



Re: Fairhaven Neighborhood and Urban Village Plan public input report
David Moody to: NOliver

08/08/2011 12:50 PM

Dear Nicole Oliver;

As a property owner 80' from the City of Bellingham Definition of Fairhaven. and a Businessperson working in Fairhaven for 30 consecutive years. A member of the Old Fairhaven Association (off and on for over 30 years and a current member) and member of the Fairhaven Neighborhood Association and a Member of the Fairhaven Village Association. I make the following recommendations on the Comprehensive Plan for the future of Fairhaven.

There should be a Urban Village Designation and Comprehensive plan For the Fairhaven Village.

The height limitation should be 54 feet and 75' for the core areas. (giving equal competitive zoning with the Samish Urban Village Plan).

The Three existing Assoc should be given equal voices as to impute to the city of Bellingham Planning process in regards to zoning planning and building codes.

Interconnected transportation between Downtown Fairhaven and WWU should be given high priority with incentives given for innovative transportation (water taxis single car rail transportation)

The Fairhaven District for over 130 years has been a commercial, cultural, industrial, residential, environmental, entertainment node and important academic philosophical interface venue, Urban Village that has been a major part of what the City of Bellingham and Whatcom County as a whole.

Architectural standards with specific elements, linking the Victorian, Eclectic and Arts and Crafts styles of the past with the present Owners residence merchants industrialists, students, visitors, customers, and all creatures need to be honored and addressed.

I feel the comprehensive plan should be Planning staff driven with emphasis given to encouraging the economic and cultural vitality of Fairhaven now and for the future

David Moody

----- Original Message -----

From: NOliver@cob.org

To: [undisclosed-recipients:](#)

Sent: Friday, August 05, 2011 3:04 PM

Subject: Fairhaven Neighborhood and Urban Village Plan public input report

Hello Fairhaven Stakeholders:

Thank you for those who have submitted public comment on the process thus far. Although we had agreed to close public comment at the end of July, I have received a substantial amount this week. Therefore, any public input received as of today will be included in the Public Input Report that is a synopsis of the 5 public meetings held in May and June. I plan to issue the Public Input Report next week. Your continued participation and engagement in this process has been wonderful. Public comment is welcome throughout the remainder of the process - and there is a lot of work ahead of us.

The Fairhaven Neighborhood and Urban Village Parking Study is due to be complete within the next few weeks, and a Survey and Inventory of Historic Resources is now underway. We anticipate launching draft design guidelines, along with the key plan concepts, in early October.

Thank you again for your assistance and support for this critical community planning effort. Now get

outside and enjoy the sunshine!

Nicole

Nicole C. Oliver

Communication Coordinator

City of Bellingham

360.778.8353

www.cob.org



Re: Fairhaven Neighborhood and Urban Village Plan public input report

Jonasson to: NOliver

08/09/2011 09:19 PM

Cc: billgeyer, bsimus, john, FHaskell, ralphwblack, dkr, sandcastle

8.9.2011

Dear Nicole,

Regarding the on-going issue of the best design guidelines for the Fairhaven:

As you are aware, I have been an owner of commercial property in Fairhaven since the early 70s. More than once I have watched Fairhaven start to thrive, just to slip back to closing businesses and shut up buildings. Then, in the late-90s, new investors had a vision and started pouring in money to make Fairhaven what it is today. This, however, is not at all a static condition. It is ever changing and needs to be nurtured to thrive and survive.

The big question becomes, what does it take to keep Fairhaven viable? As mercenary, and as non-romantic as it may sound, the magic answer is *profit*. It takes *profit* for the people in business, and it takes *profit* for those owning the property. It means that the amount of rent needed to cover the financial investment in the dirt, brick and mortar must not exceed the amount that people are willing and able to pay in rent for their business or to purchase. If this balance gets out of sync, the system grinds to a halt. Anyone who says otherwise is misguided.

I have some significant concerns that there are people who, with no financial investment or responsibility in the commercial area, are weighing in heavily in promoting design elements because they think they are attractive, or of 'human scale', or what ever, but never is it because it makes financial sense.

As a side-line, it troubled me to sit through a meeting with the *Board of Equalization* when my taxes went up well over 30% in one year and a professional appraisal (which was needed for the financing on my property) came in \$500,000 less than the *assessed* value, to be told that '*people are willing to pay a premium to be in Fairhaven.*' No adjustment was made in my assessment or taxes and yet tenants were struggling in these difficult financial times. I saw the *gold goose* gagging.

There also seems to be some fear that, being left to their own devices, commercial property owners will run amuck unless their options for building on their property is severely limited. If given the opportunity, part of the profit motive is creative design. Not everything needs to look alike. It just needs to look good. Creativity and diversity make things interesting. Building that flexibility in to the system should be a goal. Another bit of reality is that people should not be able to totally control what some one else does on his/per property without considering the reciprocal to be acceptable.

I must add one caveat about building height. People not in the business seem to under appreciate that the cost per square foot of the total project -- and therefore what it needs to rent for or sell for -- is directly related to the cost of the dirt. In general, a one- or two-story building on the same footprint will cost more per square foot, when the cost-of-the-dirt is taken in to consideration, than will a taller building. Most of the time the dirt is too expensive for a very low building to pencil out. If the City concludes that lower heights are desirable, then perhaps those building owners should be rewarded with substantially lower taxes, and the shortfall spread amongst the residential areas that find such features desirable.

In short, aside from whether or not the buildings are one color or another, one height or another, articulated or not, the *guiding principal* for all, and I repeat, *all* decision-making in Fairhaven needs to be, will it make sense financially for those who own the property and for those who do business there?

This philosophy should also carry forward to decisions that relate to the needed infrastructure improvements.

**Regards,
Phyllis McKee
1106 Harris # 206
Bellingham 98225
360.676.5278**

In a message dated 8/5/2011 3:03:47 P.M. Pacific Daylight Time, NOliver@cob.org writes:
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Nicole

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August 11, 2011

Nicole Oliver
Community Coordinator
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

Re: Fairhaven Neighborhood/Urban Village Plan
Public Input

Dear Nicole:

Please accept this as some of my input to the Fairhaven Neighborhood and Urban Village Plan. I have attended some, but not all, of the meetings since 2007. I provide this written comment to supplement all the other input I have provided.

1. Promote Fairhaven as **The Urban Village**: I have been working in land use law almost since the Growth Management Act (GMA) was started. The clear intent of the GMA is to limit sprawl and focus urban development in urban areas. Through the extensive planning by the City of Bellingham, Fairhaven has been identified as the primary urban area to be developed to urban levels. Through the city's Comprehensive Plan, Fairhaven has been identified as the priority urban site, above Barkley, Old Town and the Samish Neighborhood. And for good reason. There exists all of the infrastructure to accommodate dense urban development. There exists current urban uses that would be augmented by additional urban development. And urban development in this area is consistent with all the comprehensive planning undertaken by the City of Bellingham.

Accordingly, the Neighborhood Plan and Urban Village Plan must allow for urban development as dense as, if not denser than, Old Town, Barkley and the Samish Neighborhood.

Only if such dense development is allowed will the purpose of the GMA be fulfilled and the extensive planning undertaken by the City of Bellingham to date conformed with.

Nicole Oliver
Community Coordinator
City of Bellingham
August 11, 2011
Page 2

2. Enough of Height Limits and Views: I continue to be astounded that this is a paramount issue for the urban village planning process. No property owner has the right to a view unless they have established an easement. No such easements exist in Fairhaven (to my knowledge). Cities across the world function well without the deprivation of property rights through zoning fiat. So why is so much time being spent on this issue? Rhetorical question, to be sure. But I ask the city to recognize that while a small number of residential property owners promote this issue above all else, height and view limits can only serve as a detriment to the success of Fairhaven as an Urban Village.

The success of urban development is not dependent upon views. Successful development is based upon economics and financial viability. Creating view corridors/height restrictions will only create small amounts of value for the people who own the properties whose views are protected. Such protection will not result in any financial benefit to the Fairhaven economy. Look at the waterfront in Seattle, Vancouver, San Francisco, Barcelona, London, Nice, Venice, Portland (need I go on?). All of these cities are recognized for their unique and desire “quality of life” and NONE have the restrictive view protections/height limits proffered by the minority of residential neighbors. Each of these cities depends upon dense urban development to promote economic investment that allows for financial success.

Go to the Pearl District in Portland. When I was in college there, Northwest Portland was a depressed rundown post-industrial neighborhood. In the 1980’s and 90’s, the city promoted redevelopment of that area. No view corridors, height limits of no less than six stories in most areas, and very dense development was zoned for. The result — renamed the Pearl District, it is now among the most desirable neighborhoods in Portland. It has a wonderful urban neighborhood feel. No, you cannot see the river, Mt. Hood or Forest Park. You see buildings, streetscapes, and some small urban parks. But a true urban quality of life abounds.

In contrast, view protection/height limits impose a significant constraint upon development opportunities. As such restrictions are imposed, the developable capacity of land is reduced. This makes development of property less viable: simply less ability to create the needed developable area while providing for required infrastructure (storm, environmental mitigation, parking, setbacks, etc.) So much land is consumed by these restrictions that development no longer becomes viable. Ultimately defeating all the urban planning — yes, Fairhaven is an urban village, but there would be so many restrictions that urban development could not occur.

Nicole Oliver
Community Coordinator
City of Bellingham
August 11, 2011
Page 3

Or development is viable for only expensive, high-end developments. Does the Fairhaven community really want only high-priced stores, restaurants and hotels that will be required to pay the high rents that will result from these restrictions? No, we do not.

Instead of proceeding forward with fluffy ideas such as “quality of life,” “continuity of the neighborhood,” and “aesthetic feel,” the city is duty-bound to look at the goals and purposes of the GMA. Here, the goals are clear – provide the regulatory framework to allow Fairhaven to fulfill its designated role as an urban village. The city must look away from subjective determinations that would only thwart the purposes of the GMA and result in sprawl.

3. Development Standards: The development standards to be included in the urban village plan must be simplified, unified and consistent with urban purposes. The zoning classifications must be simplified to those proffered by the Fairhaven property owners and the Fairhaven merchants. The entire process must be more predictable to allow for urban development to occur.

An excellent example is the Fairhaven Harbor project. The current multi-layered zoning/design/environmental/neighborhood requirements have been the primary impediment to urban development of this property. A plan that was originally approved by the city took years and hundreds of thousands of dollars of the property owner’s money to obtain. The delay and expense ultimately spelled the demise of the project. But for the regulatory morass that is involved in Fairhaven, that project would have gone forward and promoted urban infill as required in the Bellingham Comprehensive Plan.

The city must fulfill its duty to simplify, organize and streamline the development regulations so that the urban infill required by the GMA can actually occur.

4. Identify Actual Neighborhood Associations: We all know of the frustration and friction in Fairhaven. Because the city lacks any formal procedures for identifying a truly representative neighborhood association, a small group of residents (both renters and property owners) has effectively dominated the landscape and promoted positions that are inconsistent with the true majority of Fairhaven – those residents that do not belong or participate in the residential neighborhood association, the commercial businesses and the commercial property owners. For the city to truly establish an effective neighborhood association for the city’s purposes, the neighborhood plan must identify a new neighborhood association that includes people from all factions. Reliance upon any of the three will only continue to promote dissention and fractionalization. Not surprisingly, a small group of residents that compose the Fairhaven Neighbors opposed

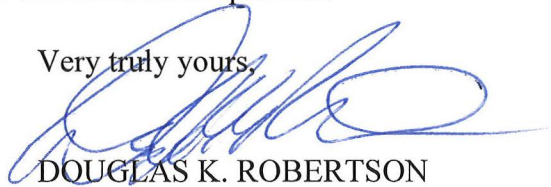
Nicole Oliver
Community Coordinator
City of Bellingham
August 11, 2011
Page 4

this. In fact, they walked out of the mediation established by the city to try and develop a true representative neighborhood association.

Until the city addresses this issue, dissention and dispute will continue.

Thank you again for allowing us to comment on the process.

Very truly yours,



DOUGLAS K. ROBERTSON
Attorney at Law

DKR:kms