

DONOVAN KEHRER & ASSOCIATES  
Planning & Development Services  
P.O. Box 248  
Bellingham, WA 98227

Phone: (360) 733-8334

Email: dkehrer@Kehrerassoc.com

February 15, 2011

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

RE: Fairhaven Urban Village Plan and Related Documents December 21, 2011 Draft:  
Comments by Briar Development Company LLC, owners of the Hagen Fairhaven  
Market.

Dear Ms. Oliver,

I am a planning consultant representing Briar Development Company LLC, owners of the Hagen Fairhaven Market building and land. Briar Development is owned by members of the Hagen family. I am writing on Briar's behalf to provide comments on the Draft Fairhaven Urban Village Plan, Design Standards and development regulations released on December 21, 2011 particularly in relationship to the Fairhaven Market property. As you know from the comments that I submitted in a previous letter dated November 28, 2011, Briar was concerned that the design concepts proposed at that time would create practical difficulties for making improvements to the existing Fairhaven Market and for redeveloping the site with a larger store using property owned by them behind the existing store.

Those previous concerns have not been alleviated by the language proposed in the December 21<sup>st</sup> draft. There is still language in these documents that makes it unnecessarily difficult to improve or redevelop the existing store by imposing impractical requirements for parking and store front location. The design standards, as least as they affect parking and the placement of buildings on the site, are more restrictive than they need to be to maintain the urban village street front character. Landscape buffers, architectural walls and screens and other measure can be used to maintain that character.

The attached document titled Draft Fairhaven Urban Village Documents - Requested Revisions shows changes that should be made to these documents to address the fact that for some uses and some locations, there is no practical way to achieve compliance with certain parking and building location requirements. Since the plan identifies that Fairhaven currently “is a model of a functioning urban village...”, it is reasonable to assume that the current way the store operates contributes to the functionality of the urban village. Therefore, since the proposed revisions as attached support the way the store currently operates, the adoption of these changes to the proposed standards would not adversely affect that functionality.

In addition to the requested revisions to the design policies and standards, we are requesting changes to FNUVP Policy 3.14 which currently states that the existing network of streets and alleys should be retained for public access. There has been no analysis that we are aware of that supports the notion that the current street and alley system warrants this level of protection for public access. We are requesting a change in the wording for this policy that would allow the vacation of rights-of-way for other uses if functionally equivalent pedestrian access is provided. We have also requesting similar wording be added to Section C of Chapter 4 of Exhibit X- Fairhaven Urban Design Standards to address the same issue. Finally, the section of 13<sup>th</sup> street from Harris to Larrabee should not be considered part of the “commercial shopping” street network of Fairhaven . As you are aware, we expect to submit an application to vacate the portion of 13th street between McKenzie and Larrabee streets in the future.

This concludes my comments on behalf of Briar Development Company LLC. I hope that you give the list of requested revisions your serious consideration. They address concerns that are of great importance which if not addressed would have a serious adverse effect on Briar’s ability to improve the Fairhaven Market and keep it a vital part of the Fairhaven community.

Thank you and the other staff members once again for the work you have put into developing these draft documents.

Very truly yours,

Donovan F. Kehrer

cc: Gary Hall, Briar Development Company

## Draft Fairhaven Urban Village Documents -

### Requested Revisions

#### Briar Development Company - Owners; Haggen Fairhaven Market

#### I. Fairhaven Neighborhood and Urban Village Plan

FNUVP Page 15

**Policy 2.2** In order to maintain a pedestrian friendly streetscape, where practical parking should not be permitted between the building and the street.

Where such parking has been in place and is necessary to the nature of the business, an exception could be made with no increase in size of parking area and if mitigation such as buffering is provided. See the Parking Chapter for more information on parking

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**Policy 3.6.** In the Historic District and Historic Influence Area, Provide a pedestrian-friendly street edge by maintaining strong alignment and traditional uninterrupted character of the commercial “building wall” edge. Where the traditional “building wall” edge is not or cannot be maintained, appropriate edge-of-sidewalk improvements such as landscaping, walls, screening or other measures should be used to maintain a strong alignment and visual interest.

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**Policy 3.14.** The existing network of streets and alleys should be retained for public access provided that street, alley and other right of way vacations could be considered if functionally equivalent pedestrian circulation is provided and the right of way is not an important component of the overall vehicular circulation network.

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Non-arterial Commercial Streets - There are several “commercial shopping” streets within the Fairhaven Village Core. Their primary function is to provide parking, circulation and pedestrian accessibility throughout the heart of the commercial district. Each intersection is 4-way stop controlled with pedestrian bulb outs and marked crosswalks. Most blocks have sidewalks, street trees, angle or parallel parking and very slow vehicle speeds. These streets include:

- 10<sup>th</sup> Street between Harris and Mill
- 11<sup>th</sup> Street from Finnegan Way to Larrabee Avenue
- McKenzie Avenue from 8<sup>th</sup> to 12<sup>th</sup> Street
- Larrabee Avenue from 10<sup>th</sup> to 14<sup>th</sup> Street
- Mill Avenue from 10<sup>th</sup> to 13<sup>th</sup> Street
- 13<sup>th</sup> Street from Mill to [Larrabee Harris](#)

## II. Fairhaven Urban Village Design Standards

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### b. Ground Floor Details/Street Level Interest

Buildings in and directly adjacent to the HD DRA Contribute to a strong “building wall” edge because they align at the front lot line and are usually built out to the full width of the parcel. Although small gaps do occur between some structures, these are the exceptions.

***Intent:** Provide a pedestrian-friendly street edge by maintaining strong alignment and traditional uninterrupted character of the commercial “building wall” edge.*

**Standard:** In the HD and HI DRAs, whenever practical the building shall be aligned at the sidewalk edge, with some allowance for courtyards as specified below. For some existing uses in the HI DRA, including a retail grocery store and two service stations this standard cannot be practicably met not only because of the type of use, but at least in one instance, because of topography. For current and future development of the same uses on these sites, edge-of-sidewalk improvements such as landscaping, rockeries, walls, screening or other measures shall be used to maintain a strong alignment and pedestrian friendly street edge.

**Standard:** Courtyards, dining areas and plazas are encouraged, but to maintain the continuity of the commercial street wall, no more than 25% in the HD and and except as provided in the standard above, no more than 35% in the HI of a building front shall be setback from the sidewalk edge. Use Landscaping elements shall be used to define the sidewalk edge along setback frontage.

**Guidelines:** In the II and MI DRAs, a larger percentage of building set back shall be considered

**Standards:** Courtyards and open spaces shall be linked to the sidewalk and/or pedestrian walkways.

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### C. Specific Standards

#### 1. Connectivity

Convenient vehicular, pedestrian and bicycle access should be provided among properties to achieve a sense of being integrated into a coherent neighborhood and to reduce automobile impacts.

**Intent:** Provide for a ~~Retain the~~ network of streets, alleys, and pedestrian walkways sufficient to fulfill the connectivity design policy stated above.

**Standard:** The existing network of streets, alleys, and walkways shall be retained for maximum access and as public circulation, space and shall not be closed to public access- unless alternative provisions are made for pedestrian and bicycle circulation and in the case of street vacations the right of way is not an important component of the overall vehicular circulation network.

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## 5. Parking

Minimize the visual impact of surface parking and structures parking. On-site parking should be subordinate to all other uses. Design new parking facilities to be attractive, compatible additions to Fairhaven thorough the use of high quality material, underground parking and by providing active uses and landscaping at the sidewalk edge.

**Intent:** *Minimize the visual impact of existing and new surface parking lots as seen from the street.*

**Standard:** Parking shall be located internal to building or parcel with minimal exposure to the street. Choose from the following options:

- a. Screen existing parking areas with other uses, architectural elements or landscaping; or
- b. Locate at grade, and screen with other uses; or
- c. Locate at grade, and screen with architectural elements or landscaping; or
- d. Located underground.

**Guideline:** Parking garage ventilation in the sidewalk is not appropriate.

**Standard:** Parking driveways shall be located to avoid high pedestrian traffic streets-~~be designed to~~. Parking entrances shall be designed to maximize pedestrian safety by maintaining the sidewalk grade and edge; by maximizing pedestrian visibility; and by incorporating safety features such as signals, mirrors and differentiated paving.

**Standard:** Locate parking area at the rear or the side of a site or building, or to the interior of the block unless the use necessitates otherwise such as retail groceries and service stations, or site conditions such as topography do not provide practical alternatives. Do not place parking between a building and street, or at intersections except for uses which typically require front entrance parking for convenience and safety such as retail groceries and service stations, or where site conditions, such as topography, do not provide practical alternatives, in which case provisions such as those described in the following standard shall be made to minimize the exposure of parking areas to pedestrian ways. Special care shall

~~be exercised in providing screening on corner properties to provide a sense of enclosure to an intersection. This is especially important on corner properties, which are general more visible than interior lots, serve as landmarks, and provide a sense of enclosure to an intersection.~~

**Guidelines:** Where parking facilities interrupt the pattern of building facades on the street, the entry creating the break in the façade shall be minimized. Site a surface lot so as to minimize gaps in the continuous building wall of a commercial block.

**Intent:** *Reduce the visual impacts of structured parking on public streets, public open spaces and residential zones. Provide a visual buffer where a parking lot abuts a public sidewalk.*

**Standard:** A 2.5' to 3.5' wall or evergreen hedge is required along the street frontage of any street level open parking lot. Open trellis work or similar features that can be through may extend above the wall. Materials shall be compatible with those of nearby buildings. Include street trees with canopies above pedestrian height. Planting beds shall be at least 5' wide.

**Standard:** Visually screen parking lots from abutting residential zoned areas. Provide wood or masonry fences to prevent headlights from shining into residences. Chain link fencing with slats is not an acceptable screen.

**Standard:** Parking lots abutting an alley shall have alley only access.

**Standard:** Structured parking levels that are adjacent to a public street or open space, or a residential zone shall be screened or treated architecturally by window openings, landscaping designed screen the façade, decorative meter grills, and/or other approved devices that meet the intent. They shall not be visible from pedestrian commercial streets (see Figure xx on page xx).

**Intent:** *Provide well-lit and convenient pedestrian access to parking facilities.*

**Standard:** Where new or renovated parking facilities interrupt existing patterns of pedestrian circulation, provide safe pedestrian routes through the site.

**Guideline:** Maintain strong emphasis on the pedestrian environment at the sidewalk crossing of parking access points.

**Guideline:** Design a parking facility with quick access and clear separate pedestrian routes to the outside.

**Guidelines:** Plan interior and exterior lighting to assure user safety.

**Intent:** *Consider Low-Impact Development (LID) techniques when designing parking facilities and select hardscape surface materials that help control stormwater generation and improve aesthetics where feasible.*

Guideline: Use porous pavement surfaces such as grass pavers, permeable interlocking concrete pavers, and/or reinforced gravel developed to allow stormwater infiltration.

### **III BMC 20.37 Urban Village**

#### ***20.37.330 – Fairhaven Urban Village - Development***

##### **B. Special Development Regulations**

##### **3. Residential Transition Area 4 (RT-4)**

**a. Maximum Use Size.** Individual non-residential uses(s) on a site shall not exceed the floor area of:

(1) Any building(s) on site existing as of (date of adoption) and originally build for residential use, or;

(2) 2,000 SF or gross floor area for new development, or;

(3) Floor area in excess of 2,000 square feet may be allowed as a conditional use provided the open space requirement of 20.37.330.3.b is met.

An addition in floor area to such buildings may be approved by the Planning and Community Development Director when existing buildings are to be joined by a mutual addition.

**b. Open Space.** A minimum of 10% of the total site area shall be left as an open space when a property is developed with non-residential uses.

#### ***20.37.350 – Fairhaven Urban Village – Parking***

**A. Applicability.** The regulations of this Section shall apply to the development of principal and/or permitted accessory uses within any area in the Fairhaven Urban Village except as follows:

1. Residential Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development or BMC 20.32 Residential Multifamily Development.

2. 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.

#### ***20.37.360 – Fairhaven Urban Village – Landscaping***

**A. Applicability.** The regulations of this Section shall apply to the development of principal and/or permitted accessory uses within any area in the Fairhaven Urban Village except as follows:

1. Residential Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development or BMC 20.32 Residential Multifamily Development.

#### ***20.37.370 – Fairhaven Urban Village – Signs***

**A. Applicability.** The regulations of this Section shall apply to the development of principal and/or permitted accessory uses within any area in the Fairhaven Urban Village except as follows:

1. Residential Development in Residential Transition Areas shall comply with BMC 20.28 Infill Housing, BMC 20.30 Residential Single Development or BMC 20.32 Residential Multifamily Development.
2. Signage for industrial uses in industrial zoned areas shall comply with BMC 20.36 Industrial Development. All other uses shall comply with the sign regulations herein .