



Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
fax: 360-778-8301
www.cob.org

COMPREHENSIVE / NEIGHBORHOOD PLAN AMENDMENT
DOCKET APPLICATION FORM

TO BE COMPLETED BY STAFF
Date Received 3/31/14
Case Number 2012014-00001

Use this form to request docketing of a proposed Comprehensive Plan and or Neighborhood Plan amendment(s). Applications may be submitted at any time but must be received by April 1 of each year for review during the following year. Please complete the following and attach additional pages as needed. Incomplete applications will not be accepted.

1. An application must include the following materials:

- Docket Application Form.
Fee payment calculated at 10% of the total comprehensive plan amendment fee.* The fee is not refunded if the proposal is not docketed. The fee is calculated as follows:

(a) Non-site specific Comprehensive / Neighborhood Plan amendments:

\$1,594 base fee + \$255 notice fee x 0.1 = \$185 due at docket application.

OR

(b) Site specific Comprehensive / Neighborhood Plan amendments:

\$1,594 base fee + \$255 notice fee + \$213 per acre over first acre (\$12,750 max.) x 0.1 = fee due at docket application. Final fees will be calculated at the time the application is submitted.

*Recognized Neighborhood Associations are exempt from this fee.

2. Applicant: Upside Partnership Phone: 408-799-3131

Address: 6691 Leyland Park Drive

City/State/Zip: San Jose, CA 95120-4637

Email: drc9988@gmail.com Fax: -

Name of contact if applicant is a group: Edward Cheng

I have read the application materials and acknowledge that if the proposed amendment is approved by the City Council for inclusion in the annual docket, a complete Comprehensive / Neighborhood Plan Application must be submitted within 30 days of the Council's docket decision or a date approved by the Planning and Community Development Director in order to continue to final review. Failure to submit a complete application prior to the deadline may result in removal from the docket.

Applicant signature: [Signature] Date: 03/31/14

3. Provide an explanation of how the proposed Comprehensive or Neighborhood Plan amendment meets one or more of the docking criteria listed in **Bellingham Municipal Code 20.20.030 A. (2)**. (Docketing criteria - page 4 attached)
4. If the proposal includes general Comprehensive Plan or Neighborhood Plan amendments that are not site-specific, please describe your amendment proposal as specifically as possible and attach it to this form. If specific wording changes are proposed, show the changes in strikethrough and underline format. Reference the location in the Plan where the change is proposed.

Complete the following sections if the proposal includes a site-specific amendment to a comprehensive plan land use designation.

Property Owner

Name: Upside Partnership Phone: 408-799-3131

Address: 6691 Leyland Park Drive

City/State/Zip: San Jose, CA 95120-4637

Email: drc9988@gmail.com Fax: ---

Owner's Authorized Agent/Contact

Name: AVT Consulting, LLC / Ali Taysi Phone: 360-527-9445

Address: 1708 F Street

City/State/Zip: Bellingham, WA 98225

Email: ali@avtplanning.com Fax: ---

Property Information

1. Assessor Parcel Numbers: See attached narrative.
2. Attach a map (8.5" x 11") identifying the property included in the proposed amendment and showing parcels and streets located within and adjacent to the site.
3. Neighborhood Name: Samish Area Number: 9
 Current Comprehensive Plan Land Use Designation: Commercial
4. Proposed Comprehensive Plan Land Use Designation: COMMERCIAL
5. Current Zoning: Planned Commercial, NON-RETAIL
6. Proposed Zoning: PLANNED COMMERCIAL

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent:  Date: 03/31/14
City and State where this application is signed: BELLINGHAM, WA

BELLINGHAM MUNICIPAL CODE

20.20.030 ANNUAL DOCKETING CRITERIA

A. The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

- (1) The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the timeframe of the annual review process; and
- (2) The proposal meets one or more of the following criteria:
 - a. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;
 - b. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;
 - c. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;
 - d. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or
 - e. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan.

UPSIDE PARTNERSHIP
TEXT AMENDMENT OF NEIGHBORHOOD PLAN
& ZONING TABLE
NARRATIVE

I. Subject Site / Properties Information

Address: 0 Samish Way, Bellingham, WA 98226

Tax Parcel Number(s):

**370306 362350 0000, 370306 363356 0000, 370306 364364 0000, 370306 365373 0000,
370306 374471 0000, 370306 375360 0000, & 370306 372350 0000**

Owner: Upside Partnership

Applicant: Same as Owner

Agent(s): Ali Taysi, AVT Consulting LLC, 1708 F Street, Bellingham, WA 98225

II. Subject Site / Property Description

The subject property is located at 0 Samish Way, located between I-5 and Samish Way, in Bellingham, WA (the "Property"). The Property is consist of **seven lots and totals approximately 73,000 square feet +/- or 1.7 Acres +/-** in size and is Lots B, C, D and portions of B, C, and D of the Samish View Short Plat subdivision. It is located within Section 6, Township 37 North, Range 03 East, W.M.

The property is zoned Commercial, Area 9 of the Samish Neighborhood and the Use Qualifier is Planned, Nonretail.

The Property is currently undeveloped. Neighboring properties are developed with commercial structures; the Elks Lodge adjoining to the North, Community Baptist Church to the South, Church of Christ to the East (across Samish Way), along with residential single family residences scattered in between and surrounding those commercial buildings. The subject property fronts an improved street (Samish Way) with all utilities, water, sewer and storm existing. There is no curb, gutter or sidewalk abutting the property.

III. Proposed Amendment

The proposed amendment includes a text amendment to the zoning table for Area 9 of the Samish Neighborhood and also a text amendment to the Area 9 description within the neighborhood plan. The Area 9 zoning table identifies the zoning as Commercial, Planned – non-retail. The special regulations within the zoning table limits the allowed uses to a short list of office type uses. This list of allowed uses is much shorter than the base line allowed uses provided for in the Commercial, Planned designation generally. This list does not permit non-office commercial uses or mixed uses, both of which are allowed in the Commercial, Planned designation generally. The same restriction on use is identified in the text of the neighborhood plan description for Area 9. The proposed

amendment would remove the “non-retail” reference in the zoning table, as well as the entire special regulations restriction limiting uses to office types. The proposed amendment would also remove the restrictive language in the Area 9 description in the neighborhood plan, and replace the description for Area 9 with new updated language (proposed language is attached). This change is intended to facilitate a site specific residential project with a commercial component, which is a use permitted outright in the underlying Commercial, Planned designation. Additional information is intended to be provided to supplement review of this application prior to docketing. Site specific conceptual plans will be prepared and provided with the completed application if the proposal is docketed.

IV. Docketing Criteria

20.20.030 ANNUAL DOCKETING CRITERIA

A. The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

(1) The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the timeframe of the annual review process; and

This proposal is site specific and very straightforward including only a minor change in the zoning table and text of the neighborhood plan. It does not involve a change in the comprehensive plan designation for Area 9, which will remain Commercial. The applicants are committed to engaging with staff and providing a high level of detail regarding the project specific proposal in the event that the proposal is docketed. This proposal should not absorb a high volume of staff time or budget.

(2) The proposal meets one or more of the following criteria:

a. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

The existing “non-retail” zoning restriction prohibits the development of a non-office commercial or mixed use project for this site. The only avenue available to create zoning that would permit a non-office commercial or mixed use project on this site is through amendment to the zoning table and neighborhood plan text.

b. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;

The comprehensive plan identifies a variety of specific goals and policies that speak to, among other things, residential in-fill, concentrating commercial development in appropriate areas, reducing barriers to development, flexibility in accommodating housing demands and flexibility in meeting changing needs within the community. This area of the Samish Neighborhood has changed over the past 20 years and it is no longer

appropriate to restrict this property to office type uses. At the same time accommodating residential development where appropriate has become a focus of the communities' long range planning efforts. The public interest would be served by supporting this proposal as it would allow the property to be developed with a non-office commercial or mixed use project that would be more appropriate for this location and/or would further our residential in-fill goals.

c. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

The property is currently undeveloped and has been for decades. The primary impediment to development of this property is the existing use restriction. There is a current partnership that is interested in development of the property; but only in the event that the use restriction can be removed. The sooner that this issue can be addressed the sooner the partnership can proceed with a site specific development proposal. There is no identifiable reason to delay consideration of the proposal to a future plan update process.

d. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or

Since this use restriction was placed on the property there have been changing circumstances as well as changing community values. Area 9 was previously thought to be an appropriate location for the southern terminus of commercial development from the Samish Way corridor. Over the past decade the focus of commercial development in this area has shifted to the west side of I-5; the Sehome Village shopping center has been redeveloped and the Samish Way Urban Village plan has been approved and implemented. In addition, existing commercial businesses on adjacent properties have converted to private clubs and churches. These actions have firmly centered commercial development in this area away from Area 9. At the same time our community has clearly focused on maximizing opportunities for residential in-fill development on vacant properties. These circumstances make the existing "non-retail" use restriction outdated and counter intuitive to our current planning goals and community values.

e. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan.

N/A

SAMISH NEIGHBORHOOD ZONING

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
9	Commercial	Planned, nonretail	N/A	Access, street improvements, view, topography, buffers.	Adequate fire flow.	Uses limited to offices, branch post offices, banks, financial institutions and libraries, consumer credit agencies, computer data services, public uses, parks and utilities, churches, and recycling centers.

AREA 8

This property because of its irregular size and shape and environmental limitations should have the opportunity to develop with some attached housing designed in a manner sensitive to adjacent single family homes, especially to their territorial views. No direct curb cuts should be allowed to Samish Way and clearing limited to the greatest extent possible.

Area 8 Land Use Designation: Multifamily Residential, Low Density

AREA 9

This property because of its proximity to existing nonresidential uses and the noise emanating from Interstate-5 is classified as Planned Commercial – Non-retail. Subsequent development upon this property should incorporate into the site plan mitigating measures to ease possible detrimental impacts which might accrue to nearby residential neighborhoods, while providing for an effective end to southerly expansion of commercial development.

~~Possible uses shall be limited to offices; branch post offices; banks; financial institutions and libraries; consumer credit agencies; computer data services; public uses, parks, and utilities; churches; and recycling centers. "Access" should be limited from Samish Way to a minimum number of curb cuts; "street improvements" point to the need for curb, gutter and sidewalk and possible street widening on Samish Way adjacent to the property; "view" from upland property should be considered by limiting the height of the structures to 20 feet above the lowest point of the property line abutting Samish Way; "topography" shall reflect minimization of grading by use of multi level parking areas and structures consistent with slope constraints; "buffers" should be provided adjacent to Samish Way right-of-way by berming and landscaping of required yards.~~

Fire flow improvements to the water system in this area may be necessary prior to future development.

Area 9 Land Use Designation: Commercial

As adopted by Ordinance No. 8868 and amended by Ordinance Nos. 8946, 9107, 9142, 9242, 9243, 9297, 10584, 2004-12-087, 2007-12-104.

PROPOSED NEW AREA 9 DESCRIPTION

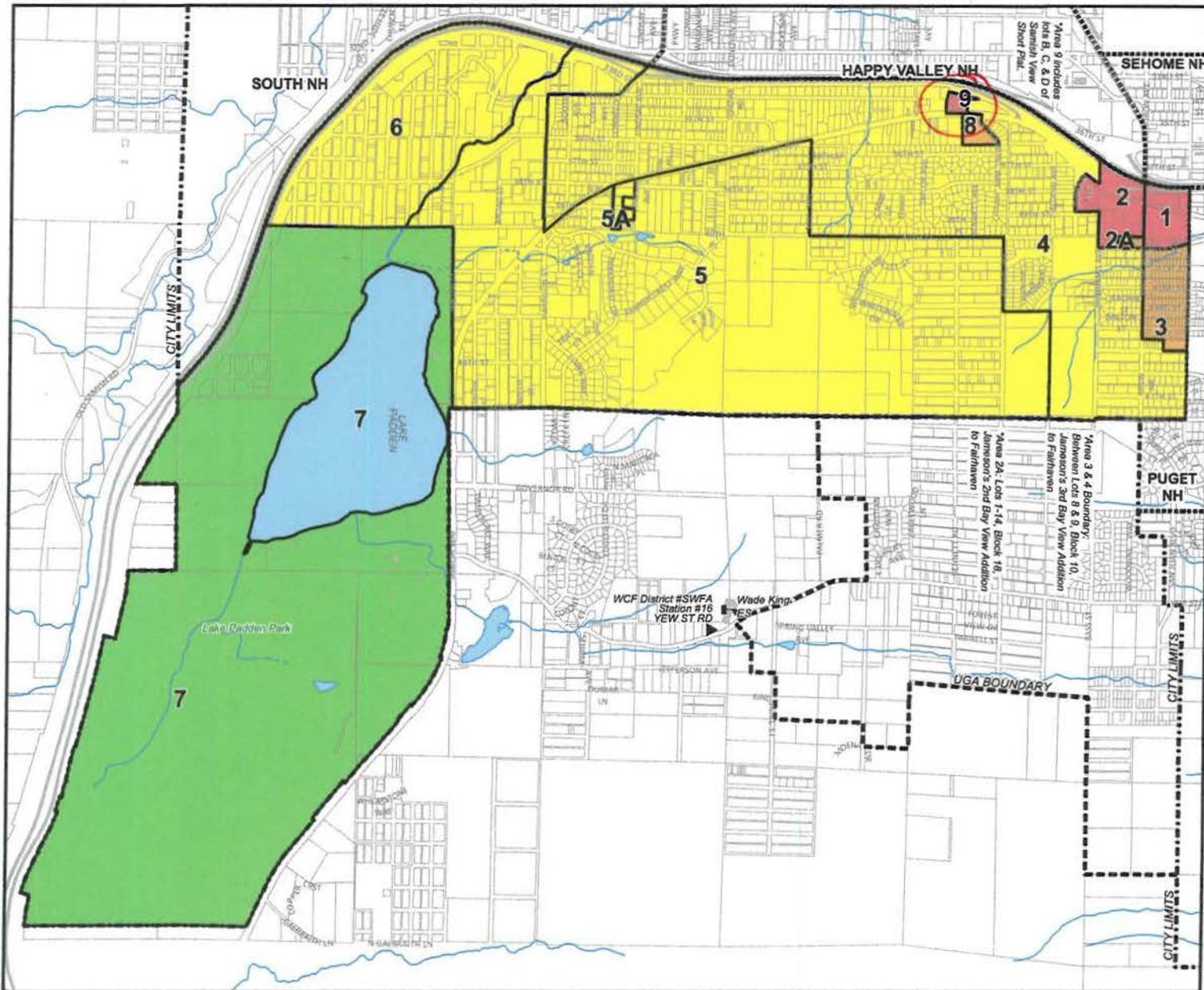
AREA 9

This property consists of 6 parcels in common ownership, is classified as Planned Commercial, which provides for a variety of commercial and mixed uses. Subsequent development upon this property should incorporate into the site plan mitigating measures to ease possible detrimental impacts which might accrue to adjacent properties.

“Access “ should be limited from Samish Way to a minimum number of curb cuts; “street improvements” point to the need for curb, gutter and sidewalk, and possible street widening on Samish Way adjacent to the property; “view” impacts from the upland property should be considered during site plan development; “topography” should reflect minimization of grading by use of multi-level parking areas and structures consistent with slope constraints; “buffers “ should be provided adjacent to Samish Way right of way through landscaping of required yards. A 100’ vegetated buffer should be maintained along the I-5 right of way to assist in visual and noise screening.

Fire flow improvements to the water system in this area may be necessary prior to future development.

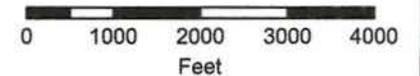
Area 9 Land Use Designation: Commercial



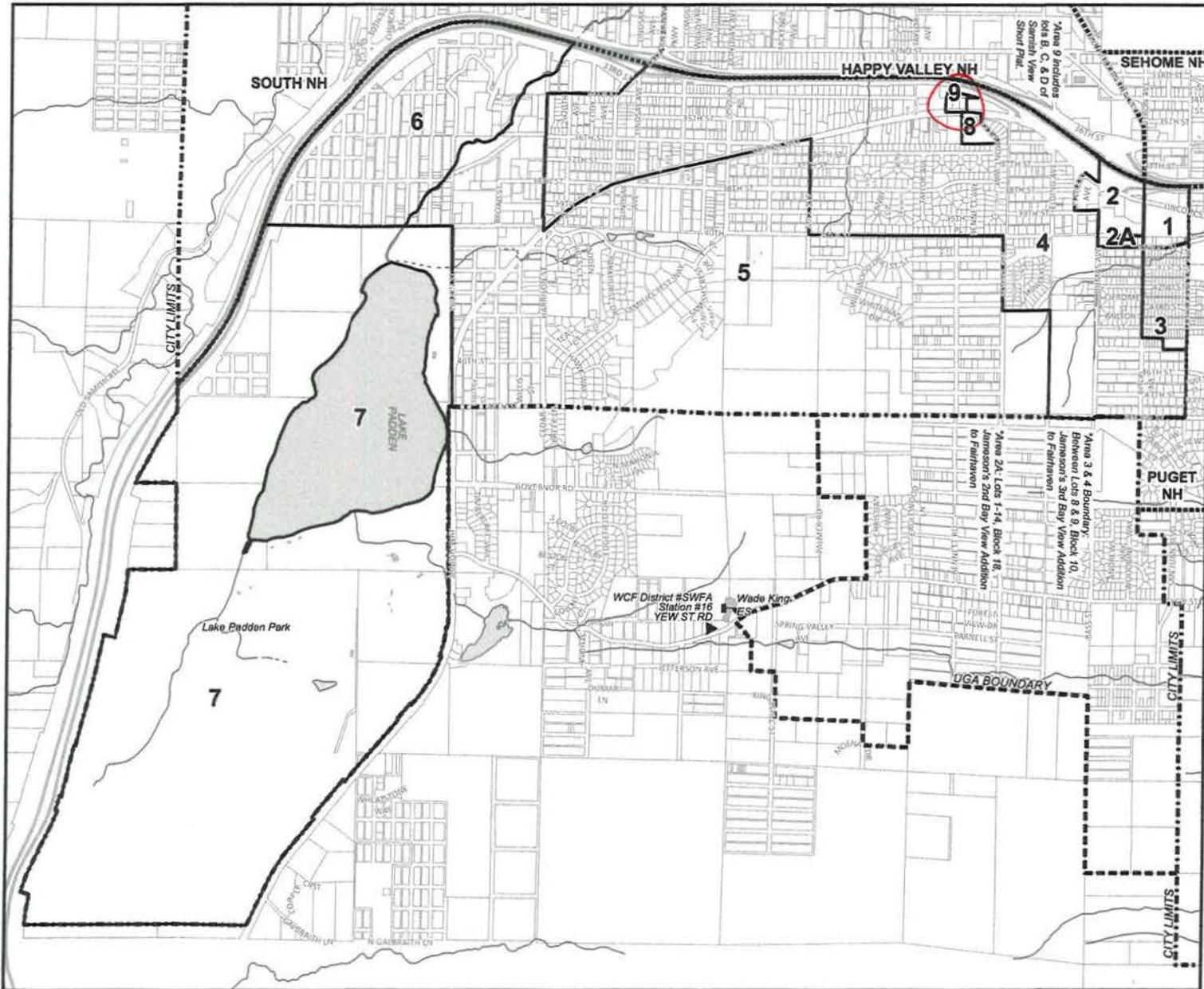
SAMISH NEIGHBORHOOD ZONING

AREA	ZONING DESIGNATION*
1	Commercial, Auto
2	Commercial, Planned
2A	Residential Multi, Planned
3	Residential Multi, Planned
4	Residential Single
5	Residential Single
5A	Residential Single
6	Residential Single
7	Public, Open Space/ Park/Recreation
8	Residential Multi, Planned
9	Commercial, Planned

*SEE BELLINGHAM MUNICIPAL CODE TITLE 20 TABLE OF ZONING REGULATIONS FOR MODIFICATIONS IN THE LIST OF PERMITTED USES AND OTHER SPECIAL PROVISIONS FOR EACH NUMBERED AREA

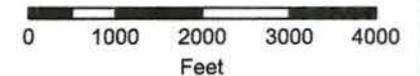


City of Bellingham
Planning Department
2011

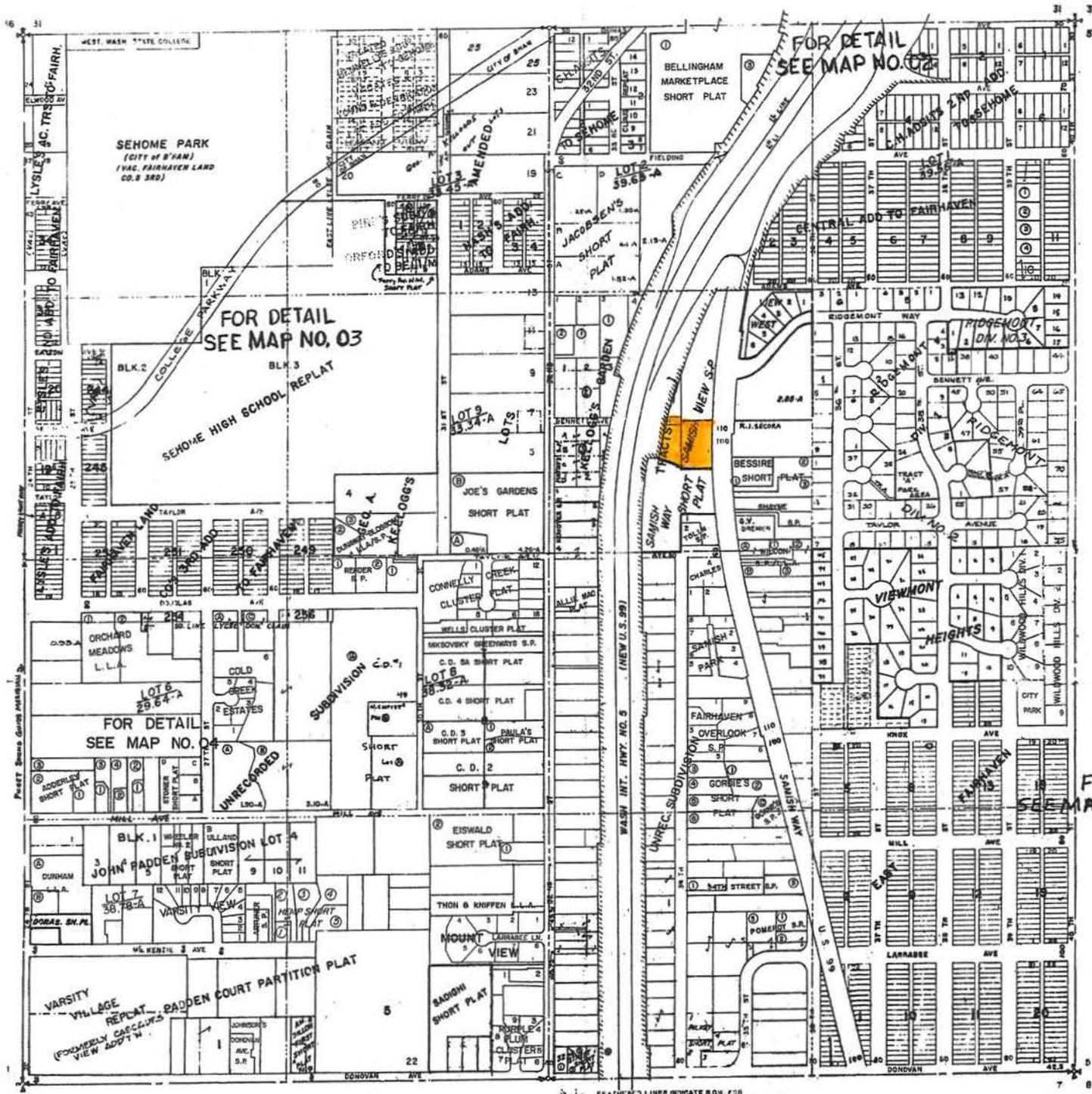


SAMISH NEIGHBORHOOD LAND USE

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Commercial
2	Commercial
2A	Multi-Family Res, Med to High Density
3	Multi-Family Res, Med Density
4	Single Family Res, Low Density
5	Single Family Res, Low Density
5A	N/A
6	Single Family Res, Low Density
7	Public
8	Multi-Family Res, Low Density
9	Commercial



City of Bellingham
 Planning Department
 2011



37,

3E

06

01

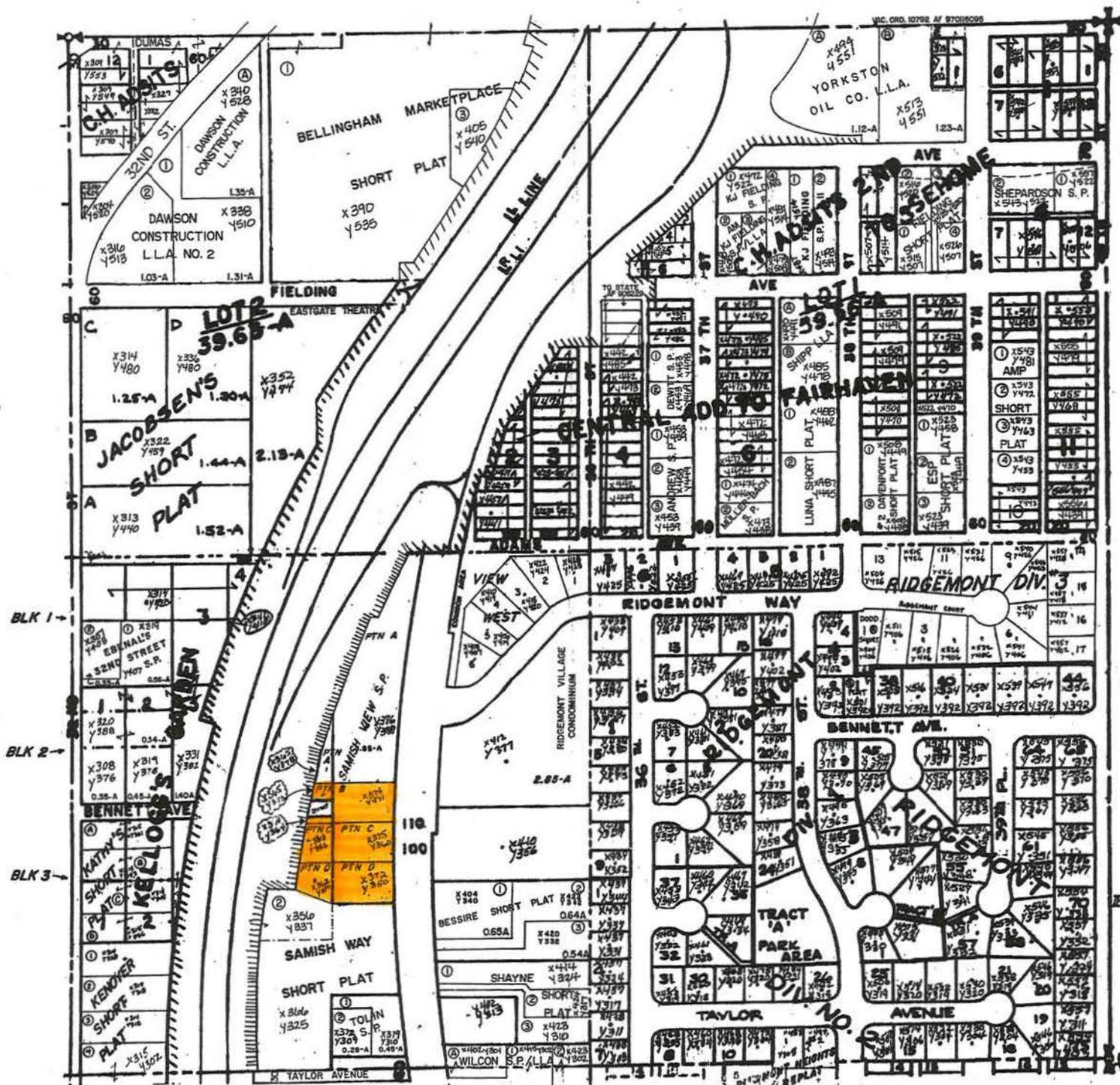
1" = 400'

9/21/14

ENTERED

FEB 5 2014

FOR DETAIL
SEE MAP NO. 5



REC. ORD. 10792 AF 87016025

TOWNSHIP
37

RANGE
3E

SECTION
06

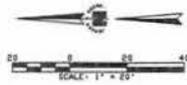
MAP NO.
02

SCALE
1" = 200'

DATE
9/21/61

ENTERED
JUL 22 2013

THIS MAP IS FOR
ASSISTANCE IN
PROPERTY LOCATION
AND NOT WARRANTED
FOR ACCURATE
MEASUREMENTS



VICINITY MAP
SCALE

BASIS OF BEARING

SAMISH VIEW SHORT PLAT RECORDED UNDER WHATCOMB COUNTY AUDITOR'S FILE NUMBER 1471363.

SURVEY EQUIPMENT & PROCEDURE

THIS SURVEY WAS COMPLETED AND ACCOMPLISHED BY FIELD TRAVERSE USING A NIKON DTM-507 TOTAL STATION ON MARCH, 2007.

HORIZONTAL DATUM

CITY OF BELLINGHAM COMPREHENSIVE MAPPING PROGRAM OF 1973.

BENCHMARK

INVERT OF MAN HOLE #5 FROM CITY OF BELLINGHAM SANITARY SERVICE AS BUILT 1973. ELEVATION=250.37'.

NOTES:

1. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
2. THIS IS NOT AN ALTA SURVEY. NOT ALL ENTITLEMENTS OR ENCUMBRANCES ARE NECESSARILY SHOWN.

PROJECT DATA

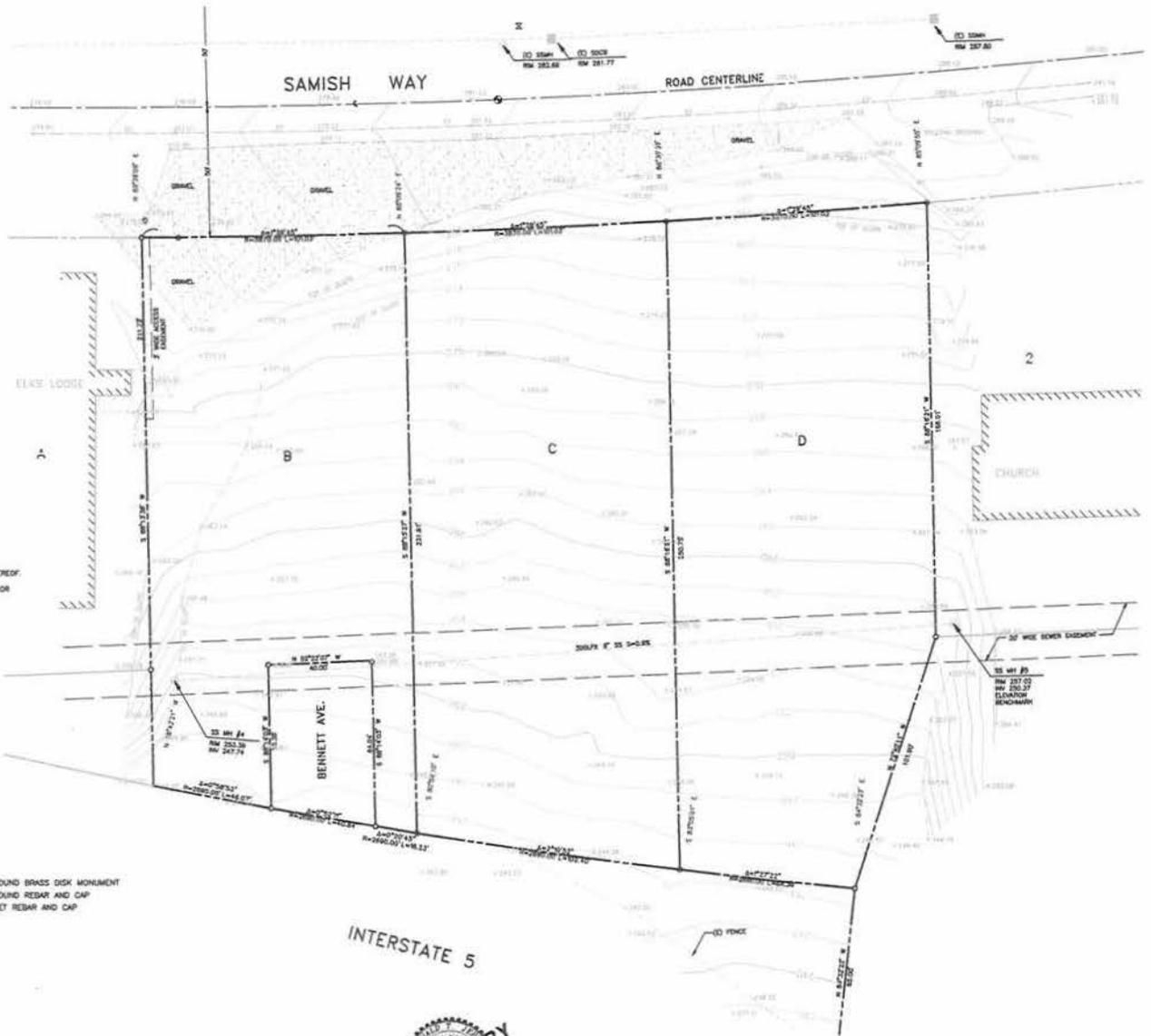
LOCATION: SAMISH WAY
CITY OF BELLINGHAM

OWNER: UPSIDE PARTNERSHIP

PARCEL NUMBERS:
370336 362350
370338 374471
370339 365373

LEGEND

E CENTERLINE	PL PROPERTY LINE	FIRE HYDRANT MANHOLE	FOUND BRASS DISK MONUMENT
(E) EXISTING	PP POWER POLE	WATER VALVE	FOUND REBAR AND CAP
ELEC ELECTRIC	ROW RIGHT-OF-WAY	WATER METER	SET REBAR AND CAP
ELEV ELEVATION	SO STORM DRAIN	POWER POLE	
EP EDGE OF PAVEMENT	SF SQUARE FEET	ANCHOR POLE	
FD FOUND	SS SANITARY SEWER	POWER POLE	
FL FLOW LINE	SSMH SANITARY SEWER MANHOLE	WATER LINE	
HW INVERT	(TYP) TYPICAL	CULVERT	
IP IRON PIPE	W WATER	GAS	
LT LEFT	WM WATER METER	SANITARY SEWER	
LP LIGHT POST	WV WATER VALVE	(E) CONTOUR	
		SPOT ELEVATION	



RONALD T. JEPSON & ASSOCIATES
REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS
222 GRAND AVE., SUITE C, BELLINGHAM, WASHINGTON 98225 PH: (360)732-5760 FAX: (360)647-0938

SCALE	47 3/16" INCH
DATE	03/08
DRAWN BY	BJ
CHECKED BY	BJ
CAD	1/19/07

PERIODS	



TOPOGRAPHIC & BOUNDARY SURVEY
LOTS B, C, D OF SAMISH VIEW SHORT PLAT
BELLINGHAM, WA

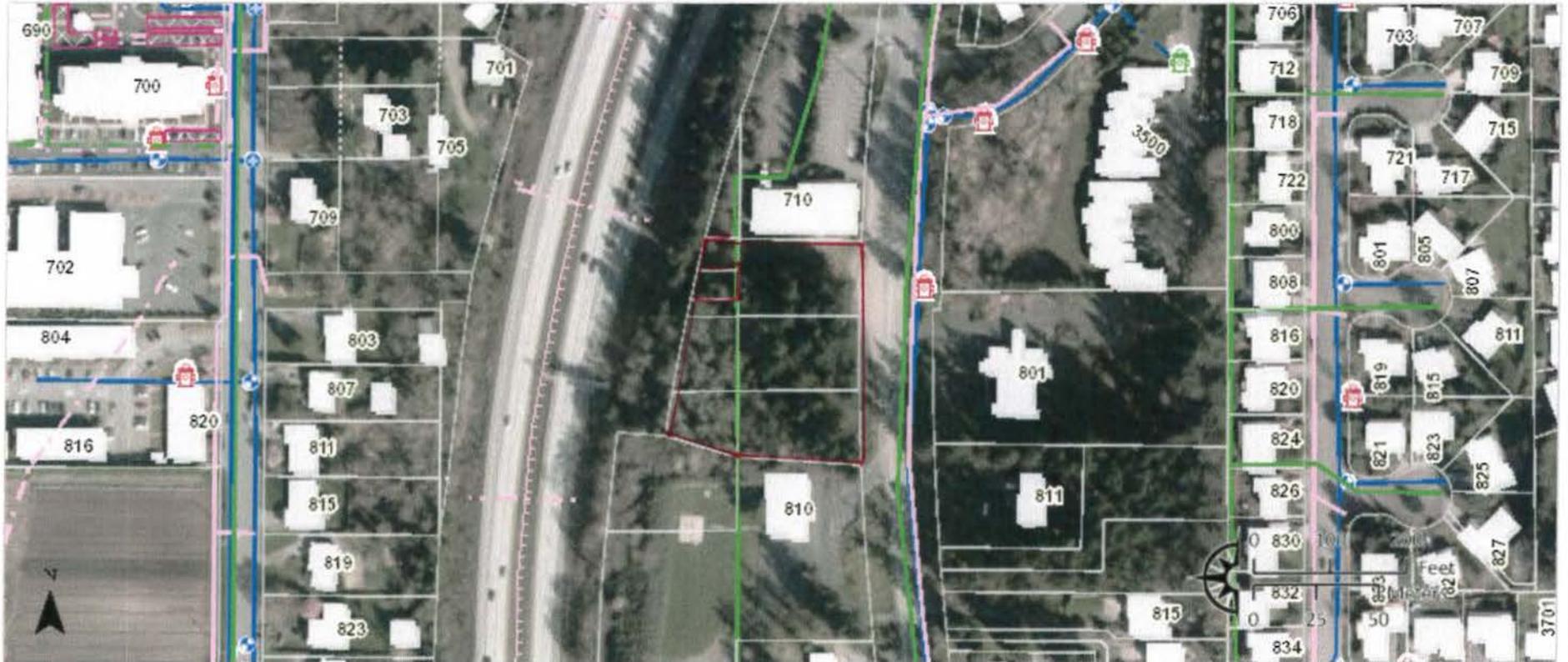
CLIENT:
EDWARD CHENG

07022
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OF 1

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CityIQ



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