

ORDINANCE NO. 2014-04-022

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**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) 20.00.100 LETTERED STREETS NEIGHBORHOOD TABLE OF ZONING REGULATIONS FOR AREA 8, REMOVING THE SPECIAL REGULATION LANGUAGE.**

**WHEREAS**, pursuant to BMC 20.22.010, the Planning and Community Development Director (PCDD) has initiated an applicant's request to consider an amendment to BMC 20.00.010 to remove a requirement that two properties on Halleck Street between A and B Streets can only be developed with a parking facility for the existing office building located at 2011 Young Street (Copper Building); and

**WHEREAS**, the Planning and Community Development Director (PCDD) reviewed the text amendment request and initiated action in accordance with the process and procedures established under BMC 20.22 and BMC 21.10.150; and

**WHEREAS**, the proposed text amendment would eliminate the requirement that the subject property be developed as a private parking facility to allow greater flexibility for future development under the Residential Multi zoning; and

**WHEREAS**, City staff has reviewed the proposed text amendment and determined that a private parking facility located on the subject property is not needed to serve the existing office building located at 2011 Young Street; and

**WHEREAS**, the City's Comprehensive Plan promotes infill as a major growth strategy and the Land Use, Housing and Economic Development Sections all contain specific goals and policies to maximize efficient use of underutilized or vacant property; and

**WHEREAS**, the responsible official reviewed the proposed text amendment under the procedures of the State Environmental Policy Act, and issued a Determination of Non-Significance on January 15, 2014; and

**WHEREAS**, required by RCW 36.70A.106 notice of the City's intent to adopt the proposed text amendment was sent to the Department of Commerce on January 15, 2014; and

**WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed text amendment on February 20, 2014; and

**WHEREAS**, the Planning Commission determined that the proposed text amendment complies with, and will implement the goals and policies of the Bellingham Comprehensive Plan; and

1 **WHEREAS**, the Planning Commission considered the staff report and public testimony  
2 and thereafter made Findings, Conclusions and voted to recommend the City Council  
3 adopt the proposed amendment; and  
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5 **WHEREAS**, after mail and published notice as required by BMC 21.10, the City Council  
6 held a public hearing on the proposed text amendment on April 7<sup>th</sup>, 2014; and  
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8 **WHEREAS**, the City Council considered the recommendation of the Planning  
9 Commission and the staff report and public testimony, and hereby adopts the Findings of  
10 Fact, Conclusions and Recommendations of the Planning Commission; and  
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12 **WHEREAS**, the City Council finds that the proposed text amendment is consistent with  
13 the applicable goals and policies within the Comprehensive/Neighborhood Plan.  
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15 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

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17 **Section 1.** The City Council adopts the Findings and Conclusions of the Planning  
18 Commission as attached in EXHIBIT A and incorporated by reference.  
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20 **Section 2.** The Lettered Streets Neighborhood Zoning Table (BMC 20.00.100) is  
21 hereby amended to remove a Special Regulation from Area 8 as shown in  
22 EXHIBIT B.  
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25 **PASSED** by the Council this 21<sup>st</sup> day of April, 2014  
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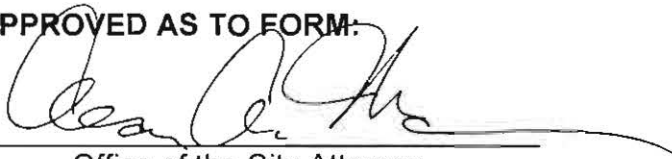
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APPROVED by me this 25<sup>th</sup> day of April, 2014

  
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Mayor

ATTEST:   
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Finance Director

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Office of the City Attorney

Published: 4-25-14

# EXHIBIT A

## BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS

FEBRUARY 20, 2014

### SUMMARY

Following the public hearing and deliberation on the proposed amendments to BMC 20.00.100 Lettered Streets Table of Zoning Regulations, the Planning Commission has determined that the proposed changes comply with and implement the goals and policies of the Bellingham Comprehensive Plan, and should be approved.

### I. FINDINGS OF FACT

#### 1. Proposal Description

Pursuant to BMC 20.22.010, the Planning and Community Development Director (PCDD) has initiated an applicant's request to consider an amendment to BMC 20.00.010 to remove a requirement that two properties on Halleck Street between A and B Streets can only be developed with a parking facility for the existing office building located at 2011 Young Street (Copper Building) (Attachment A).

#### 2. Background Information/Procedural History

- A. In 1979, the Copper building was constructed at 2011 Young Street. The owner provided adequate on-site parking required under the BMC and subsequently the required number of parking for office uses has not changed since.
- B. In 1981, the property owner applied for a conditional use permit and a setback variance to construct a parking facility on the Halleck Street properties between A & B Streets (subject property see Attachment A). The Board of Adjustment denied the proposed use of the property as a parking facility based on access point issues and the possibility of vehicles stacking on streets.
- C. In 1996 the City Council approved a modification to the Lettered Streets Neighborhood boundaries and rezoned the subject properties from Residential Single to Residential Multi. At the public hearing comments were received that a parking lot on the subject property would benefit the neighborhood by providing additional parking to the Copper building and reducing parking over flow onto neighborhood streets.
- D. In July of 1996 the City Council adopted regulatory provisions to restrict the use of the subject property to a parking lot for the office use located at 2011 Young Street.
- E. The PCDD initiated the proposed amendment based on a request from the applicant made on May 29, 2013, to amend BMC 20.00.100 and remove the special regulations limiting development of the subject property to a parking facility for the Copper building.
- F. The zoning tables and maps of the approved Lettered Street Zoning are shown in Attachment A.

### **3. Public Comment**

A Public Hearing Notice was mailed to property owners, neighborhood representatives and Associations, and other interested parties. Notice also published in the Bellingham Herald. Two comments were received in support of the proposed amendment. Testimony was received at the Public Hearing.

### **4. State Environmental Policy Act (SEPA) Determination**

The City issued a SEPA threshold determination of non-significance on January 15, 2014. Notice of the SEPA threshold determination was published in the Bellingham Herald on January 19, 2014.

### **5. Consistency with the Comprehensive Plan Amendment Decision Criteria**

Pursuant to BMC 20.22, Text Amendments do not have specific criteria for consideration but are reviewed for consistency with the City's Comprehensive Plan by the Planning Commission and City Council. The City's Comprehensive Plan identifies infill as a major growth strategy, particularly near employment opportunities in the Downtown Subarea. The Land Use and Housing Chapters of the Comprehensive Plan support infill development on vacant or underutilized land. Furthermore, the Economic Element of the Comprehensive Plan provides the following guidance for the subject proposal; "review land use regulations, development standards and design guidelines to ensure that the existing developed and remaining vacant or underutilized employment lands are used as efficiently as possible". The proposed text amendment is consistent with the Framework, Land Use, Housing and Economic Development Chapters of the Comprehensive Plan (See Attachment B for a list of goals and policies in support/opposition of the subject amendment).

## **II. CONCLUSIONS**

The Planning Commission concludes:

1. The proposed text amendment would ensure consistency between the Lettered Streets Neighborhood Plan, Area 8 zoning and overall goals and objectives within multiple elements of the Comprehensive Plan.
2. To implement the goals and policies of the comprehensive plan and ensure consistency with the Lettered Streets Neighborhood Plan, the special regulations within the zoning table for Area 8 of the Lettered Streets Neighborhood need to be amended.
3. The proposed amendment will allow reasonable use of the subject property consistent with the zoning privileges and regulations enjoyed by other property owners within the immediate vicinity.
4. The proposed amendment will be in the best interest of the residents of Bellingham by providing an infill development opportunity near existing services/employment while also maximizing use of underutilized undeveloped land.
5. The proposed amendment is consistent with the Growth Management Act planning goals and will ensure the subject regulations are revised in a manner consistent with the current community vision in an open and transparent public process through both the Planning Commission and City Council.

**III. RECOMMENDATION**

Based on the Findings of Fact and Conclusions, the Bellingham Planning Commission recommends that the City Council approve the text amendment removing the special regulation under Area 8 of the Lettered Streets Neighborhood as shown in the Zoning Table in Attachment C.

ADOPTED this 20<sup>TH</sup> day of February, 2014.

  
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Planning Commission Chair

ATTEST:   
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Recording Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

## EXHIBIT B

### BMC 20.00.100 Lettered Streets Neighborhood Table of Zoning, Area 8

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
8	Residential Multi	Multiple, mixed (offices allowed)	1,500 sq. ft. per unit for residential	Screen at time of development for property abutting Halleck St. between A and B Sts.; steep slopes; view on properties facing or SW of Holly St.; design criteria for office and multifamily housing of two units or more; historic.	None	<del>The property on Halleck St. between A and B Sts. shall only be developed with a parking facility for use by the office building at 2014 Young St. (Copper Building).</del>

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