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November 28, 2011

Ms. Nicole Oliver
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

RE: Briar/Haggen Comments on Fairhaven Urban Village Plan

Dear Ms. Oliver,

I am writing on behalf of Briar Development Inc. and Haggen, Inc. to provide comments on the Fairhaven Urban Village Plan framework documents prepared by staff.

My first comment is on the maps showing the boundary of the Fairhaven Urban Village. The urban village boundary does not encompass the eastern half of the block behind the Haggen store as we had requested. It is my understanding, after discussing this issue with you that the proposed urban village boundary was drawn based on the current Fairhaven Neighborhood Boundary and that the comprehensive plan amendment request is still being processed by the City and will be considered separately but along with the Fairhaven Urban Village Plan. Thank you for clarifying this issue at the public meeting on the 16th. I assume that if the final decision of the City Council is to include the eastern half of the block into the Fairhaven Urban Village, the final Urban Village Boundary would be drawn to reflect the Council's decision.

My remaining comments concern the October 2011 Design Guidelines Strategy. The first concern is that with the implementation of new guidelines existing buildings, including the Haggen store building, that are not in compliance with the guidelines will become non-conforming. This will mean that modifications, including enlargements to non-conforming buildings will become problematic. Under the City's regulations, changes made to non-conforming buildings are required to conform to the design guidelines to the "extent practical," the meaning of which will likely need to be negotiated for each project. The potential increase in cost and time of trying to comply with a vague standard could discourage property owners from proceeding with improvements. We raised this issue during the Fountain District Urban Village Planning process. Our concern is equally applicable here. We ask that staff keep this issue in mind when preparing the Fairhaven Urban Village development regulations.

The second concern is that the design standards are one size fits all. The standards assume that all of the allowed uses can be housed and successfully operate in structures that can meet the design standards. With respect to the operation of the Haggen grocery business, this is not the case. The proposed design standards pertaining to building frontage at the sidewalk is an impractical requirement for a grocery store business. The topography along the street frontage of the Haggen store site only serves to make this requirement more impractical. I ask that you take these factors into account as you work on the final draft of the design standards. I would be happy to meet with staff to discuss this issue further.

Thank you and the other staff members for all of the work you have put into the Urban Village Planning effort.

Very truly yours,

Donovan F. Kehrer

cc: Gary Hall, Briar Development Company