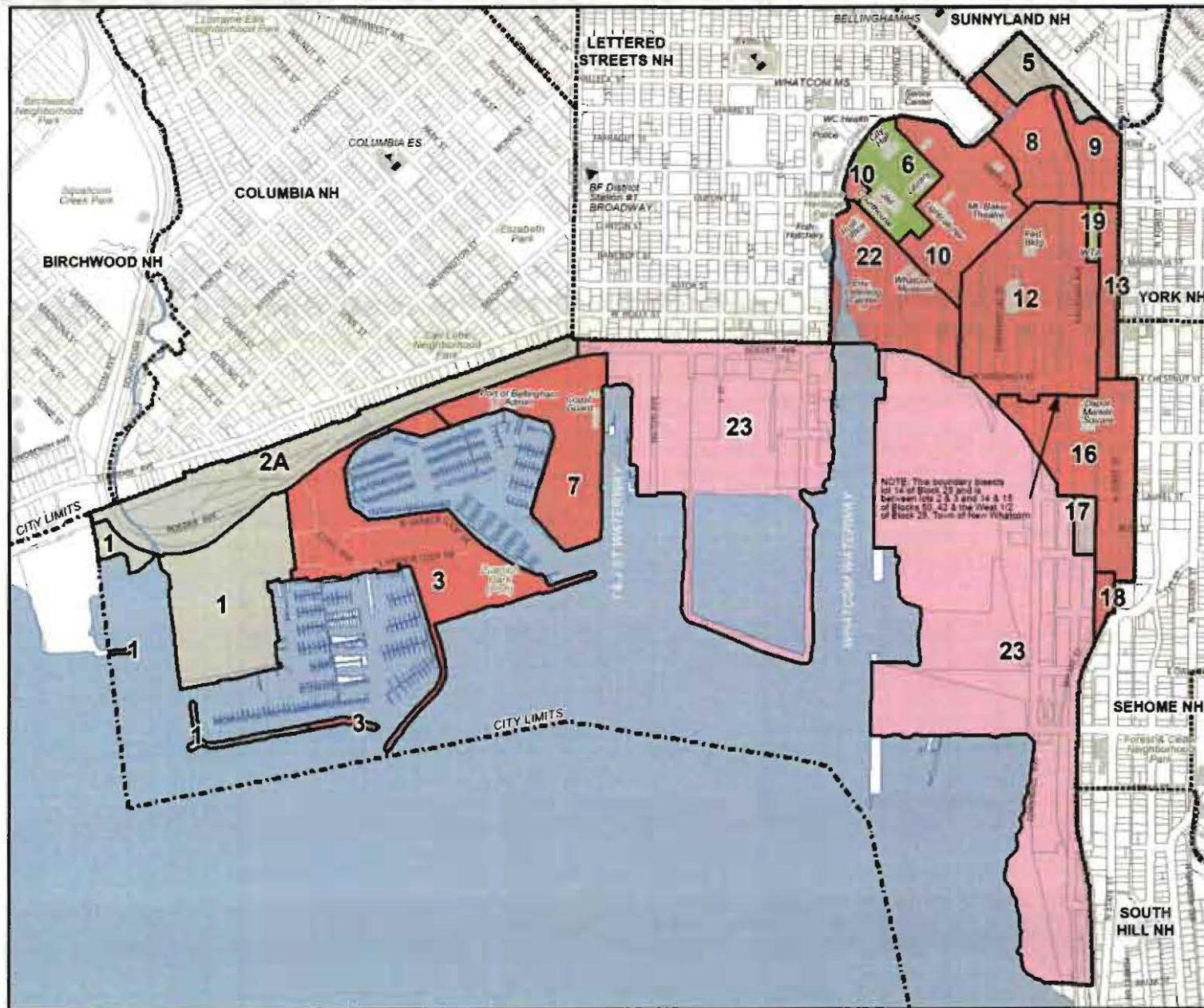
9.1 Implementation Strategies

1. Adopt the Waterfront District Sub-Area Plan as a sub-area of the City of Bellingham Comprehensive Plan and as an amendment to the Port of Bellingham Comprehensive Scheme of Harbor Improvements.
2. Adopt a Planned Action Ordinance with a table of required mitigation measures, consistent with those identified in the Final Environmental Impact Statement and 2012 Addendum to the EIS, to assist potential developers and agency regulators in the processing of permit applications for projects within the Waterfront District.
3. Develop a process so that mitigation measures identified in the Final Environmental Impact Statement for anticipated impacts associated with specific types of actions are implemented either before or concurrent with the specific action.
4. Establish a partnership structure, including representatives from both the Port of Bellingham and City of Bellingham, for long-term cooperation in the phased installation of public infrastructure and mitigation implementation.

5. Adopt a Development Agreement and associated Development Regulations to establish clear, predictable standards and review procedures for development.
6. Adopt a Facilities Agreement to clarify the roles and responsibilities of the City and Port to implement the Waterfront District Sub-Area Plan.
7. Establish an efficient permitting process that provides predictable time lines and determinations, for both prospective developers and the local community, on Waterfront District development projects that are consistent with the Sub-Area Plan.
8. Prepare more detailed park and infrastructure plans, with additional opportunities for public input, as specific parks and public spaces are designed and funded.
9. Periodically review the Waterfront District Sub-Area Plan and prepare amendments to the plan and development regulations, at least every ten years, to respond to development trends or changes in technology.



EXHIBIT C



CENTRAL BUSINESS DISTRICT NEIGHBORHOOD

AREA	ZONING DESIGNATION
1	Industrial, Light/Mixed
2A	Industrial, Light
3	Commercial, Waterfront
5	Industrial, Light
6	Public, Govt. Svcs.
7	Commercial, Mixed/Planned
8	Commercial, Central
9	Commercial, Central/Mixed
10	Commercial, Central
12	Commercial, Central
13	Commercial, Central
16	Commercial, Central/Mixed
17	Industrial/Waterfront
18	Mixed Use, Light
19	Commercial, Planned
22	Public, Utilities
23	Commercial
	Waterfront District Urban Village

0 520 1,040 1,560 2,080 Feet

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EXHIBIT C

EXHIBIT D

BMC 20.00.030 Central Business District Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 and 2A	[No change]	[No change]	[No change]	[No change]	[No change]	[No change]
2B	Industrial/ Waterfront Mixed Use	Heavy See Special Regulations	N/A	Shoreline	See Special Regulations	Heavy Industrial designation in effect until a Master Development Plan (MDP) is adopted. Once MDP is adopted, area zoning is Waterfront Mixed use. See the MDP for permitted mixed uses, infrastructure requirements and phasing, public access requirements and other zoning, design and development standards.
3	[No change]	[No change]	[No change]	[No change]	[No change]	[No change]
4	Industrial/ Waterfront Mixed use*	Marine	N/A	Shoreline	See Special Regulations	Marine Industrial designation in effect until a Master Development Plan (MDP) is adopted. Once MDP is adopted, area zoning is Waterfront Mixed use. See the MDP for permitted mixed uses, infrastructure requirements and phasing, public access requirements and other zoning, design and development standards. *Mixed uses allowed only on property that does not abut the waterway or navigable portions of the waterway per the master development plan.
5 through 10	[No change]	[No change]	[No change]	[No change]	[No change]	[No change]
11	Industrial/ Waterfront Mixed use	Marine, mixed See Special Regulations	N/A	Shoreline	See Special Regulations	Marine Industrial designation in effect until a Master Development Plan (MDP) is adopted. Once MDP is adopted, area zoning is Waterfront Mixed use. See the MDP for permitted mixed uses, infrastructure requirements and phasing, public access requirements and other zoning, design and development standards.

12 and 13	[No change]	[No change]	[No change]	[No change]	[No change]	[No change]
44	Commercial	Waterfront	N/A	Shoreline; public access and viewpoints where appropriate; historic	None	None
45	Industrial/ Waterfront Mixed-use	Heavy See Special Regulations	N/A	N/A	See Special Regulations	Heavy Industrial designation in effect until a Master Development Plan (MDP) is adopted. Once MDP is adopted, area zoning is Waterfront Mixed-use. See the MDP for permitted mixed uses, infrastructure requirements and phasing, public access requirements and other zoning, design and development standards.
16 through 19	[No change]	[No change]	[No change]	[No change]	[No change]	[No change]
20	Waterfront Mixed-use	See Special Regulations	N/A	Shoreline	See Special Development Regulations	See the Master Development Plan for permitted uses, infrastructure requirements and phasing, public access requirements and other zoning, design and development standards.
21*	Industrial/ Waterfront Mixed-use	Marine See Special Regulations	N/A	See Special Regulations	See Special Regulations	Marine Industrial designation in effect until a Master Development Plan (MDP) is adopted. Once MDP is adopted, area zoning is Waterfront Mixed-use. See the MDP for permitted mixed uses, infrastructure requirements and phasing, public access requirements and other zoning, design and development standards.
22	[No change]	[No change]	[No change]	[No change]	[No change]	[No change]
23	<u>Urban Village</u>	<u>Waterfront District</u>	<u>See BMC 20.37.400-480 Waterfront District Urban Village</u>	<u>None</u>	<u>None</u>	<u>None</u>

*Area 21 was created in 2005 when Area 1 of the South Hill neighborhood was moved to the CBD neighborhood plan.

EXHIBIT E

WATERFRONT DISTRICT DESIGN STANDARDS

20.25.080 WATERFRONT DISTRICT

A. Purpose. This section is intended to implement The Waterfront District Subarea Plan by:

1. Creating a safe, vibrant mixed-use urban district which is welcoming to businesses, residents and visitors.
2. Promoting diverse pedestrian and transit-oriented development at street level.
3. Optimizing public access and views to and from the waterfront.
4. Encouraging a variety of interesting design styles, features and amenities.
5. Promoting sustainable design and development practices consistent with the LEED for Neighborhood Development program.

B. Applicability

1. All new construction located within Commercial and Institutional Mixed-Use land use areas of The Waterfront District is subject to design review under Bellingham Municipal Code 20.25 and the Design Standards within this section unless an institutional master plan with an alternate design standard has been approved by the City Council for an institutional or business campus.
2. The design and layout of buildings within institutional or business campuses may vary from the Waterfront District Design Standards if a master plan or character plan is completed for the campus area with an alternate standard which implements the policies and implementation strategies of the Waterfront District Sub-Area Plan.
3. New construction within the Industrial Mixed-Use land use area is subject to design review if the uses within the proposed building or facility include retail, personal services, cultural or entertainment uses, or if the building is located within 20 feet of an existing or proposed arterial street or park. In these situations the Director shall determine which requirement statements are applicable and which portions of the development are subject to review based on the context of the use district, the context of the street or park frontage, and the type of development proposed.
4. The following activities are exempt from design review:
 - a. Interior alterations which do not affect the exterior design of the building.
 - b. Normal maintenance and repair.
 - c. Industrial, manufacturing and warehouse facilities, including boat servicing, repair and accessory offices located within the Industrial Mixed-use land use area, provided the buildings are set back at least 20 feet from adjacent arterial streets, trails, or parks, and the street frontage, trail or park is buffered by landscaping.
 - d. Buildings and activities which are exempt from design review shall comply with the site lighting standards regarding shielded outdoor lighting.
5. The following design standards are intended to carry out the goals and policies of the Waterfront District Sub-Area Plan, and shall be used by the Design Review Board and Planning Director as the standards for design review under BMC 20.25. Should the

provisions of this Section conflict with any other provision in BMC 20.25, the provisions of this Section shall apply.

B. Departures from design requirements. The Director may approve departures from the design requirements in BMC 20.25.080. All requests for departures shall be identified in the application and reviewed by the Design Review Board following the process in BMC 20.25.030.A.1.b. unless the request involves a building on the City, State or National register of historic places, in which case it shall be reviewed by the Historic Preservation Commission. A departure may only be allowed if the Director determines that the applicant has demonstrated that either:

1. In response to difficult physical circumstances relating to the size, shape, topography, location or surroundings of the subject property, an alternative solution is required that meets the intent of the requirement to the greatest extent practical, or
2. An alternative design will provide an equal or better solution that:
 - a. Meets the intent of the standard;
 - b. Enhances the character and livability of the Waterfront;
 - c. Enhances the character and environment for pedestrians;
 - d. Enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources; and
 - e. Will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.

C. Specific Standards

1. Site Design

a. Orientation to Street

- i. **Intent:** Reinforce pedestrian activity, orientation to ground floor activities and enhance the liveliness of the street through building location.
- ii. **Guideline:** Locate new structures to contribute to a strong “building wall” edge to the street such that they align at the front lot line and built out to the full width of the parcel, to the side lot lines. Although small gaps may occur between some structures, these are the exception. This should not preclude the provision of a wider sidewalk, public space, landscaping, art or outdoor seating.
- iii. **Guideline:** Locate the primary building entrance at street level facing a public street. The primary entrance should be more articulated and highlighted (size, material, recessed, lighting) than secondary entrances.
- iv. **Guideline:** Commercial buildings facing public streets or trails in commercial mixed use areas shall have entrances from the street or trail every 75 feet, on average.

b. Surface Parking

- i. **Intent:** Ensure that surface parking lots are not a dominant element within the Waterfront District and minimize the impact of surface parking on the pedestrian environment.

- ii. **Standard:** Parking shall be located to the rear or side of buildings. Surface parking lots shall not be located at intersections nor include more than 120 feet of street frontage along any arterial street (See Figure 20.25.080(A)). Access should be from a local street or alley where feasible.

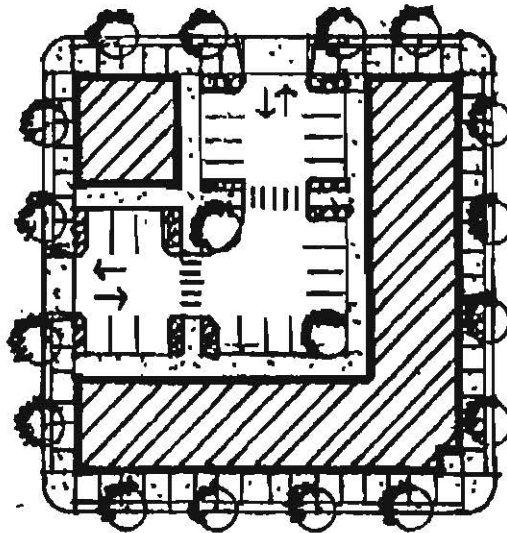


Figure 20.25.080(A): Surface Parking - Parking Area Interior to Site

- iii. **Standard:** Long-term off-street surface parking lots shall not be located adjacent to Commercial Street or Bloedel Avenue. Interim surface parking lots may be permitted along Commercial Street and Bloedel Avenue for up to ten years on parcels intended for redevelopment.

c. Drive-Through Facilities

- i. **Intent:** Diminish the impact of automobiles on the pedestrian environment.
- ii. **Standard:** Access and stacking lanes for drive-through services shall not be located between the street and the building or between the building and a residential zone. (See Figure 20.25.080(B))

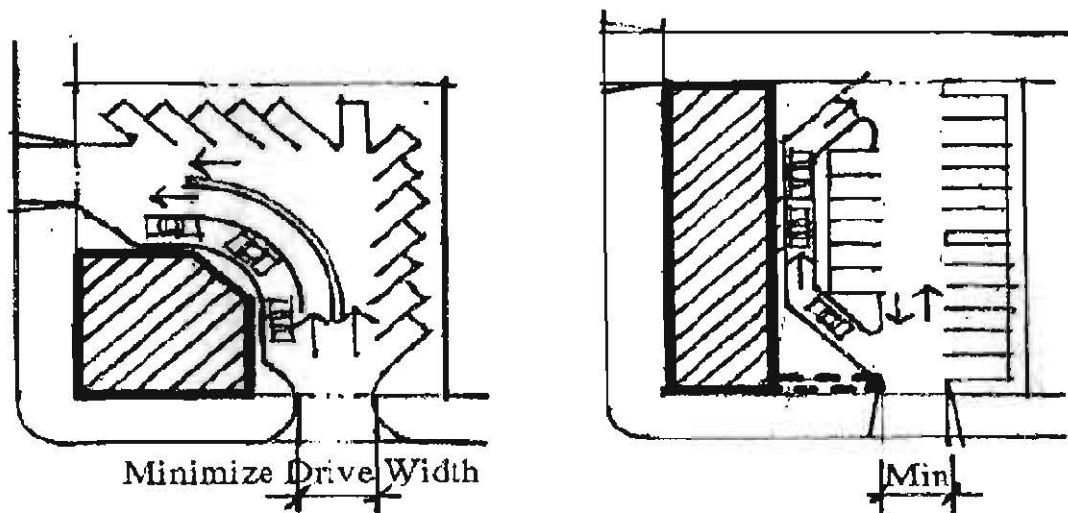


Figure 20.25.080(B): Drive-Through Facilities

d. Refuse Enclosures

- i. **Intent:** Reduce the impact and view of trash and recycling storage areas.
- ii. **Guideline:** Locate refuse and recycling storage areas to the rear of the site, screened from arterial streets and pedestrian walkways.
- iii. **Standard:** Refuse containment areas shall be placed in a building or enclosed within a structure that is of similar architectural character to the major structures on the site.

e. Rooftop Screening

- i. **Intent:** Roof tops and mechanical equipment should not detract from the appearance of the building and should be designed with consideration of the appearance from the adjacent bluff.
- ii. **Standard:** Screen mechanical equipment by extending the parapet walls or other roof forms that are integrated with the architecture of the building to a height that equals or exceeds the height of the mechanical equipment. Utilize roof top vegetation, screening or roofing materials which minimize glare from roof tops.

f. Pedestrian Connectivity

- i. **Intent:** Create a network of safe, convenient and attractive off-street linkages for pedestrians.
- ii. **Guideline:** When a development encompasses a site greater than 240 feet wide or deep, incorporate pedestrian access through the site to connect to alleys, streets or neighboring properties. (See Figure 20.25.080(C))

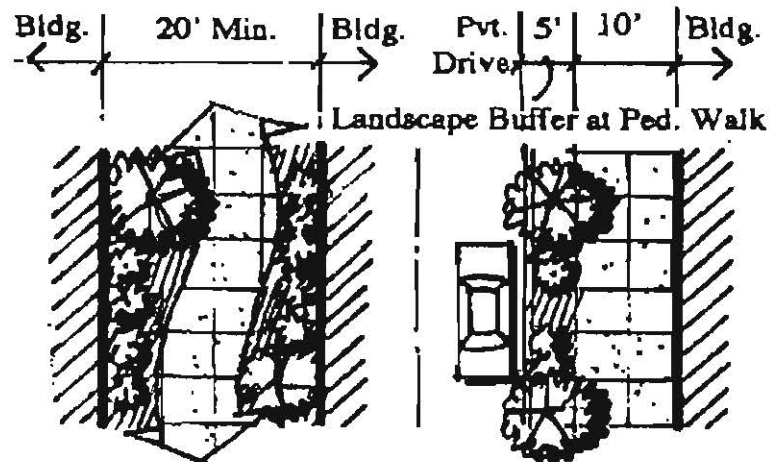


Figure 20.25.080(C): Pedestrian Connectivity

- iii. **Guideline:** Provide walkways connecting building entrances to adjacent streets, parks and buildings. Locate walkways in active and well lighted areas visible from adjoining public spaces. (See Figure 20.25.080(D))

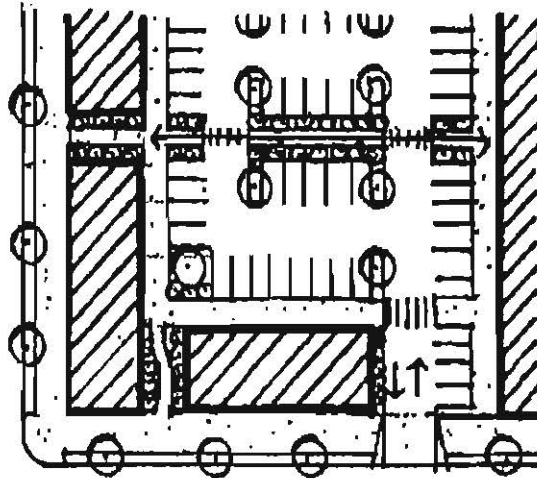


Figure 20.25.080(D): Pedestrian Connectivity

- iv. **Standard:** Pedestrian through-block connections shall include a walkway at least 5 feet wide and shall be clearly defined by use of material, elevation (6" raised) or landscaping borders. The space between two buildings adjoining a through-block walkway shall be a minimum of 20 feet, unless a shorter distance is approved through design review.
- v. **Standard:** Pedestrian access shall be provided between the building main entry and the public sidewalk. If walkways cross parking lots or driveways, the walkway shall be separated from the parking area by landscaping or by raised pavement, or when crossing driving lanes, by a change in pavement texture or material.

g. Site Lighting

- i. **Intent:** Provide architectural character, safety and encourage evening activity while minimizing impacts to neighboring properties and the darkness of the night sky.
- ii. **Guideline:** Shielded low intensity lighting should be provided for entries, walkways, parking garage entrances, parking lots, alleys and refuse enclosures.
- iii. **Guideline:** Parking lot lights should generally be no more than 18 feet in height and lower for pedestrian walkways.
- iv. **Guideline:** Lighting should be directed away from the sky, dwellings and neighboring development. The use of LED or low energy use fixtures with cut off shades which meet LEED standards and dark sky criteria is strongly encouraged.
- v. **Guideline:** Light fixtures should contribute to the overall design of the building and may be used to highlight special architectural features.

h. Acoustical Site Planning

- i. **Intent:** Employ site planning, design, and building orientation techniques in new residential development to minimize the potential for noise impacts from off-site noise-generating sources such as industrial operations and the railroad.
- ii. **Guideline:** Site residential units at some distance from noise-generating sources, or closer to quieter and less traveled roadways, planned parks and green spaces.

- iii. **Guideline:** Acoustical noise reducing concepts could be incorporated in the architectural design of individual buildings. These concepts could include room arrangement, window placement, and balcony and courtyard design. For example, placing bedrooms and living rooms in the part of the residential building farthest from the noise source, while placing kitchens and bathrooms closer to the noise source.
- iv. **Guideline:** Acoustical construction treatments could be used for various parts of the residential buildings to reduce interior noise impacts. Treatments could include the use of walls, windows, doors, ceilings, and floors that have been treated to reduce sound transmission into a building (the use of dense materials and the use of airspaces within materials are the principal noise-reducing techniques of acoustical construction).
- v. **Guideline:** Non-living portions of residential buildings (such as garages, commercial spaces, and recreational facilities) could be placed between the residences and noise-generating sources.

2. Building Design

a. Building Scale

- i. **Intent:** Establish a building scale consistent with a highly urban downtown context.
- ii. **Guideline:** Develop a primary facade that is in scale and maintains alignments with surrounding buildings. Although a new building may tower above the surrounding buildings, the first several stories should visually relate to the surrounding context.
- iii. **Standards:** (See Figure 20.25.080(E))
 - (A) Minimum building height within 15' of the street frontage of arterial streets in the Commercial Mixed-use Sub-zone is 25'.
 - (B) Buildings within the Commercial Mixed-Use Sub-zone should have at least 3 stories of occupied space in some portion of the building. This standard does not apply to buildings located within parks, view corridors or shoreline jurisdiction.

b. Massing and Articulation

- i. **Intent:** Reduce the apparent mass of large buildings to provide visual interest and pedestrian scale.
- ii. **Guideline:** Buildings should convey a visually distinct base and top.
- iii. **Guideline:** Roof parapets and eaves are encouraged to vary in height to avoid long, straight lines at the maximum building heights.
- iv. **Guideline:** Buildings with facades longer than 50' should be divided into "modules" that are expressed three dimensionally throughout the building facade. Modules could vary in width.
- v. **Guideline:** Reduce the apparent mass of buildings facing adjacent public spaces by stepping down building height and reducing the area of wall planes.
- vi. **Standards:**

- (A) The maximum height within 15' of any arterial street right-of-way is 4 stories and 56 feet. A maximum of 50% of wall length above the 4th story may encroach 5' into the setback (not including decks). (See Figure 20.25.080(E))

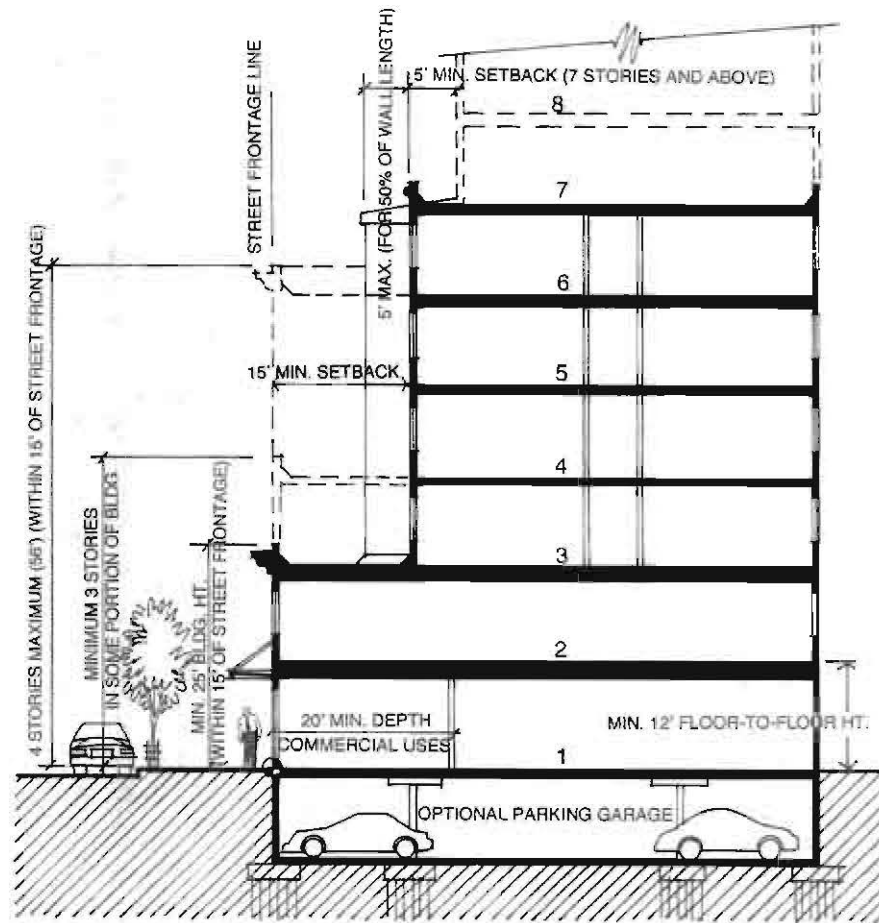


Figure 20.25.080(E): Massing & Articulation

- (B) Buildings over 7 stories in height shall incorporate at least one additional setback at or above the 7th floor, and incorporate features that create a visually distinct roof form (see Figure 20.25.080(E)). The following are examples of such features:
- (1) Terraced set backs
 - (2) Pitched or curved roof elements
 - (3) Projecting cornice elements
 - (4) Trellises along the parapet
 - (5) Geometric forms
 - (6) Change of material or color on the top floor
- (C) The street level floor of buildings within Commercial Mixed-Use sub-zones shall have a minimum floor to floor height of 12'.
- (D) The floor plate for any portion of a building exceeding 100' in height is limited to 14,000 square feet. (See Figure 20.25.080(F))

- (E) Any portion of a building exceeding 100' must be located at least 100' from any portion of an existing or approved building face which exceeds 100'. (See Figure 20.25.080(F))



Figure 20.25.080(F): Floor plate standards for buildings over 100' tall.

c. Variations on Building Design

- i. **Intent:** To avoid repetition and monotony, create a range of different forms similar to the variety of buildings and styles found in traditional downtowns which evolved over time.
- ii. **Guideline:** When a development includes three or more buildings, the buildings within a development should not use identical footprints or elevations. Changes in textures and colors may be appropriate. While there may be some elements that provide a commonality to the entire development, variety shall be visually evident.

d. Commercial Street Frontage Standard.

- i. **Intent:** To encourage pedestrian-oriented activity at street level along arterial streets in the Downtown Waterfront area.
- ii. **Guideline:** The front twenty feet of building space at sidewalk-level along Commercial Street and Bloedel Ave. shall be designed for commercial or public uses, including retail, service, office, government, or similar non-residential uses. Lobbies for residential uses and hotels and parking garage entries are exempt from this provision. Hotel guest rooms, dwelling units and structured parking garages shall not occupy street level building space fronting on Commercial Street or Bloedel Ave.

e. Ground Floor Details

- i. **Intent:** Reinforce the character of the streetscape by encouraging the greatest amount of visual interest along the ground level of buildings facing streets.

- ii. **Guidelines:** Ground-floor, street-facing facades of commercial and mixed use buildings shall incorporate elements such as lighting or hanging baskets, medallions, belt courses, plinths for columns, kick plates, projecting sills, tile work, pedestrian scale signs, planter boxes or other vegetation, or other elements that meet the intent.

f. Structured Parking

- i. **Intent:** Reduce the visual impacts of structured parking on public streets and open spaces.
- ii. **Guideline:** Where feasible, parking garages should be located on local streets or alleys or integrated within a building with occupied building space along the ground level street frontage.
- iii. **Guideline:** Structured parking levels that are adjacent to an arterial street or open space, or a public street within a Commercial or Institutional Mixed zone, shall be screened or treated architecturally by window openings, landscaping or art work designed to screen the façade.

g. Building Material

- i. **Intent:** Create a vibrant Waterfront District through the use of good design and quality materials.
- ii. **Guideline:** Design architectural features that are an integral part of the building and discourage features that appear to be "tacked on" or artificially thin.
- iii. **Guideline:** Material selection should exhibit high quality, particularly at street level. Examples include stone, brick, tile, concrete, metal, or transparent glass. Avoid residential lap siding on the ground floor of commercial or mixed use buildings.
- iv. **Guideline:** Encourage the use of recessed windows that create shadow lines.

h. Transparency

- i. **Intent:** Provide a visual link between business spaces and public sidewalks to create visual interest at the pedestrian level.
- ii. **Standard:** A minimum of 60% of the building wall between 2' and 7' above the sidewalk facing an arterial street in the Commercial Mixed-Use sub-zone shall be transparent or lightly tinted glazing. Windows into parking garage space shall not qualify. If windows are not appropriate, glass display cases, decorative art (for example, murals or relief sculpture), significant architectural detailing or wall-covering landscaping may be used. (See Figure 20.25.080(G))

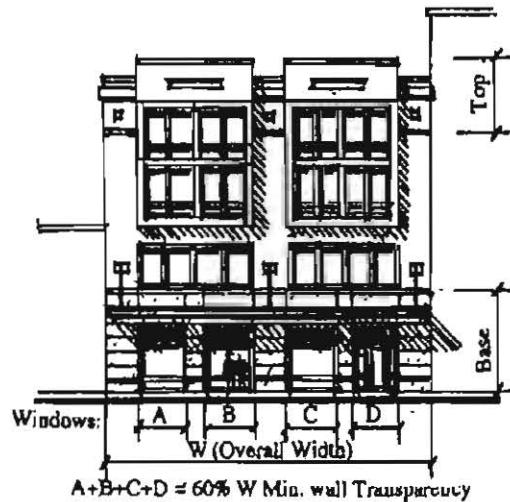


Figure 20.25.080(G): Transparency

i. Weather Protection

- i. **Intent:** Provide pedestrians rain protection, integrate individual buildings into the streetscape, and define the pedestrian zone.
- ii. **Guideline:** Weather protection should be located between 8 and 12 feet above the walkway but a higher placement may be considered if the width of the protection is increased.
- iii. **Standard:** Where commercial uses or parking garages are located at street level along an arterial street, buildings shall provide pedestrian weather protection covering at least a 4' width of sidewalk along at least 75% of the street level frontage. Minimum adjustments needed to accommodate trees or other overhead objects may be allowed. Materials shall be limited to metal, glass, Plexiglas or equivalent "hard" durable materials.

j. Blank Walls

- i. **Intent:** Provide visual interest and avoid the negative impacts of blank walls.
- ii. **Standard:** A blank wall is a wall or a portion of wall that is either (1) at least 400 square feet in area with a length and a width of at least 10 feet that does not include a window, door, building modulation or other architectural feature or (2) at the ground floor and over 6' in height with a horizontal length greater than 15' that does not include a window, pedestrian entry door, building modulation or other architectural feature. Any blank wall within 50' of, and visible from, a public street, public park or trail shall be treated with at least one of the following:
 - (A) Artwork, such as bas relief sculpture, mural or similar feature.
 - (B) A landscaping bed containing trees, shrubs and/or vines on a trellis that will cover at least 60% of the wall within 3 years. Landscape beds shall be at least 5' in width, open to the sky and use draught resistant plants or include irrigation with reclaimed water.
 - (C) Architectural detailing incorporating trims, textures, reveals, contrasting materials, or other special detailing that provides visual interest.
 - (D) An alternative method of providing visual interest at the pedestrian level approved through design review.

k. Public Open Spaces

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

l. Projections into the Public Right-of-way

- i. **Intent:** Provide adequate separation between private residential spaces, such as balconies, and the public walkway in order to make both the private and public spaces comfortable. Projections should not interfere with street amenities such as street trees, lighting or important public views. (Street encroachments are also regulated by the building code and BMC Title 13.)
- ii. **Standards:** No portion of a building may extend into the street right of way except:
 - (A) Decks and balconies shall not project more than 2' into the right-of-way unless a fixed awning covers the entire space directly below the deck or balcony at the ground floor level. A deck or balcony may not in any case project more than 4' into the right-of-way.
 - (B) Bay windows and similar architecture features with a horizontal width of not greater than 12' that project no more than 4' into the right-of-way from the face of the exterior wall, provided they are separated from like features by at least an equal width may protrude into the right-of-way.
 - (C) Columns, cornices, trellises, eaves and similar minor and/or decorative features, provided that arcades shall not be located in the street right-of-way.
 - (D) Steps, stoops and similar ground level features provided there is a minimum 12' of horizontal clearance to the street curb edge.
 - (E) Awnings, marquees and signs, subject to compliance with other codes, provided no ground mounted support structures for these features shall be located in the right-of-way.

m. Residential Design

- i. **Intent:** Residential projects should have an active and direct link to the street pedestrian system while maintaining an appropriate transition from public to private space.
- ii. **Standards:**
 - (A) Buildings containing residential uses shall have at least one covered front residential entryway facing a public right-of-way and accessed directly from the adjoining sidewalk.
 - (B) Open exterior entry/exit balconies that face a right-of-way are prohibited.
 - (C) Residential units built within 10' measured horizontally of an adjoining right-of-way or public space (property line) shall be constructed so that the finished floor elevation is at least 24" above the adjoining sidewalk.
 - (D) Ground floor residential units fronting on a street shall have a private main entry to the sidewalk consisting of a stoop or porch. Patio access doors shall not be considered a main entry.

- (E) When private interior courtyards interface the street edge, use a landscape hedge, ornate fencing, architectural walls, or a combination of the above to carry the wall line at the street edge and define the private space.

EXHIBIT F

WATERFRONT DISTRICT DEVELOPMENT REGULATIONS

Article V. Waterfront District Urban Village

20.37.400 - Waterfront District Urban Village - Applicability

- A. The Regulations specified in this article shall apply to the use of all public and private land within The Waterfront District. Additional development regulations and restrictions apply as outlined in the Development Agreement adopted by Resolution No. 2013-28.
- B. Should the provisions of these Sections conflict with any other provision of the Bellingham Municipal Code, except the Critical Area Ordinance, Shoreline Master Program or Stormwater Regulations, the provisions of these Sections shall apply.
- C. **Nonconformity.** Nonconforming uses and buildings that are damaged or destroyed by sudden accidental cause may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided, a complete building permit application for repair and reconstruction is submitted within 12 months of occurrence of the damage or destruction. The Planning Director may extend the deadline upon finding that the applicant is experiencing undue hardship from unforeseen circumstances in meeting the deadline. New construction, other than routine maintenance on existing structures or reconstruction due to accidental causes, shall comply with the requirements of this ordinance.
- D. **Amendment.**
 - 1. The following amendments shall follow the annual comprehensive plan amendment process outlined in BMC 20.20:
 - a. Any change within a land use area from one land use classification to another (i.e. Commercial or Institutional Mixed-Use to Industrial Mixed-Use.)
 - b. Any boundary change between unlike land use classifications (i.e. between Commercial or Institutional Mixed-Use and Industrial Mixed-Use.)
 - c. Creation of a new land use area with a new land use classification.
 - 2. The following shall be considered through the rezone procedure in BMC 20.19:
 - a. Changes in the boundaries between like land uses, such as Commercial Mixed-Use and Institutional Mixed-Use.
 - b. Changes in the zoning of an "Area" or portion thereof.
 - c. Changes in permitted uses and/or density rules shall be considered a rezone, regardless of the land use area in which they appear.
 - 3. All other amendments to BMC 20.37.400 through .480 shall be considered through the development regulation amendment procedure in BMC 20.22.

20.37.410 - Waterfront District Urban Village - Establishment of Boundaries and Land Use Areas

- A.** The boundaries of The Waterfront District and associated Land Use Areas are delineated in **Figure .410-A**.
- B.** The Waterfront District is divided into various commercial, institutional and industrial land use areas. The purpose of these areas is to encourage the clustering of compatible uses, establish areas of unique character, and allow for variance in design and development intensity.
- 1. Generally.** The Waterfront District Mixed-Use designation is intended to implement The Waterfront District Subarea Plan and community vision for the Central Waterfront. The mix of land uses and densities is intended to attract a compatible mix of commercial, institutional, light industrial, recreational, and urban density residential land uses. Parks, trails, public gathering places and areas for public use and enjoyment of the waterfront are encouraged throughout the District. Development and design standards encourage pedestrian-oriented development at street level and preserve water views from public view points within adjacent neighborhoods through the use of view corridors and building height limitations.
 - 2. Industrial Mixed-Use (IND).** The Waterfront District Industrial Mixed-Use designation recognizes the value and unique character of property with access or close proximity to navigable water and reserves this property primarily for industrial uses which depend upon or relate to the waterfront, but also allows public facilities, services, commercial and light-industrial uses which support or are compatible with an industrial setting in areas where infrastructure supports such uses. Development regulations in this area allow the building height and bulk needed to accommodate marine and industrial uses.
 - 3. Institutional Mixed-Use (IM).** The Waterfront District Institutional Mixed Use and Commercial Mixed-Use designations are like land use designations with the exception that IM is intended to accommodate higher-educational institutions and similar institutional uses or business campuses as the primary use. Building placement within such campuses in the Institutional Mixed-use sub-zone may be in accordance with an adopted master plan prepared for the campus area. Research facilities, offices, retail, recreation, business and personal services and residential uses are also encouraged within the district to complement and support the institutional or business campus uses.
 - 4. Commercial Mixed-Use (CM).** The Waterfront District Commercial Mixed-Use designation is characterized by a mix of residential, commercial, offices, recreation and public uses. Eating, drinking, entertainment, retail and service establishments are encouraged at ground level.

Waterfront District Urban Village
Boundary & Land Use Areas

Land Use Areas

- Commercial Mixed Use
- Industrial Mixed Use
- Institutional Mixed Use

November, 2013

20.37.420 - Waterfront District Urban Village - Uses

A. Uses are established in Table .420-A, and the following:

1. Land use classifications are listed on the horizontal axis. Waterfront District land use areas are shown on the vertical axis.
2. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted subject to general requirements for the use and the use area.
3. If the symbol “C” appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in BMC 20.16 and to general requirements for the use and the use area.
4. If the symbol “N” appears in the box at the intersection of the column and the row, the use is not allowed in that area, except for certain short-term uses (see BMC 20.10.040 Temporary Uses).
5. If a (number) appears in the box at the intersection of the column and the row, the use may be permitted in the use area subject to the special limitation indicated in the corresponding “Note” at the end of the table.
6. **Use Determination:** In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Planning and Community Development Director shall have the authority to make the final determination. The Director shall make the determination according to the characteristics of the operation of the proposed use as they relate to similar allowed uses within the use area.
7. **Interim Permitted Uses** are allowed in accordance with the Development Agreement approved by Resolution No. 2013-28, or as amended by City Council action.
8. **Shoreline Master Program:** Specific uses allowed in Table .420-A may be restricted by the Shoreline Master Program.

Table .420-A Permitted Uses

P=Permitted (#) = See Notes C=Conditional N=Not allowed

LAND USE CLASSIFICATION	Area			
	Industrial Mixed-use	Commercial Mixed-use	Institutional Mixed-Use	
A. RESIDENTIAL USES				
1. Bed and Breakfast	N	N	N	
2. Confidential Shelters (subject to Section 20.10.047)	N	P	P	
3. Hotel, Motel & Hostel	N	P ⁽¹⁾	P ⁽¹⁾	
4. Residential Uses	N	P ⁽¹⁾	P ⁽¹⁾	
5. Night Watchman or Caretaker Quarters	P	P	P	
B. COMMERCIAL				
1. Adult Entertainment	N	N	N	
2. Commercial Recreation	C ⁽⁵⁾	P	P	
3. Crematory	P	N	N	
4. Day care	N	P	P	
5. Day Treatment Center	N	P	P	
6. Drinking Establishment	P ⁽⁵⁾	P	P	
7. Drive-up/ Drive through facilities such as bank tellers, food and beverage services, laundry pick up, and car washes.	P ⁽⁴⁾	N	N	
8. Eating Establishment	P ⁽⁵⁾	P	P	
9. Live/Work unit	N	P	P	
10. Motor vehicles sales, limited to automobiles, motorcycles, scooters, recreational vehicles.	N	P ⁽⁷⁾	P ⁽⁷⁾	
11. Nightclubs	N	P	P	
12. Offices, including child placement agency, post office & tourism center	P ⁽⁶⁾	P	P	
13. Repair of small equipment & items such as appliances, electronics, clocks, furniture, hand tools and watches.	P	P ⁽²⁾	P ⁽²⁾	
14. Retail sales, except as restricted in B.10. above.	P ⁽⁶⁾	P	P	
15. Services, personal	N	P	P	
16. Service stations and gas stations	P ⁽⁴⁾	N	N	
17. Water-related and water-dependant commercial, recreation and transportation uses such as: boat launching facilities, boat rental and sales, boat charter or cruise facilities, visitor moorage, boat storage, marina, water based transportation, and offices and retail supporting the same.	P	P	P	
C. HEALTH CARE				
1. Doctor, Dentist, Medical & Therapy Office and/or Laboratory	N	P	P	
2. Medical Care Facility	N	P	P	

Table .420-A Permitted Uses

P=Permitted (#) = See Notes C=Conditional N=Not allowed

LAND USE CLASSIFICATION	Area			
	Industrial Mixed-use	Commercial Mixed-use	Institutional Mixed-Use	
3. Service Care	N	P	P	
4. Veterinary Service, Animal Hospital & Small Animal Care Shop	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	
D. PUBLIC AND SEMI-PUBLIC ASSEMBLY				
1. Aquarium, Interpretive Center, Library & Museum	P	P	P	
2. Art Gallery, Art School, and Commercial Art Studio	P	P	P	
3. Auditorium, Stadium and Theater	C ⁽⁴⁾	P	P	
4. Church and House of Worship	C ⁽⁴⁾	C	C	
5. Community Center	C	P	P	
6. Convention Center	C	P	P	
7. Institution of Higher Education	P ⁽⁴⁾	P	P	
8. Neighborhood Club and Activity Center	N	P	P	
9. Park, Trail & Playground	P	P	P	
10. Passenger Terminal	P	P	P	
11. Private Club and Lodge	P	P	P	
12. Public Building and Use	P	P	P	
13. School	C	P	P	
E. INDUSTRIAL				
1. Automobile Repair	P	N	N	
2. Automobile Wrecking	N	N	N	
3. Commercial Electrical Power Generation per BMC 20.36.030	P	N	N	
4. Hazardous Waste Treatment & Storage Facility per BMC 20.16.020 G.1.	C	N	N	
5. Manufacture and Assembly	P	P ⁽²⁾	P ⁽²⁾	
6. Mini Storage Facility	P	P ⁽⁸⁾	P ⁽⁸⁾	
7. Monument and Stone Works	P	N	N	
8. Repair of Large Equipment such as vessels, vehicles and floor based tools	P	N	N	
9. Warehousing, Wholesaling & Freight Operation	P	N	N	
10. Water-related and dependent Industrial uses such as: Aquaculture, Barge loading facility, Boat/ship building, Boat Repair, Dry Dock, Net repair, Seafood Processing, Cargo Terminal, Web house, and offices supporting the same.	P	N	N	
F. MISCELLANEOUS USES				
1. Adaptive Uses for Historic Register Buildings per BMC 17.90.080 & 20.16.020	P	P	P	

Table 420-A Permitted Uses**P=Permitted (#) = See Notes C=Conditional N=Not allowed**

LAND USE CLASSIFICATION	Area			
	Industrial Mixed-use	Commercial Mixed-use	Institutional Mixed-Use	
2. Agricultural Nursery	P ⁽⁷⁾	N	N	
3. Community Gardens	N	P	P	
4. Community Public Facilities per BMC 20.16.020 J.4.	P	P	P	
5. Parking Facility (nonretail)	P	P	P	
6. Parking Facility (Retail)	P	P	P	
7. Public Utilities on private property	P	P	P	
8. Public Utilities within a public right-of-way or park	P	P	P	
9. District Specific Utilities	P ⁽⁹⁾	P ⁽⁹⁾	P ⁽⁹⁾	
10. Recreational Vehicle Park	N	N	N	
11. Recycling Collection Center	P	P ⁽³⁾	P ⁽³⁾	
12. Recycling and Refuse Collection and Processing	P ⁽³⁾ C ⁽¹⁰⁾	N	N	
13. Wireless Communications Facility per BMC 20.13	P,C	P,C	P,C	

Notes:

- (1) Residential units or hotel rooms may not occupy the street level frontage on Granary or Bloedel Ave.
- (2) Provided noise, smell and other impacts are internalized within an enclosed structure.
- (3) Facilities shall be sized and designed to collect waste from residents, businesses and visitors to the Waterfront District and shall not be used to collect or treat waste imported from outside of the District.
- (4) Provided the project site has frontage on an arterial public street improved to a Type 1A or Type 1B street standard depicted in The Waterfront District Sub-Area Plan, Multi-modal Circulation & Parking Chapter, or an alternate standard approved by the Public Works Director.
- (5) Provided the project site has frontage on an arterial public street improved to a Type 1A or Type 1B street standard depicted in The Waterfront District Sub-Area Plan, Multi-modal Circulation & Parking Chapter, or an alternate standard approved by the Public Works Director, or is located adjacent to the public park and trail planned along the frontage of the new ASB marina. Such uses may not be approved adjacent to the marina until after the marina and associated public access and parking is constructed.
- (6) Provided the office or retail uses are related to construction, shipping, industrial or marine-related activities, or the sale of products manufactured or processed within the district. Retail sales in buildings adjacent to the new ASB marina may include food, alcohol and other commodities intended to serve boaters or marina customers after the marina has been constructed and is open for vessel use.
- (7) When entirely enclosed within a structure.
- (8) The floor area devoted to mini storage shall be less than 50% of the floor area of other permitted use(s) on site, and mini storage uses are prohibited on ground level street frontages except for entry, office and similar active uses.
- (9) As allowed through approval of a Waterfront Utility Master Plan.
- (10) Conditional for facilities that collect or process recycling or refuse imported from outside the district.

20.37.430 - Waterfront District Urban Village - Development Regulations

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Waterfront District Urban Village.
- B. Design Review.** See BMC 20.25 and 21.10 for applicable design review areas, standards, and procedures.
- C. Subdivision.** Except where the provisions of this Section conflict with any other provisions, the subdivision of land within the District shall comply with RCW 58.17 and BMC Title 18, as applicable.
1. There shall be no minimum lot width, depth or street frontage requirements for lots created for the purposes of residential, commercial, mixed-use, industrial, or institutional uses.
 2. Land divided through the binding site plan shall comply with BMC 18.24, except as modified herein.
 - a. Land divided through the binding site plan may include residential uses provided such division of land is compliant with RCW 58.17.035.
 - b. A separate general binding site plan contract is not required. The Waterfront Subarea plan and this Section shall be considered the contract.
 - c. All lots must abut appropriate utilities located in either right-of-way or adequate easements.
- D. Minimum Lot Size.** None.
- E. Maximum Density.** Building floor area ratios shall be consistent with Section .430 H.
- F. Setbacks.**
1. There shall be no minimum yards or building setbacks in Commercial or Institutional Mixed-Use sub-zones.
 2. The location and screening of buildings and uses in the Industrial Mixed-Use sub-zone shall comply with Section .470 - Waterfront District Urban Village - Landscaping.
- G. Maximum Building Height.**
1. Maximum building heights within The Waterfront District are shown on **Figure .430-A** except as provided herein.
 2. Height is measured per Height Definition #1. Exceptions:
 - a. Waterfront topography will be raised during construction in conformance with requirements of the Waterfront District Planned Action Ordinance (**BMC 16.30, Exhibit A**) to account for sea level rise and installation of public infrastructure. Existing grade shall be that which is established with such fill activities when height is not measured from an abutting city sidewalk.
 - b. A building may be divided into modules and stepped with height measured on a per module basis to respond to topography on sloped property.
 3. Solar and wind power generating facilities may be permitted to exceed maximum building height limits, provided they are not located within view corridors.
 4. **View Corridors.**
 - a. View corridors within The Waterfront District are shown on **Figure .430-A**

Figure .430-A: Waterfront District Urban Village Height Limits



- b. Building height within view corridors is limited to 35 feet. Where view corridors fall within public rights-of-way, the view corridor extends to the edge of the right-of-way. View corridors which do not fall within public rights-of-way extend 30 feet on either side of the centerline of the designated view corridor.
 - c. Height within view corridors is measured to the highest point of the 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, other than eaves, cornices, awnings, decks with see-through railings and other similar features not exceeding 4 feet tall.
 - d. **Exempt Structures.** Structures of iconic art and historic waterfront structures that may be preserved and/or moved are exempt from view corridor height limits.
- 5. Properties within the jurisdiction of the Shoreline Master Program are also regulated by the height limits as defined in the Shoreline Master Program. Where conflicts arise, the more restrictive height applies.
 - 6. Building height is further defined by building step backs, tall building floor plate restrictions and tower location standards as specified in the applicable Design Standards in BMC 20.25.080.

H. Floor Area Ratio (FAR)

- 1. **Purpose.** The maximum floor area ratio (FAR) standards are intended to allow for modulation in individual buildings and flexibility in how to mass buildings on the site. Floor area ratios, combined with the density bonuses, height limits, view corridors and design standards are intended to implement The Waterfront District Subarea Plan.
- 2. **Floor Area Ratio (FAR) Standard.**
 - a. Base and maximum FAR for each subzone are illustrated on **Figure .430-B**. Industrial Mixed Use land use areas are exempt from FAR.
 - b. Floor area transfer and bonuses outlined in **Table .430-A** provide the opportunity to increase FAR on individual building sites in the Commercial and Institutional Mixed-Use areas by a maximum of 2.0 FAR to the maximum FAR shown on **Figure .430-B**.
- 3. **Transfer of Floor Area.** FAR may be transferred between properties that are part of a single development plan, 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 summarized in Table .430-A and fully described in Subsection 4. c. below are offered as incentives to encourage facilities and amenities that implement The Waterfront District Subarea Plan.
 - a. Projects may use more than one bonus option unless specifically stated otherwise; bonus floor area amounts are additive.



Table .430-A Summary of Floor Area Ratio Bonus Options

Bonus Option	Floor Area Bonus
Minimum LEED Platinum or Living Building Certification (or equivalent)	2.0 FAR Bonus
Public Plazas and Open Spaces	Provide 1 Square Foot of public open space; Receive 2.5 Square Feet of building space.
Affordable Housing	Provide 1 Square foot; Receive 4 Square feet bonus
Minimum LEED Gold Certification (or equivalent)	1.0 FAR Bonus
Minimum LEED Silver Certification (or equivalent)	0.5 FAR Bonus
Lake Whatcom Watershed Property Acquisition Program	Receive 1 SF for each Fee Unit paid (see Lake Whatcom Watershed Acquisition fee schedule)

- b. The maximum FAR increase that may be earned through the bonus options shall not exceed the maximum allowed FAR illustrated on **Figure .430-B**.

c. Bonus Options.

- (1) **Public Plazas and Open Spaces.** Floor area may be transferred to and from any property within The Waterfront District when approved by the Planning Director, provided:
 - (a) The transferred floor area will result in the provision of a public plaza or open space to remain open to the public in accordance with park hours established in BMC 8.04.040.
 - (b) For each square foot of base FAR allowed by the development code transferred from an eligible site, two and one half (2.5) square feet of bonus floor area is earned on the receiving site(s) up to a maximum of 1.0 FAR per receiving site.
 - (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.** Development which includes affordable owner-occupied housing or affordable renter-occupied housing which are ensured affordable for a period of not less than fifty (50) years, or for a lesser period established in an adopted state or federal affordable housing finance and monitoring program, and documented through deed restriction and/or covenant, and where such units' affordability is ensured through enforcement and monitoring by a public agency.
 - (a) For each square foot of affordable housing, four square feet of bonus floor area is earned, up to a maximum of 0.5 FAR.
 - (b) **"Affordable owner-occupied housing"** means housing units sold at a price affordable to households earning no more than 100% of Bellingham's median household income as published annually by the U.S. Department of Housing and Urban Development ("HUD").

(c) **“Affordable renter-occupied housing”** means housing units rented to households earning no more than 80% of Bellingham’s household income as published annually by HUD.

(3) Leadership in Energy and Environmental Design™ (LEED) Certification or Living Building (or equivalent). Buildings that incorporate sustainable design may receive a graduated (0.5 to 2.0) FAR bonus. To qualify for this bonus, the proposed project shall be certified by the Planning Director as a minimum LEED Silver, Gold, Platinum or Living Building Challenge certification (or equivalent).

(4) Lake Whatcom Watershed Property Acquisition Program (LWWPAP).

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.

I. Building Requirements for a Noise Level Reduction of Thirty (30) dB

1. **Applicability.** New development shall comply with the requirements of this section or BMC 20.25.080 C.1.h. (Acoustical Site Planning).

2. **Compliance.** Compliance with this section shall be deemed to meet requirements for a minimum noise level reduction (NLR) of thirty (30) decibels. The requirements of this section shall apply to the design of the exterior envelope of all buildings in the Waterfront District Area designed for residential occupancy.

3. **Exterior Walls.**

a. Exterior walls shall have a laboratory sound transmission class rating of at least STC-35.

Exception: Insulated walls that are constructed in accordance with the Washington State Energy Code and that have interior and exterior sheathing of not less than five-eighths (5/8) inch thick, or walls built in accordance with the following, shall be considered to meet the STC-35 requirements:

(1) Masonry and concrete walls having a weight of at least forty (40) pounds per square foot. These walls are not required to be furred out on the interior of the wall if at least one (1) surface of the concrete block wall is plastered.

(2) Stud walls at least four (4) inches in nominal depth shall be considered to meet the above requirements if built as defined below and to ASTM E497, Standard Practice for Installing Sound-Isolating Lightweight Partitions.

(a) The interior surface of the exterior walls shall be covered with gypsum board or plaster at least one-half (1/2) inch thick. If the exterior of the wall is stucco or brick veneer, the interior gypsum board or plaster may be fastened rigidly to the studs. If the exterior is of any other siding, the interior gypsum board or plaster shall be fastened resiliently to the studs.

- (b) Insulation material at least R-19 or of a higher insulating value when required by the Washington State Energy Code shall be installed continuously throughout the cavity space, installed as specified in the Washington State Energy Code.
- (c) The outside of the wall shall be covered with a continuous layer of composition board, plywood, gypsum board, or a combination of these materials that is not less than three-quarters (3/4) inch thick.
- (d) Outside sheathing panels shall be covered with a layer of building paper, or equivalent, installed accordance with the Washington State Building Code Act (RCW 19.27).
- (e) Siding shall be installed over the building paper.

4. Exterior Windows.

- a. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

Exception: Windows meeting the criteria listed below shall be considered to meet the STC-33 requirement:

- (1) A window that is double-glazed with the glass at least one-eighth (1/8) inch thick with not less than a one-half (1/2) inch air space between the glass panels.
- b. All windows shall be installed to meet the following requirements:
 - (1) The glass shall be sealed into the frame in an airtight manner with a nonhardening sealant or a soft elastomer gasket, or gasket tape.
 - (2) They shall be weather-stripped to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
 - (3) The perimeter of the window frames shall be sealed to the exterior wall construction in accordance with the Washington State Energy Code.

5. Exterior Doors.

- a. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

Exception: Doors meeting the following criteria shall be considered as meeting the STC-33 rating:

- (1) Double door construction, where a minimum space between the double doors shall be not less than three (3) inches, is required.
- (2) At side-hinged doors, at least one (1) of the doors shall be a solid-core wood, or insulated hollow metal, that is not less than one and three-quarters (1 3/4) inch thick at its thinnest point. The second door may be a storm door. Both doors shall meet all requirements of this section.
- (3) Glass installed in a solid-core wood door, that has a total area of more than two (2) square feet, shall be not less than three-sixteenths (3/16) inch thick.
- (4) All glass and glazing shall be sealed in an airtight manner with a nonhardening sealant or in a soft elastomer gasket or glazing tape.

- (5) Exterior sliding glass doors shall be weather-stripped with an efficient airtight gasket system.
- (6) The double sliding glass doors shall be double-glazed with a separation between glass panels of not less than one-half (1/2) inch. The glass used in the double-glazed glass panels shall be of unequal thickness.
- b. All doors shall be installed to meet the following requirements:
 - (1) They shall be weather-stripped to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length, in accordance with ASTM E-283-65-T.
 - (2) The perimeter of the doorframes shall be sealed to the exterior wall construction in accordance with the Washington State Energy Code.
- 6. Roof/Ceiling.
 - a. Combined roof and ceiling construction other than described in this section shall have a laboratory sound transmission class rating of at least STC-44.
 Exception: Roof-ceiling assemblies that are constructed in accordance with the Washington State Energy Code, and the following criteria, shall be considered to meet the STC-44 requirement:
 - (1) The roof deck shall be sheathed with not less than three-quarters (3/4) inch composition board, plywood or gypsum board sheathing, topped by roofing.
 - (2) Ceiling insulation shall be not less than R-19, and not less than the minimum requirement of the Washington State Energy Code. The insulation shall be installed with not less than six (6) inches average air space between the insulation and the roof deck.
 - (3) Gypsum board or plaster ceilings shall be not less than five-eighths (5/8) inch thick.
 - (4) The ceiling shall be substantially airtight with a minimum of penetrations. Lighting fixtures penetrating the ceiling assembly shall be in accordance with the requirements in the Washington State Energy Code. Other types of penetrations shall be treated in a similar manner to the requirements in the Washington State Energy Code.

20.37.440 - Waterfront District Urban Village - Sustainability

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Waterfront District Urban Village, except when a project incorporates a FAR bonus having LEED Certification or equivalent consistent with BMC 20.37.430 H.4.c.(3).
- B. Intent:** To promote sustainable design and development practices consistent with the LEED Neighborhood Design program and create a framework for environmental stewardship.
- C. Standards:** All new development within The Waterfront District shall meet the following minimum standards for energy and water efficiency and recycling:
 - 1. Light Pollution Reduction-** Lighting in industrial areas shall be directed downward or shielded to avoid unnecessary glare on adjacent residential or mixed-use areas.

2. **Landscape irrigation-** Landscaping with native or drought tolerant plants which do not require permanent irrigation systems is encouraged. If irrigation systems are installed for landscaping or uses such as rooftop and patio vegetable gardens to provide local or personal food production, irrigation systems shall use only captured rainwater, recycled wastewater, or water treated and conveyed by a public agency specifically for non-potable uses. Temporary irrigation systems used for plant establishment are allowed to utilize potable water if removed within three years of installation. All landscaping areas shall be consistent with BMC 20.37.470.
3. **Energy Conservation-** To minimize energy use, new development shall be designed to include two or more of the following energy-reduction features:
 - Orient buildings for use of passive and active solar heating systems.
 - Use of solar energy, heat, hot water systems
 - Comply with energy conservation element for LEED, GreenBuilt or other sustainable building program
 - Use of interior motion sensor light switches
 - Use of solar powered walkway or outdoor lighting
 - Use of light tubes for natural lighting
 - Use of Federal Energy Star Label Program
4. **Recycling facilities-** Buildings or building complexes larger than 20,000 square feet shall include at least two of the following for building occupants, and publicize the availability and benefits of the drop-off point(s), station(s), or services:
 - a. A drop-off point for office or household potentially hazardous wastes such as paints, solvents, oil, batteries, and fluorescent light bulbs;
 - b. At least one recycling or reuse station as available to building occupants dedicated to the separation, collection, and storage of materials for recycling including, at a minimum, paper, corrugated cardboard, glass, plastics and metals;
 - c. A collection station available to building occupants dedicated to the collection of landscaping and food wastes and other compostable materials.
5. **Construction waste recycling-** At least 50% of non-hazardous construction and demolition debris shall be recycled. The developer shall prepare and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be stored on-site or commingled, ensures jobsite personnel understand and participate in the program, and retain verification records (waste haul receipts, waste management reports, spreadsheets, etc.) to confirm the diverted materials have been recycled or salvaged as intended. The plan shall be submitted at time of building permit application or as approved in writing by the Director.
6. **District Specific Utilities –** If available and implemented through a Waterfront Utility Master Plan, all new development within the Downtown Waterfront area shall connect to and utilize District Specific Utilities, such as district energy, district heating and non-potable water systems. Uses in other areas may connect to District Specific Utilities as approved by the Public Works Department.

20.37.450 - Waterfront District Urban Village - Parking

- A. **Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Waterfront District Urban Village. All parking standards in BMC 20.12 concerning applicability, general provisions, design

provisions and improvement standards shall apply except as provided herein.

- B.** Uses shall provide parking as follows. Fractions are rounded up to the next whole number.
1. Minimum parking requirements for use designations of the Waterfront District shall be per **Table .450-A** Minimum Parking Requirements.
 2. If a use is not readily classified within the zoning classifications, then the Planning and Community Development Director shall determine the standards which shall be applied.

Table .450-A: Minimum Parking Requirements

Residential	0.5 space per studio unit. 0.75 space per 1-bedroom unit. 1.00 space per unit having 2 or more bedrooms.
Commercial and Institutional	1 space per 500 SF of gross floor area used for offices, retail, services, eating and drinking establishments, cultural or education facilities and similar uses.
Industrial and Manufacturing	1 space per 5,000 square feet of gross floor area or 1 per 2 employees (working at the same time) whichever is greater.
Warehousing and Wholesale	1 space for every 20,000 square feet of gross floor area or 1 per 2 employees (working at the same time) whichever is greater.
Mini-Storage	1 space for every 2,000 square feet of storage area plus 3 spaces for the Manager's office.
Marinas	See Shoreline Master Program
Boat Launches	See Shoreline Master Program

3. Buildings existing as of December 9, 2013 are exempt from the requirement to provide additional parking due to a use change.
4. The Planning and Community Development Director shall have the authority to waive parking requirements when consistent with an area-wide parking plan and/or district pursuant to BMC 20.12.010 A.
5. Existing buildings listed on the Local, State or Federal Register of Historic Places are exempt 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.
6. The creation of new improved on-street parking that abuts a project site may count toward on-site parking requirements when the new street parking will increase the

supply of improved on-street public parking. The parking and street design shall be consistent with the standards in BMC 20.37.460, and subject to Public Works Department approval.

7. Parking garages or shared parking facilities located within one thousand feet of the uses they serve may be counted toward the on-site parking requirements for the use, provided an off-site or shared parking agreement is approved for use of the facility.

C. Unbundled Parking. Unbundled parking means that the parking required of a project is not assigned to building space; it is sold or leased separately.

1. **Purpose:** To make more efficient use of parking that is required of a project but not otherwise used or needed by tenants of the project.
2. Taking into account that the parking required of a project represents the parking demand added to the general vicinity, any parking space constructed in the Waterfront District can be made available to any on- or off-site use, on a fee or lease basis, to provide more opportunities to satisfy the local parking demand.

D. 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. Two or more uses may 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.
3. The developer shall complete a parking demand analysis to demonstrate that the resultant parking will be adequate for the anticipated uses.
4. To ensure that a parking area is shared, each property owner or party must sign a shared parking agreement in a form acceptable to the City Attorney, stating that his/her property is used for parking by another use(s) on the same property, or a use(s) on adjacent property. The applicant must file this statement with the Whatcom County Assessor's Office to run with the property(s). Shared parking may include use of off-site parking in a commercial parking structure.

E. Parking Reduction Allowed. The Planning Director may administratively reduce parking 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, purchase of WTA transit passes for a minimum of 2 years, car pool or commute trip reduction programs, installation of WTA transit shelters, and senior and affordable housing. The developer shall provide the information necessary to support this administrative decision.

F. Parking Design:

1. The location and screening of parking facilities in the Waterfront District shall comply with Section .470 - Waterfront District Urban Village - Landscaping.
2. **Commercial and Institutional Mixed-Use areas.**
 - a. Individual surface parking lots or ground-level garages shall not be larger than 2 acres unless they are located under or over space intended for human occupancy.
 - b. To minimize the heat island impact of surface parking lots, a minimum of 50% of all off-street parking spaces shall be:

- 1) Located within a building or parking structure;
- 2) Placed under cover in a structure with a roof having a Solar Reflective Index (SRI) of at least 29;
- 3) Use paving materials with a SRI of at least 29; or
- 4) Shaded by landscaping within 5 years of occupancy.

3. Interim Surface Parking.

- a. **Intent:** Interim surface parking may be permitted on parcels intended for redevelopment and should not remain in excess of 10 years in Commercial and Institutional Mixed Use areas.
- b. **Standard:** Alternative development standards may be approved by the Planning Director for Interim Surface Parking lots provided stormwater is treated in accordance with City stormwater regulations and a clear timeline is established for converting the lot to an alternate use.

G. Bike Parking.

1. **Number of spaces required.** Bicycle parking is required for certain use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays.
 - a. The required minimum number of bicycle parking spaces for each use category is shown on **Table .450-B**. No bicycle parking is required for uses not listed.
 - b. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses that operate at the same time on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.
2. **Exemptions.**
 - a. No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.
 - b. No bicycle parking is required for unattended surface parking lots.
3. **Bicycle Parking Standards.**
 - a. **Short-term bicycle parking.**
 - (1) **Purpose.** Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.
 - (2) **Standards.**
 - (a) Required short-term bicycle parking shall be located:
 - i. Outside a building;
 - ii. On the site;
 - iii. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - iv. Within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. For sites that have more than one primary

building, the bicycle parking shall be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and shall be distributed to serve all primary buildings.

- (b) Short term bike parking may be located within the public right-of-way provided the location and design are subject to Public Works Department approval.

TABLE 450-B: Minimum Required Bicycle Parking

Specific Use	Long-term Spaces	Short-term Spaces
1. Multi-family housing	2, or 0.5 per bedroom and studio unit.	2, or 1 per 20 dwelling units.
2. Commercial: Retail Sales and Service, including Eating and Drinking Establishments	2, or 1 per 12,000 sq.ft. of gross floor area.	2, or 1 per 5,000 sq.ft. of gross floor area.
3. Commercial: Office	2, or 1 per 10,000 sq.ft. of gross floor area.	2, or 1 per 20,000 sq.ft. of gross floor area.
4. Commercial: Off-street parking lots and garages available to the general public without charge or on a fee basis	2, or 1 per 20 automobile spaces.	6, or 1 for each 20 automobile spaces.
Note: Wherever this table indicates two numerical standards, such as "2, or 1 per 5,000 sq.ft. of gross floor area," the larger number applies.		

b. Long-term bicycle parking.

(1) **Purpose.** Long-term bicycle parking provides employees, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to allow bicycle parking to be within a reasonable distance in order to encourage bicycle use.

(2) **Standards.** Required long-term bicycle parking shall be:

- (a) Provided in racks or lockers that meet the standards of Subsection G.3.c.;
- (b) Located on the site or in an area where the closest point is within 300 feet of the site;
- (c) Covered. At least 50% of required long-term bicycle parking shall be covered and meet the standards of Subsection G.3.c.(5). (Covered bicycle parking); and
- (d) Secured. To provide security, long-term bicycle parking shall be in at least one of the following locations:
 - i. In a locked room;
 - ii. In an area that is enclosed by a fence with a locked gate. The fence shall be either 8 feet high, or be floor-to-ceiling;
 - iii. Within view of an attendant or security guard;
 - iv. In an area that is monitored by a security camera; or
 - v. In an area that is visible from employee work areas.

c. Standards for all bicycle parking.

- (1) **Purpose.** These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.
- (2) **Bicycle lockers.** Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.
- (3) **Bicycle racks.** Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks shall meet the following standards:
 - (a) The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
 - (b) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
 - (c) The rack shall be securely anchored.
- (4) **Parking and maneuvering areas.**
 - (a) Each required bicycle parking space shall be accessible without moving another bicycle;
 - (b) There shall be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
 - (c) The area devoted to bicycle parking shall be hard surfaced.
- (5) **Covered bicycle parking.** Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:
 - (a) Permanent;
 - (b) Designed to protect the bicycle from rainfall; and
 - (c) At least 7 feet above the floor or ground.
- (6) **Signs.** If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main building entrance indicating the location of the parking.

20.37.460 - Waterfront District Urban Village - Complete Streets

- A. Unless an alternate standard is approved by the Public Works Director, all public and private roads constructed within The Waterfront District shall be open to the public and constructed in accordance with the street standards adopted in BMC 13.04.
- B. Street width, sidewalks and bicycle facilities shall be consistent with the street designs for the various street types depicted in The Waterfront District Sub-Area Plan, Multi-modal Circulation & Parking Chapter. An alternate standard with equivalent pedestrian and bicycle access may be approved by the Public Works Director.
- C. Except for industrial uses, blocks shall be of similar size or smaller than the blocks in the existing Central Business District. Any block exceeding 240 feet in length or depth shall

include an alley or pedestrian access through the block, and large buildings located on oversize blocks shall include a pedestrian route through the building, unless otherwise approved by the Planning Director.

- D. If any cul-de-sacs are created, bicycle or pedestrian access shall be established to connect the end of the cul-de-sac to an adjacent public street, park or trail, unless access is restricted by steep slopes, the railroad or a water body.
- E. Arterial Streets shall be designed to accommodate transit use, with transit stops or pull-outs located a maximum of 1/4 mile apart.
- F. Where feasible, transit stops shall be located within or adjacent to a building with weather protection or include a partially enclosed shelter to buffer wind and rain, with a bench, lighting, and a kiosk, bulletin board or sign with route information and schedules.

20.37.470 - Waterfront District Urban Village - Landscaping

A. Applicability. This section provides the landscaping requirements for all uses permitted within The Waterfront District.

- 1. Vegetation size, species and planting standards shall be as specified in BMC 20.12.030 D. unless specified otherwise herein.
- 2. The provisions of this section shall apply to all new construction and to remodeling when the cost of remodeling exceeds 50% of the assessed valuation of the structure to the extent that there is space available for the landscaping.
- 3. Prior to issuance of a building permit, a scaled landscape site plan shall be submitted and approved by the Planning Department consistent with the provisions herein. Said plan shall specify specie name, size and location.
- 4. Landscaping pursuant to the approved site plan shall either be installed or bonded for (in an amount no less than 150% of cost of material and installation) prior to issuance of a certificate of occupancy or if no certificate is required prior to final inspection approval.
- 5. **Departures from landscaping requirements.** The Director may approve departures from the landscaping requirements pursuant to BMC 20.25.080 C.

B. Requirements

1. Commercial and Institutional Mixed Use Areas

- a. Where open maintenance/storage yards, loading areas, internal vehicular circulation or open parking areas abut a street, trail or park, a landscape buffer a minimum of 5' deep shall be planted along the park, trail or street frontage.

2. Industrial Mixed-Use areas

- a. Where buildings containing industrial uses abut an arterial street, trail or park, a landscape buffer having a minimum 20' depth shall be planted along the park, trail or street frontage.
- b. Where open construction/maintenance/storage yards or loading areas abut an arterial street, trail or park, or are adjacent to land zoned CM or IM, a landscape buffer having a minimum 10' depth shall be planted along the park, trail or street frontage.
- c. Where open internal vehicular circulation or parking areas abut an arterial street, trail

or park, a landscape buffer a minimum of 5' deep shall be planted along the park, trail or street frontage.

- d. The Planning and Community Development Director may reduce or eliminate the landscape buffer in subsection B.2.a. above if all of the following criteria can be met for the wall length within the yard being reduced:
 - 1) At least 35% of the building wall area on the ground floor contains transparent windows between a height of 2 feet and 7 feet facing the street. The 35% transparent window calculation only applies to the section of building within the reduced yard.
 - 2) When the wall length within the yard being reduced fronts a street, a customer-oriented pedestrian entry faces, and is accessible from, the street.
 - 3) All parking facilities are located to the side or rear of the building having a reduced yard.
 - 4) Unless otherwise prohibited in **Table .420-A** or the Shoreline Master Program, the proposed use is retail, eating or drinking establishment, personal or business services, amusement and recreation, professional offices, the office component of an industrial use, educational facilities, or similar uses as determined by the Planning and Community Development Director.

3. Street Trees.

- a. One street tree shall be provided for every 50' of street frontage.
- b. Street trees within view corridors shall be slow growing species with narrow canopy.

4. Parking Lot Landscaping.

- a. In Commercial and Institutional Mixed Use Areas, surface parking lots with 15 or more parking spaces shall provide internal landscaping at the rate of 20 square feet of landscaped area per parking stall. The landscaping shall include at least one shrub for every 20 square feet of landscaped area and 1 shrub per enclosed bed. One tree shall be required for every 10 open parking spaces. Vegetation ground cover shall be provided for all landscaped areas that will provide 90% coverage within 2 years. This provision may be apply at the discretion of the Planning Director in Industrial Mixed Use areas when developed with a commercial use.
- b. Areas between surface parking lots and adjacent property, except for ingress/egress lanes, shall be landscaped. Planting beds must be at least 5' wide. Exceptions:
 - 1) A single 5' wide landscape bed may installed between adjacent properties when parking thereon is developed in a coordinated fashion.
 - 2) Landscaping between surface parking lots on adjacent properties may be waived by the Planning Director when the parking on said properties will be shared or unbundled as specified in Sections .450 C. and D.
- c. For every 10 open parking spaces, one tree shall be installed around the perimeter of the surface parking. These trees may be grouped or spread lineally.
- d. A wall or evergreen hedge designed to be maintained at a height of at least 2.5 feet and not more than 3.5 feet is required along the frontage of any street level open parking lot that fronts on an arterial street or park, or that is located in or across a right-of-way from a Commercial or Institutional Mixed zone. Open trellis work or similar features that can be seen through may extend above the wall. Street trees

with canopies above pedestrian height may be included. Planting beds must be at least 5' wide. (See **Figure .470-A**)

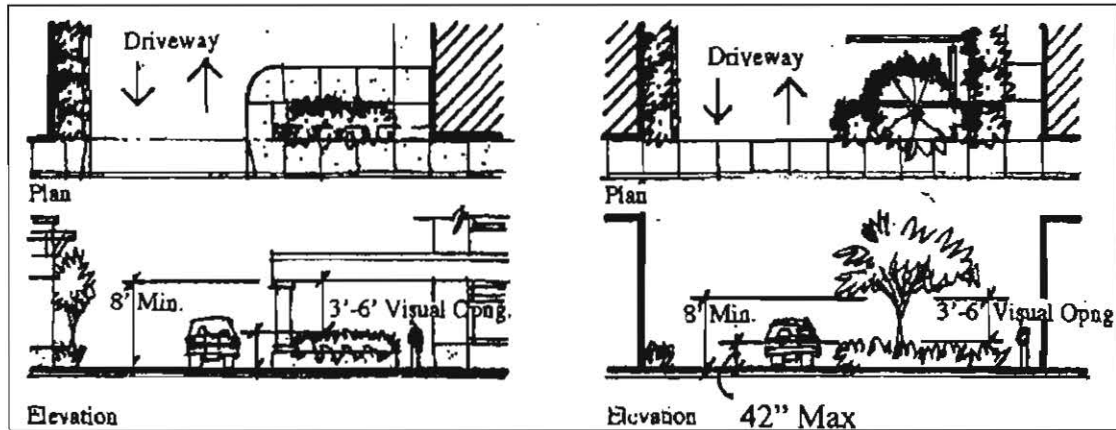


Figure .470-A: Surface Parking

- e. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four feet into the parking area from the perimeter landscape line. (Need diagram)
- f. A rain garden, bioswale or low-water use alternative landscaping feature may be used to screen surface parking lots, provided the planting bed is at least 5' wide and includes shrubs or grasses which can be maintained at a height between 2.5' and 3.5' the majority of the year.
- g. **Interim Surface Parking.** Alternative development standards may be approved by the Planning Director for Interim Surface Parking lots provided stormwater is treated in accordance with City stormwater regulations and a clear timeline is established for converting the lot to an alternate use.

4. All Landscaping.

- a. Landscape beds shall include trees and a mix of small, medium and large plantings for a "layered" appearance, except where landscaping standards require a hedge, or an alternative design is approved by the Planning Director.
- b. **Crime Prevention Through Environmental Design (CPTED).** Plant selection and maintenance shall incorporate CPTED principals to provide adequate visibility from sidewalks, trails and adjacent uses, and minimize squatting and loitering.
- c. **Native Vegetation.** Where feasible, landscaping should include drought-tolerant or native plant species.
- d. **Irrigation.** If permanent irrigation systems are installed they shall utilize captured rainwater, treated wastewater or water from other non-potable source. Temporary irrigation systems may be installed for up to three years to allow new landscaping to be established.
- e. **Bioretention facilities.** Bioretention facilities or bioswales for stormwater treatment may be located within public rights of way or parks adjacent to public right-of-way in place of required street trees or landscaping.

20.37.480 - Waterfront District Urban Village - Signs

A. General Provisions. All signage in The Waterfront District shall comply with the provisions

herein. Sign size and location standards may be administratively modified through the Design Review process to minimize view impacts to identified views 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 Waterfront District Plan.
3. Tenant Panel and Directory Signs when located within a recessed entry.
4. Interior signs including those painted on the interior of glass windows.
5. Building identification signs or cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed 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.
6. Directional Signs.
 - a. Directional signs are limited to 6 square feet per sign face and 3 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.
7. Marine navigational aids.

C. Standards.

1. Unless specified otherwise herein, the following signs are prohibited:
 - a. Off premise, billboard, and rooftop.
 - b. Flashing, video, electronic, revolving, and any other signs that appear to move or vary in intensity. Animated, moving, blinking or electronic (LED or similar) message boards are permitted only in association with theaters, stadiums, arenas, convention centers and similar large public assembly venues.
2. All signage must be an integral, coordinated part of a sign design plan for the entire building or complex under one ownership.
3. All signs shall be mounted against the side of the building except as provided below.
4. One free standing monument or pole sign is permitted at each main entrance. The determination of whether an entrance functions as a main entrance shall be made by the Planning Director. Said sign may be lighted but the message shall be limited to the name of the complex and its occupants, with the exception that if a gasoline station is represented on the sign, the sign may contain gasoline price information. Said sign shall not exceed 60 square feet per face nor 6 feet in height measured from existing grade. A pole sign shall be mounted on at least two posts placed at the outmost sides of the sign face.
5. Master planned areas larger than 4 acres shall be permitted 1 project identification sign at each secondary entrance. Said sign may be lighted and the message shall be limited

to the name of the complex and address. Size, dimension and design requirements shall be the same as that for primary entrance signs.

6. If a gasoline station is located within a multiple use site and is not represented on the center's signs, it shall be allowed one free standing sign. Size, dimension and design requirements shall be the same as that for the center's primary entrance. The message on the sign shall be limited to the name of the use and gasoline prices.
7. Building mounted signs extending over the street right-of-way shall comply with the International Building Code and the requirements of the Public Works Department.
8. Temporary building signs shall not exceed 32 square feet.
9. Real estate signs are limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 square feet.
10. Properties within the jurisdiction of the Shoreline Master Program are also regulated by the sign standards as defined in the Shoreline Master Program. Where conflicts arise, the more restrictive standards apply.

Exhibit G

WATERFRONT DISTRICT SUB-AREA PLAN

FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS

BELLINGHAM PLANNING COMMISSION

JUNE 6, 2013

SUMMARY OF RECOMMENDATIONS

Following a lengthy and comprehensive review process regarding the proposed Waterfront District Subarea Plan and associated documents, the Bellingham Planning Commission has determined that the proposal, as modified by the changes shown in the attached document, is consistent with the BMC comprehensive plan amendment and rezone decision criteria and should be approved.

I. Findings of Fact

I. Project Summary

The package of comprehensive plan and code amendments are intended to facilitate and promote the redevelopment of a 237-acre site now known as the "Waterfront District" (hereafter "WD"). The subject property is located in the Central Business District Neighborhood. It includes the former Georgia Pacific Pulp and Paper Mill site and adjacent properties. Much of the property covered in the Sub-Area Plan is in public ownership (Port of Bellingham, City of Bellingham and State Department of Natural Resources), although there are some private holdings as well. The WD Sub-Area Plan and related documents were jointly prepared by the Port of Bellingham and the City. The intent of the Sub-Area Plan and related documents is to:

- encourage development of a mixed-use urban village as an extension of the downtown that includes a combination of marine trades and light industrial uses, commercial retail and offices, institutional uses, residences, parks, trails and a new marina;
- establish a policy framework, development regulations and design standards unique to the Waterfront District urban village;
- restore public access to Bellingham's central waterfront;
- facilitate clean-up of the site;
- where appropriate, replace hardened shorelines with natural beaches and restore shoreline habitat areas;
- encourage multi-modal transportation use by providing a safe, convenient and attractive environment for transit, bikes and pedestrians;
- provide predictability for property owners, developers, and the public.

The proposal includes six component documents. The following four documents are included in the legislative review process for the proposal and were reviewed in detail by the Planning Commission:

1. The Waterfront District Sub-Area Plan. Once adopted, the Sub-Area Plan will become part of the City's Comprehensive Plan and the Central Business District Neighborhood Plan.

2. Waterfront District Development Regulations. Once adopted, the development regulations will become part of BMC 20.37.
3. Waterfront District Design Standards. Once adopted, the design standards will become part of BMC 20.25.
4. A Planned Action Ordinance. A planned action ordinance (PAO) is authorized in Washington State and used for projects the Waterfront District whose environmental impacts and mitigating measures have been previously addressed in an environmental impact statement. Once adopted, the PAO will become part of BMC 16.20.

The following two documents are part of the WD review package, but were provided to the Planning Commission for information only.

5. Waterfront District Development Agreement ("DA"). This agreement is a contract between the City of Bellingham ("the City") and the Port of Bellingham ("the Port") and any successors to the Port's interest in the property included in the WD. It identifies the additional standards and conditions (beyond the standard development regulations) that will govern development of the Waterfront District property owned by the Port. Examples of items included in the development agreement include the required mix of land uses, affordable housing provisions, vesting provisions, and impact fee credits and exemptions.
6. Waterfront District Interlocal Agreement for Facilities ("Facilities Agreement"). This interlocal agreement between the City and the POB allocates responsibilities for construction of infrastructure improvements, defines the timing of property transfers between the City and POB, and provides for the ongoing management of the WD project.

II. Background Information

Planning for Bellingham's central waterfront area began in 2003. The City and the Port of Bellingham appointed a group of citizens to form the Waterfront Futures Group ("WFG"). The WFG's principal task was to "take a fresh and independent look at the Bellingham Bay Waterfront". The intent of the WFG process was to develop a vision and framework for the waterfront that would provide guidance for future planning projects, including new master plans and development regulations.

This 18-month process resulted in the adoption of the "*Waterfront Vision and Framework Plan*" ("the WFG Plan") in 2005. A specific section of the WFG plan, the "City Center Character Area", addressed essentially the same geographic area that is the subject of the WD Sub-Area Plan.

The WFG Plan created a "vision" for the redevelopment of the central waterfront area. The Vision and Framework Plan proposed the creation of a mixed use neighborhood that:

"combines commercial, institutional, educational, retail services and residential uses, that over time will provide many new job opportunities and a substantial amount of urban housing....." It will be a neighborhood that complements the existing central business district. The neighborhood will provide a place where people can live, work, study and spend their leisure time without relying on vehicular transportation..... offering a healthy and sustainable relationship between the city and the bay." WFG Plan, page 18.

The City and Port began the planning process that resulted in the proposed subarea plan and related documents in 2005. See the WD Sub-Area Plan, Section 1.3, for a detailed description of the planning activities that led to submittal of the current proposal.

III. Procedural History

The package of WD documents were formally submitted in December 2012. The Planning Commission began their review process with a presentation on March 14, 2013, and public hearings on March 21 and March 28. The Commission subsequently held a total of seven worksessions in April, May and June to review the proposal and develop these findings, conclusions and recommendations.

IV. Public Comment

The Commission heard approximately 5-hours of testimony at the two public hearings. Written comments were accepted through the first five worksessions. All written comments were provided to the Commissioners and posted on the project web site.

The Commission also received comments from a number of City advisory groups, including the Waterfront Advisory Group, Transportation Commission, Parks and Recreation Advisory Board, Historic Preservation Commission, and the Arts Commission.

Public comment was tracked throughout the Commission's review process, and staff provided responses to the comments where appropriate - see attached "Comment Tracker" document.

All 10 of the Planning Commission's meetings on the WD proposal were broadcast live on BTV-10.

V. Environmental Review

The potential environmental impacts of WD redevelopment have been extensively studied. This includes:

- Draft environmental impact statement (EIS) - 2008;
- Supplemental draft EIS - 2008;
- Addendum to supplemental draft EIS - 2010;
- Final EIS - 2010; and
- EIS addendum - 2012.

The various environmental documents analyzed a range of redevelopment scenarios for the WD. The 2012 addendum looked specifically at the "preferred alternative", which is the current proposal. See the "Environmental Considerations" section (Chapter 3) of the WD Sub-Area Plan for additional information.

The WD is a Brownfield Site with six identified state Model Toxics Control Act ("MTCA") sites that will require remediation before development can occur. The POB is the lead for five of the sites and the City is the lead for the sixth site. Clean-up activities for the Georgia Pacific West, Whatcom Waterway, and Cornwall Avenue Landfill sites will occur in Phase 1 of the project. Clean-up at the R.G. Haley, Central Waterfront and I & J Waterway sites will occur in Phase 2. See the Sub-Area Plan, Chapter 3 and the Facilities Agreement for information on the MTCA sites and the planned clean-up activities.

VI. Consistency with BMC Review Criteria for Comprehensive Plan Amendments

BMC 20.20.040.A. requires the Planning Commission to consider the following decision criteria when reviewing proposed Comprehensive Plan amendments:

Criteria 2a. *The proposed amendment is consistent with the State Growth Management Act and other applicable laws.*

The proposed plan is consistent with a number of the Growth Management Act (GMA) planning goals.

The proposed Commercial and Institutional mixed-use areas allow a significant amount of residential development in areas where such development was not permitted under the old industrial zoning. This will allow and encourage new infill development in accordance with GMA infill and sprawl prevention goals. Also, the development regulations contain floor area ratio bonuses intended to encourage the provision of permanently affordable housing in the development (see development regulations, page 12).

The Sub-Area Plan promotes alternative modes of transportation as advocated by the GMA transportation goal. The proposal includes infrastructure phasing plans that will ensure that the improvements necessary to serve the new development must be constructed or the development cannot occur. All main roads will have pedestrian and bicycle facilities and will make provisions for transit service. Pedestrians and bicyclists will have access throughout the site where such access does not conflict with industrial land uses. Bicycle parking facilities will be provided. Auto parking be provided through a combination of on-street, surface lots and below grade parking.

The Sub-Area Plan addresses the GMA's economic development goal by reserving much of the site for employment activities. The Marine Trades, Log Pond and Shipping Terminal planning areas would be zoned Industrial Mixed-Use under the proposal. This zoning would allow a range of water dependent, marine related, and other light industrial uses that would support the local boating/fishing industries. The Commercial and Institutional Mixed-Use zoning in the Downtown Waterfront and Cornwall Beach areas would allow a range of commercial, office, residential and retail uses.

The proposal addresses the GMA's open space and recreation goal with 33-acres of park land. Land for the parks and waterfront access trails would be acquired by the City as needed for each of the phases of the proposed development. The public will have access to the Bellingham Bay waterfront throughout much of the site, where none is provided now. Trails will be provided along Whatcom Waterway, around the marina breakwater, and along the Cornwall Beach Park site. There will also be approximately 6-acres of restored public beach. Many of the shoreline areas with hardened bulkheads, old docks and over-water industrial structures will be softened and reshaped to provide improved habitat.

To address the GMA's adequate public facilities and services goal, the Sub-Area Plan and associated agreements ensure that the facilities and services needed to support the proposed development are provided. The Facilities Agreement identifies the major infrastructure improvements that will be needed for each phase of the development. The City would be responsible for constructing the arterial streets and utilities. Property owners/developers would be required to build local access

streets. The phasing plan portion of the Facilities Agreement identifies the amount of development that can occur with each phase.

The historic use of the site for heavy industry has created the need to cleanup a number of contaminated areas. The cleanup activities are regulated by the Washington State Department of Ecology ("Ecology"). The Port, City and State Ecology are working together to complete the cleanup process. The Facilities Agreement identifies the areas that will be remediated with each phase of development. See the Environmental Considerations Chapter of the Sub-Area Plan and the Facilities Agreement for more information on the cleanup process and timing.

In light of these factors, the Planning Commission finds that the proposal meets this review criteria.

Criteria 2b. The proposed omendment addresses changing circumstances, changing community values, and is consistent with and will help achieve the Comprehensive Plan goals and policies.

Changing Circumstances

Obviously, much as has changed since the Heavy Industrial zoning was established on the site in the late 1970s. Georgia Pacific closed the pulp operations in 2001 and ceased all activities in 2007. Much of the area is now in public ownership. The Planning Commission finds that the current Heavy Industrial zoning is no longer compatible with changing economic conditions and other circumstances in Bellingham's central waterfront area.

Changing Community Values

The extensive planning process used to develop the Sub-Area Plan established the community's values and priorities specifically for the WD Sub-Area, including:

- employment opportunities, including water dependent activities;
- a significant amount of housing;
- waterfront access opportunities;
- parks and trails and links to the City's trail system;
- an area for educational facilities;
- "green" and sustainable development;
- remediation of the contaminated areas tied to future land use;
- habitat restoration;
- softened shorelines/restored beaches;

The Waterfront Futures Group Vision and Guiding Principles are included in the WD Sub-Area Plan (see pages 10-11).

The Planning Commission finds the WD Sub-Area Plan and the land uses allowed under the proposed zoning are more appropriate and better reflect these community values and priorities than does the current Heavy Industrial zoning.

Consistency with the Comprehensive Plan

The proposal is consistent with and will help implement the goals and policies in the City's Comprehensive Plan in a number of ways.

First, the vision and values (policy recommendations) from the Waterfront Futures Group listed above were incorporated into the City's Comprehensive Plan in 2006.

Secondly, infill, rather than expanding the footprint of the urban area, is the preferred method to accommodate growth in the Comprehensive Plan. New urban villages are a key component of the Comprehensive Plan's infill strategy. The area covered by the WD Sub-Area Plan is identified in the plan as a Tier 1 area, part of the "City Center Core" urban village. This core village area is intended to be the largest and most intensively developed area of the city. The Comprehensive Plan goes on to identify a number of attributes that would ideally be included in an urban village. The following are some examples:

- A mix of land uses - industrial, commercial, residential;
- Building height and bulk limits appropriate for the desired intensity of development;
- Building and streetscape design standards;
- A well-connected street network;
- Pedestrian, bicycle and transit facilities;
- Parks, trails, plazas, village green;
- Provisions that encourage sustainable development practices;
- Provisions to encourage structured parking;
- Density bonuses for public amenities, affordable housing, Lake Whatcom TDRs;

The Commission finds that the WD proposal addresses all of these attributes.

Finally, the Commission finds that reserving much of the site for employment activities, especially industrially zoned areas, is consistent with the goals and policies in the new Economic Development Chapter of the Comprehensive Plan.

Criteria 2c. *The proposed amendments will result in long-term benefit to the community and is in the community's overall best interests.*

There is no doubt that successful redevelopment of the WD is in the community's best interest. The City's multiyear partnership with the Port in the process to develop the WD planning documents and the substantial commitment to build infrastructure are evidence of the importance of the project.

Beyond the partnership aspect of the proposal, the benefits of infill development as a way to accommodate population and employment growth are well documented. If successful, the WD provides a remarkable opportunity to accommodate a significant amount of Bellingham's future growth.

The Sub-Area Plan and related documents contain a number of aspects that will be of benefit to the community. Examples include:

- Reserving a significant portion of the site for industrial and marine-related employment;
- Providing extensive waterfront access opportunities, including a connection to a new overwater walkway from Cornwall Beach to Boulevard Park;
- Locate significant new housing close to employment, services and recreational facilities;
- Establishing 33 acres of new parks and trails;
- Softening shorelines/restoring beaches;

- Reserving an area for educational facilities - WWU, WCC, BTC;
- Providing a model for "green" and sustainable development;
- Remediating historically contaminated areas;
- Restoring shoreline habitat;
- Using low impact development stormwater principles;
- Establishing and maintaining view corridors;

As established under Criteria 2a, the Sub-Area Plan and related documents provide an unprecedented opportunity to implement many of the goals and policies in the City's Comprehensive Plan. The Sub-area plan is a positive step towards achieving many of the community's goals as expressed in the Comprehensive Plan. Therefore, the Planning Commission finds that the proposal will result in a long-term benefit to the community and is in the community's best interest.

2d. The proposed amendments will not adversely affect the public health, safety or general welfare.

The potential environmental impacts associated with redeveloping the WD have been studied extensively. Where potential environmental impacts have been identified, mitigating measures were determined.

Cleanup of the contaminated areas will occur according to plans approved by the Washington State Department of Ecology prior to any development activities.

Arterial streets will be constructed by the City according to the phasing plan. If for any reason the City is not able to construct a required street, the developer will have the option to construct the street or the development cannot occur.

A utilities master plan will be completed by the City to ensure that the area will be adequately served by sewer, water and stormwater facilities. The site can be served by existing police and fire facilities.

The City's critical areas and shoreline rules will be applied to development projects to protect those areas. Individual projects will be subject to the full range of the City's development codes and design standards. The Design Review Board will review all new buildings in the Downtown Waterfront and Cornwall Beach areas and all commercial or office buildings that abut arterial streets or parks in the Log Pond and Marine Trades area for compliance with the adopted design standards.

Any projects that are deemed to potentially have impacts that were not studied in the environmental impact statement will require further environmental review under the State Environmental Policy Act.

In light of these factors, the Planning Commission finds that this criteria has been met.

Criteria 2e. If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in BMC 20.19.030. A.

See below.

Rezone Decision Criteria, BMC 20.19.030. A.

1. *The proposal is consistent with the Comprehensive Plan or corresponds to a concurrent Comprehensive Plan amendment application.*

See the comprehensive plan consistency discussion under Comprehensive Plan amendment decision criteria 2a and 2b. The Planning Commission finds that the proposal meets this criteria.

2. *The proposed rezones will not adversely affect the public health, safety and general welfare.*

See the public health, safety and welfare discussion under Comprehensive Plan amendment decision criteria 2d. The Planning Commission finds that the proposal meets this criteria.

3. *The rezone is in the best interests of the residents of Bellingham.*

See the community benefit discussion under Comprehensive Plan amendment decision criteria 2c. The Planning Commission finds that the proposal meets this criteria.

4. *The subject property is suitable for development in general conformance with the zoning standards under the proposed zoning district.*

Once the cleanup is completed where needed, the site is suitable for development under the proposed commercial, industrial and institutional mixed-use zoning. The Planning Commission finds that the proposal meets this criteria.

5. *Adequate public facilities and services are, or would be, available to serve the development allowed by the proposed rezone.*

See the public facilities and services discussion under Comprehensive Plan amendment decision criteria 2d. The Planning Commission finds that the proposal meets this criteria.

6. *It will not be materially detrimental to uses or property in the immediate vicinity of the subject property.*

The Planning Commission identified no issues that would suggest that redevelopment of the WD site will be anything but a benefit to the city and the region. The WD will be cleaned up according to plans approved by the State Department of Ecology. Infrastructure will be installed as needed. New development and infrastructure improvements will provide temporary construction jobs. Permanent employment opportunities will also be provided. New waterfront access opportunities will be available. Parks and trails will be built. And there will eventually be many new residents to support downtown businesses.

The Planning Commission finds that the proposal meets this criteria.

7. *The rezone is appropriate because either:*

- a. *Conditions in the area have changed; or*

- b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or*
- c. The rezone will implement the policies of the comprehensive plan.*

See the changed conditions and comprehensive plan implementation discussion under Comprehensive Plan amendment decision criteria 2b. The Planning Commission finds that the proposal meets this criteria.

II. Conclusions

Based on the staff report, the information presented at the public hearings and worksessions, and our review of the proposed Waterfront District Sub-Area Plan, implementing regulations, design standards and Planned Action Ordinance, the Planning Commission concludes:

1. The proposed amendment to the city's Comprehensive Plan to adopt a new subarea plan for the Waterfront District is consistent with the goals and policies of the Comprehensive Plan, countywide planning policies and the GMA.
2. The proposal, with the revisions recommended by the Planning Commission as shown in the attached document, satisfies the criteria for amending the Comprehensive Plan that is established in BMC 20.20.040.
3. The proposal, with the revisions recommended by the Planning Commission as shown in the attached document, satisfies the rezone criteria in BMC 20.19.030.
4. The proposed development regulations, design standards and planned action ordinance provisions are appropriate and necessary to implement the goals, policies and strategies in the WD Sub-Area Plan.
5. Adoption of the proposed Planned Action Ordinance, with the revisions recommended by the Planning Commission as shown in the attached document, meets the approval criteria for a PAO (RCW 43.21C.031), and is in the City's best interest.

III. Recommendations

Based on the Findings and Conclusions, the Bellingham Planning Commission recommends that the City Council approve the following documents with the revisions recommended by the Planning Commission as shown in the attached document:

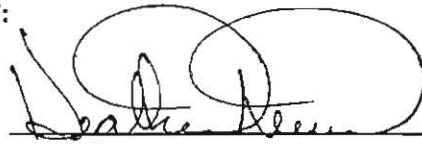
1. The Waterfront District Sub-Area plan.
2. The development regulations, design standards and Planned Action Ordinance.
3. Corresponding changes to the CBD Neighborhood Plan, Zoning Table, land use and zoning maps.

ADOPTED this 6th day of June, 2013.



Planning Commission Chair

ATTEST:



Recording Secretary

APPROVED AS TO FORM:



City Attorney

Waterfront District Subarea Plan and Associated Documents
Planning Commission Recommended Revisions
June 6, 2013

Recommended Revisions to the WD Subarea Plan

1. Add policies regarding trails to the Parks Chapter 7:

- Develop an interim and permanent off-road trail connection between Bellwether Way and the ASB/Marina trail. The specific location of the interim trail and future permanent trail will be coordinated with future industrial uses to avoid unnecessary conflict with Port and/or Port-tenant operations.
- Develop a continuous waterfront trail along the south side of the Whatcom Waterway and Log Pond shoreline from Roeder Ave. to the Northeasterly edge of the Shipping Terminal. This trail should be extended through the Log Pond planning area to connect to Cornwall Ave. if compatible with industrial and/or cargo uses in the Log Pond area. If the Log Pond area is subdivided into smaller parcels to be leased or sold for long term uses which do not require access to the Shipping Terminal, dedication of a trail connection should be considered during the binding site plan approval process. Public access along the Log Pond trail may be suspended for public safety or site security purposes during periods when upland uses conflict with trail use.
- The breakwater trail around the marina should include a flat surface to accommodate a variable width public trail with a minimum width of 12-15-feet, several public gathering areas and gently sloping public beaches suitable for public use.

2. Revise the following policies and strategies on visitor moorage.

- Current policy on page 53 Transportation: Develop launching facilities and services for hand carry boats in one or more of the following areas: at the head of the I&J Waterway, north of the ASB lagoon, ~~the Log Pond~~ the South side of the Whatcom Waterway, Cornwall Cove, and/or south of the Cornwall Avenue Landfill.
- Move the following Implementation Strategy from page 71 Parks to be a new Policy on top of page 70- Parks: Include hand carry boat launch areas and facilities for boaters within parks where topography and water depth support water access, with attention to potential impacts on near-shore habitat.
- Add a new Implementation Strategy on page 71 Parks: Park plans for the first phase of the Whatcom Waterway Waterfront Park should identify a location for a small visitor float, pier or beach area for access and temporary storage of kayaks, dinghies and other small vessels.
- Modify Figure 7-1 Parks, Opens Space and Trails on page 64 to add "Beach access/kayak launch" and "Visitor Moorage" to the text box pointing to the Waterfront Park.

3. Add the following to the description of the Log Pond Area on page 33 of the Subarea Plan:

Preferred land uses in the area also include light manufacturing and assembly, high technology, and research and development.

4. Revise Chapter 4, 4.2 Implementation Strategies, to add the following:

Provide additional flexibility in the application of development standards in the Land Use Code to facilitate the development of buildings attempting to meet the Living Building Challenge (LBC) or equivalent. Such flexibility could be in the form of incentives such as added height and floor area ratio, or less stringent adherence to certain development and design standards. The LBC is a green building certification program created by the International Living Future Institute to recognize buildings meeting the most advanced sustainable standard. Information on the challenge is available at www.ilbc.org/lbc.

5. Amend Figure 5-6: Waterfront District Street Designs to add the following disclaimer following the Figure heading:

The following street designs are conceptual. Alternate standards may be approved by the Public Works Director provided they are consistent with, and will further, the policies and implementation strategies in this chapter.

6. Amend Figure 5-6: Waterfront District Street Designs, Type II - Local Streets to reduce the lane width from 14' to 11'.

7. Add a new Section "Sea Level Rise" at end of Page 19 after Shoreline Development:

The Waterfront District infrastructure and development will be constructed to accommodate potential long-term sea level rise and tsunami conditions. Most of the site is currently located at an elevation of 5-7 feet above the Mean High Water Mark. Recent climate change studies have projected sea level to rise 15" to 50" over the next 100 years. The site grade for parks, infrastructure and development pads will be raised to levels appropriate for the design lifetime of the projects. Marine-related industrial uses which need water access and buildings or facilities with a low initial cost or short life span may be located close to current sea level elevations and modified over time to adjust to rising sea level. Commercial, residential and institutional uses with a longer building life or more significant investment will be elevated at appropriate levels to reflect projected sea level rise.

8. Add a new policy at the end of section 3.1 on page 23:

Site grades should be raised to accommodate potential long-term sea level rise and tsunami conditions appropriate to the design life-time of the project.

9. Modify multi-modal pie chart on page 45 to reflect 2010 census.

10. Delete reference to Whatcom County Building Industry "Green Community and Built Green Programs on 14th bullet, page 27.

11. Revise the first bullet on page 36 to read:

Review the assumptions, methodology and recommendations from the Waterfront District Adaptive Re-Use Assessment dated 2009, prepared by Johnson Architecture to evaluate any proposals to demolish any of the structures identified on Figure 4-3. An updated assessment of market conditions and/or developer interest in adaptive re-use should be completed for the Granary Building, Board Mill Building or east portion of the Alcohol Plant prior to demolition of these buildings.

12. Additional recommendation related to the Marine Trades Area:

The Planning Commission supports the retention of living wage marine trades jobs within the existing marine trades cluster around Colony Wharf, and favors that use over other general commercial or light industrial development. That support extends to adopting land use and development regulations that will retain the marine-related industrial environment in a way that will not unnecessarily burden existing and future marine trades or create barriers to continue the current "style" of the area. This protection could be implemented by creating a sub-area within that zone that is restricted to marine trades, additional zoning qualifiers or other mechanisms that support the intention of retaining a marine trades cluster of complementary businesses and to prevent those businesses from being supplanted by uses that could locate in any other industrial or commercial zone within the City of Bellingham.

13. Recommended Proposed Sub-Area Plan Map Changes:

- 1) Amend Fig. 4-1, 4-2, 4-3 and 4-4 to show shadowed park and trail layer in background. Remove off-site parks on maps where on-site parks are shadowed.
- 2) Amend Figure 1-1, 3-2, 3-3, 5-1, 5-5 and 7-1 to add the lower South Bay Trail connection between Wharf Street and Maple, and an Interim Bicycle Bypass trail along the base of the bluff.
- 3) Delete the Bicycle Bypass Route along Bloedel Ave. on Figure 5-1
- 4) Amend Figure 1-1, 3-2, 3-3, 5-1, 5-5 and 7-1 to add a trail connection between I&J Park and the ASB/Marina Trail. Describe this trail in a text box on Fig. 7-1.
- 5) (PC) Add the words "Beach access/kayak Launch" and Visitor Moorage" to the text box pointing to Whatcom Waterway Park on Fig. 7-1.
- 6) Amend Fig. 3-3 to change shoreline designation at head of I&J Waterway to Urban Maritime and south side of I&J Waterway to Waterfront District Mixed-Use for consistency with the adopted SMP. Amend Log Pond shoreline designation to Waterfront District Mixed-use to be consistent with the proposed land use and proposed amendment to the SMP.
- 7) Remove all on-street trails. Bicycle and pedestrian facilities are located along all Arterial and Local streets, so they do not need to be shown as trails on the maps.
- 8) Modify Fig. 3-2 text box regarding overwater boardwalk to say "so as to maximize protection of eelgrass beds" rather than "to protect eelgrass beds."
- 9) Fig. 7-1, change name of "Bay Park" to "Cornwall Beach Park."
- 10) Delete Figure 3-3, Shoreline Environment.

Recommended Revisions to the WD Development Regulations (BMC 20.37)

1) .430 H. Floor Area Ratio (FAR)

- (PC) Amend Table .430-A Summary of Floor Area Ratio Bonus Options to modify the bonus for buildings achieving LEED Silver and add an additional bonus for buildings achieving LEED Gold, Platinum or Living Building Certification as follows:

Table .430-A Summary of Floor Area Ratio Bonus Options

Bonus Option	Floor Area Bonus
<u>Minimum LEED Platinum or Living Building Certification (or equivalent)</u>	<u>2.0 FAR Bonus</u>
Public Plazas and Open Spaces	Provide 1 Square Foot of public open space; Receive 2.5 Square Feet of building space.
Affordable Housing	Provide 1 Square foot; Receive 4 Square feet bonus
<u>Minimum LEED Gold Certification (or equivalent)</u>	<u>1.0 FAR Bonus</u>
Minimum LEED Silver Certification (or equivalent)	<u>0.5</u> 1.0 FAR Bonus
Lake Whatcom Watershed Property Acquisition Program	Receive 1 SF for each Fee Unit paid (see Lake Whatcom Watershed Acquisition fee schedule)

- (PC) Amend .430 H.4.c. to add and clarify Bonus Options for buildings achieving LEED Silver, Gold, Platinum or Living Building Certification as follows:

Leadership in Energy and Environmental Design TM (LEED) Certification or Living Building Certification (or equivalent). Buildings that incorporate sustainable design may receive a graduated (0.5 to 2.0) FAR bonus. To qualify for this bonus, the proposed project shall be certified by the Planning Director as a minimum LEED Silver, Gold, Platinum or Living Building Challenge certification (or equivalent).

2) Section 20.37.440. Sustainability - amend Section .440 as follows:

- A. Applicability.** The regulations of this Section shall apply to the development of any principal and/or accessory use within any area in the Waterfront District Urban Village, except when a project incorporates a FAR bonus having LEED Certification or equivalent consistent with subsection .430 H.4.c.(3).

- Design standards (BMC 20.25.080 D.1. g.) for lighting already apply to residential, commercial and institutional development. Amend .440 C.1. concerning Light Pollution Reduction as follows:
 1. ~~Low energy use~~ **Light Pollution Reduction-** Exterior lighting in shared portions of new development with lighted areas shall be designed so that all site and building mounted luminaries produce a maximum initial illuminance value no greater than 0.60 horizontal and vertical footcandles at the site boundary and no greater than 0.01 horizontal footcandles 15 feet beyond the site. Lighting in industrial areas shall be directed downward or shielded to avoid unnecessary glare on adjacent residential or mixed-use areas.
- **Strike C.2. Water Conservation.** This is already a requirement of the Building Code; no need to be redundant.
- **Amend .440 C.3.** Landscape Irrigation to ensure consistency with Section .470 - Waterfront District Urban Village - Landscaping as follows:
 3. Landscape irrigation- Landscaping with native or drought tolerant plants which do not require permanent irrigation systems is encouraged. If irrigation systems are installed, irrigation systems shall use only captured rainwater, recycled wastewater, or water treated and conveyed by a public agency specifically for non-potable uses. Temporary irrigation systems used for plant establishment are allowed to utilize potable water if removed within three years of installation. All landscaping areas shall be consistent with BMC 20.37.470.
- **Strike .440 C.4. Local Food Production.** This is a policy statement, not a development regulation. Move it to Section 4.1 - Sustainable Development Policies of the Waterfront Plan.
- **Amend .440 C.5. Energy Conservation** to 1) read as a regulation, not a policy, and 2) be more stringent by requiring implementation of more than 1 element to qualify, as follows:
 1. Energy Conservation- To minimize energy use, new development ~~should~~ shall be designed to include ~~one~~ two or more of the following energy-reduction features:
 - ~~• Use of natural lighting~~
 - ~~• Use of Energy Star or other energy efficient appliances~~
 - Orient buildings for use of passive and active solar heating systems
 - Use of solar energy, heat, hot water systems
 - Comply with energy conservation element for LEED, GreenBuilt or other sustainable building program
 - Use of interior motion sensor light switches
 - Use of solar powered walkway or outdoor lighting
 - Use of light tubes for natural lighting
 - Use of Federal Energy Star Label Program
- **Amend .440 C.6.c. concerning Recycling Facilities** for clarity, and to insert unintended omission as follows:

- c. A ~~compost~~ collection station available to building occupants dedicated to the collection of landscaping and food wastes and other compostable materials.
- **(SC) Amend .440 C.7.** to require the submittal of the construction waste management plan, as follows:

7. Construction waste recycling - At least 50% of non-hazardous construction and demolition debris shall be recycled. The developer shall prepare and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be stored on-site or commingled, ensures jobsite personnel understand and participate in the program, and retain verification records (waste haul receipts, waste management reports, spreadsheets, etc.) to confirm the diverted materials have been recycled or salvaged as intended. The plan shall be submitted at time of building permit application or as approved in writing by the Director.

- 3) **Section 20.37.450. Parking** - The recommended revisions in this section are in response to the Transportation Commission's comment (#65 in comment tracker) to reduce parking requirements in the WD below those of the other urban villages. The staff recommendation in the comment tracker was no change, however after further consideration, we offer the following changes for Commission consideration.

Residential parking requirements should be more lenient for smaller (efficiency) and affordable housing. The current proposed standard for the waterfront is a "one size fits all" at 1 stall per dwelling unit. This penalizes affordable and small (studio) units that have less parking demand. Stopping the threshold where additional parking is required at 2 bedrooms will provide an incentive for "family" oriented housing (3-BR) if the waterfront is to attract and be affordable for families with kids.

- **Amend Table .450-A as follows:**

Table .450-A: Minimum Parking Requirements

Residential	<p>1 parking space per residential unit</p> <p><u>0.5 space per studio unit.</u></p> <p><u>0.75 space per 1-bedroom unit.</u></p> <p><u>1.00 space per unit having 2 or more bedrooms.</u></p>
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- **Amend 20.37.450 E. Parking Reduction Allowed** to reduce the currently proposed 25% reduction to 'no specified limit.' Why not allow the opportunity to reduce the parking footprint to zero? Language should also be added placing responsibility on the applicant to justify this parking reduction based on the following criteria:

E. Parking Reduction Allowed. The Planning Director may administratively reduce parking an

~~additional 25%~~ 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 a car share program, enhanced bike storage facilities, purchase of WTA transit passes for a minimum of 2 years, car pool or commute trip reduction programs, 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.

4) Section 20.37.460. Complete Streets

- **Delete Figure .460 Multi-Modal Street cross-sections** shown at the end of the development regulations and rely on the designs shown in the Waterfront District Subarea Plan as stated in .460 B.
- **Amend 20.37.460 B. as follows:**
 - B. Street width, sidewalks and bicycle facilities shall be ~~in accordance~~ consistent with the street designs for the various street types ~~described~~ depicted in The Waterfront District Sub-Area Plan, Multi-modal Circulation & Parking Chapter as illustrated in Figure .460 A. An alternate standard with equivalent pedestrian and bicycle access may be approved by the Public Works Director.

5) Section 20.37.470. Landscaping - The following changes are recommended to address the comments regarding creating a buffer between industrial and other areas.

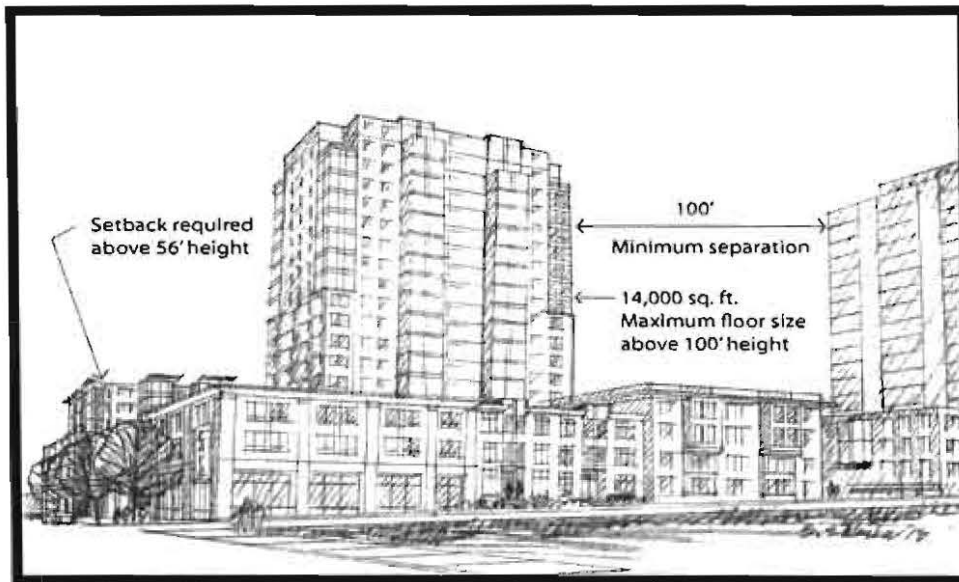
- **Amend 20.37.470 B.2.a. in Industrial Mixed Use Areas as follows:**
 - a. Where buildings containing industrial uses abut an arterial street, trail or park, a landscape buffer having a minimum of 20' deep ~~depth~~ shall be planted along the park, trail or street frontage.
- **Amend 20.37.470 B.2.b. in Industrial Mixed Use Areas as follows:**
 - b. Where open construction/maintenance/storage yards or loading areas abut an arterial street, trail or park, or are adjacent to land zoned CM or IM, a landscape buffer a minimum of 10' deep shall be planted along the park, trail or street frontage. ~~The landscaping depth may be averaged provided it is not less than 5' wide at any one point.~~

Recommended Revisions to the WD Design Standards

- 1) Amend 20.25.080 D.1.a.2). Site Design/Orientation to Street, to add additional guidance, as follows:
- 2) **Guideline:** ~~Locate the building at sidewalk edge. A larger setback may be considered in order to accommodate~~ Locate new structures to contribute to a strong "building wall" edge to the street such that they align at the front lot line and built out to the full width of the parcel, to the side lot lines. Although small gaps may occur between some structures, these are the exception. This should not preclude the provision of a wider sidewalk, public space, landscaping, art or outdoor seating.
- 2) Amend 20.25.080 D.2.a.(3), and D.2.b.(6)(b), to reference Figure 5 (See Figure 5).
- 3) Amend 20.25.080 D.2., Figure 5, to be consistent with D.2.a.(3), D.2.b.(6)(a), and D.2.b.(6)(b), as follows:

Note: Need new figure.

- 4) Amend 20.25.080 D.2., to add Figure 6, as related to D.2.b.(6)(d) and (e) (maximum floor plate size and minimum separation standards for those portions of a building over 100' tall):



(NOTE: Use the figure created for the 4/18/2013 Planning Commission power point)

Modify Design Standard 20.25.080 D.2.a.3) regarding minimum building height on page 6 of the Design Standards to read:

a. Building Scale (*existing text*)

- 1) **Intent:** Establish a building scale consistent with a highly urban downtown context.
- 2) **Guideline:** Develop a primary facade that is in scale and maintains alignments with surrounding buildings. Although a new building may tower above the surrounding buildings, the first several stories should visually relate to the surrounding context.
- 3) **Standard:** ~~Minimum building height within the Commercial Mixed-Use sub-zone is 3 stories, other than for buildings located within parks, view corridors or shoreline jurisdiction.~~ (Delete and replace with the following two standards.)

New Standard: **3. a) Minimum building height within 15' of the street frontage of arterial streets in the Commercial Mixed-use Sub-zone is 25'.**

New Standard: **3. b) Buildings within the Commercial Mixed-Use Sub-zone should have at least 3 stories of occupied space in some portion of the building. This standard does not apply to buildings located within parks, view corridors or shoreline jurisdiction.**

Planned Action Ordinance - Mitigation Measures Revision

The Commission recommends replacing Section 8-2 of the Mitigation Measures section of the PAO with the following to clarify submittal requirements for an analysis to be done prior to demolition of the Granary Building, the Boardmill building or the east portion of the Alcohol Plant.

8-2. Prior to the submittal of an application for a demolition permit for the Granary Building, the Boardmill Building or the east portion of the Alcohol Plant, the applicant shall submit an analysis of the feasibility of possible retention / reuse of these buildings. The intent of the analysis is to evaluate the retention / reuse of the buildings with consideration of structural, economic, market and land use factors. The analysis shall address the following considerations:

- The economic feasibility of retention / reuse based on a study of the market conditions at the time of application; or
- Information demonstrating that it is not economically viable to renovate the building based on responses to a Request for Proposals, or equivalent process, which did not generate any viable proposals for adaptive reuse of the building in a time frame consistent with the development of the surrounding properties; and
- Site planning constraints created when a competing development proposal requires the land where the building is located, but does not need the building; and
- The financial consideration and obligations of the owner at the time of redevelopment and environmental cleanup occurring in the vicinity of these structure; and
- Whether retaining the building for an additional time period would impact the phased implementation of Waterfront District Sub-area Plan as defined in the Waterfront District Development Agreement and the Inter-local Agreement for Facilities between the City and the Port; and
- How demolition may contribute to the potential loss of public value that is inherent with preservation or adaptive reuse; and
- How the retention or adaptive reuse of the building might contribute towards waterfront character and/or heritage tourism.

A report summarizing these factors shall be submitted by the applicant for PAO Official review. The PAO Official may request additional information needed for clarification of the analysis. None of the above shall preclude a determination by the City Building Official that the building poses an imminent threat to public health and safety.