

To:
Cc:
Bcc:
Subject: Fw: Fairhaven Draft Zoning - Comments

Sean Hegstad [email-templates-top]<<http://www.haven-dw.com>... 03/29/2012 12:02:46 PM

From: Sean Hegstad <sean@haven-dw.com>
To: "JLynch@cob.org" <JLynch@cob.org>
Cc: Marta Brand <martabrand@hotmail.com>, Anne Cantrell <annecantrell@gmail.com>
Date: 03/29/2012 12:02 PM
Subject: Fairhaven Zoning



J Lynch,

I have three concerns that we discussed that I think would directly affect the RT-4 Zoning and potentially others as well.

1. The reading of the below RT-4 regulations makes it sound like the land owner can only build a non-residential building that is the size of an existing house or 2,000sf. I know this was not the intent but right now it looks like only small commercial buildings are allowed in this zone.

3. Residential Transition Area 4 (RT-4). The following regulations shall be used when converting an existing residential building(s) to a non residential use(s), or when a site will be redeveloped with a non-residential use(s). They are intended to provide incentives for reuse of existing single family residential buildings, and to maintain the small-scale character of the general vicinity when new development occurs.

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

- (1) Any building(s) on site existing as of **(the date of adoption)** and originally built for residential use, or
- (2) 2,000 square feet of gross floor area per non-residential use for new development.

An addition in floor area to buildings in **Subsection a.1.** above 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.

2. *Since Live/work is allowed but not retail, I think this needs further direction about what is live/work and how does it apply to certain industries. A clothing maker that has some sales out of their space, a inventor that has an employee, a microbrewer with occational evening events, etc. This needs a max employee per sf or income percentage or another matrix to reduce the traffic/parking impact of this use type.*
3. *Live/Work should likely be in the Residential section not Commercial.*
4. *I think it would be wise to have a provison for approval for by the planning director for unique conditions or for variances within the this code. There have been times when I've looked into a project that makes a lot of sence for zoning and location but because of a problematic zoning code, the project was not possible and it would be nice to have some flexibility that would meet the comp. plan even if it doesn't exactly line up with the zoning code.*

Best Regards and thank you for your time.

SEAN HEGSTAD LEED AP

<http://www.haven-dw.com>

Studio (360) 527-2840

Cell (360) 920-3711

April 3, 2012

RE: SEP2012-0001

Director Thomas and Planning Staff,

The SEPA threshold determination should be reconsidered for the following reasons:

1. The checklist's response to item 14.c. estimates the existing total supply of parking to be 25 to 38% less than required within the Parking District. The response also acknowledges the proposal will eliminate part of the existing supply.
2. The inadequacy of the existing supply of parking, and great concern about the prospect of losing any part of that supply, were the overriding themes of public comment on the draft plan's parking provisions.
3. The draft plan proposes greater density, and thus greater parking demand, by among other means raising building height limits arbitrarily. The proposed 55-foot height limit is arbitrary because although based on four requests for waivers, none of those requests exceeded 44 feet.
4. To the limited extent the draft plan contemplates any increase in parking supply, it relies entirely upon the Parking District to furnish the increase, despite the record of the District's performance (100 public spaces built during 17 years, none during the past decade).
5. The parking demand reduction strategies upon which the plan relies are unproven, compared to the commonsense approaches of increasing supply and limiting development that generates demand.

Thus, the City is proposing the experimental use of novel demand strategies in an effort to squeeze the last drop of utility from the already deficient supply, in order that the special development privileges of Fairhaven's private landowners may be augmented and prolonged. No method has been proposed for measuring the economic effect of this experiment's outcome on Fairhaven's merchants; nor has its ability to affect the unquantified amenities and values associated with Fairhaven's environment been appropriately considered. The significance of this experiment merits a harder look at its potential consequences.

Thank you.

David Carlsen



Fw: March 20, 2012 Draft Fairhaven Neighborhood and Urban Village Plan - Comment

Greg Aucutt to: Heather M Aven

04/03/2012 01:05 PM

For the tracker...

----- Forwarded by Greg Aucutt/planning/cob on 04/03/2012 01:03 PM -----

From: "Susan Kaun" <kauns49@msn.com>
To: <gaucutt@cob.org>
Cc: "Vince Biciunas" <vbiciunas@comcast.net>
Date: 04/03/2012 08:12 AM
Subject: March 20, 2012 Draft Fairhaven Neighborhood and Urban Village Plan - Comment

TO: Greg Aucutt, Project Manager, Department of Planning and Community Development, City of Bellingham

FROM: Susan Kaun, Fairhaven Stakeholder

DATE: April 3, 2012

SUBJECT: March 20, 2012 Draft Fairhaven Neighborhood and Urban Village Plan -Comment

As a Fairhaven Neighborhood stakeholder, I've reviewed the Draft Fairhaven Neighborhood and Urban Village Plan of March 20, 2012, and believe it has been carefully prepared and well organized. It's obvious that Planning staff members have gone to great effort to work with all of the stakeholders to create a visionary document. The inclusion of Fairhaven's rich history is wonderful, and the many delightful photographs on various pages lend context to Fairhaven's very special sense of place.

I would like to offer the following comments to specific sections in the Plan:

1.) There is an error in the description of the Padden Creek Estuary location. Per the Shoreline Master Program the creek's estuary actually begins at McKenzie Avenue, south of Harris Avenue, just west of Eighth Street, and ends at some point in the lagoon area, located north of Harris Avenue. Therefore in my opinion the wording needs to be changed in two areas of the Plan, as follows:

Page 10, Paragraph 2: "The creek, which today cuts across Harris Ave. near 8th and empties into an estuary on Harris Bay..."

Suggested change: *The creek empties into an estuary, which today is piped through a culvert under Harris Avenue near 8th Street, and flows into Harris Bay.*

Page 31, C. Estuarine Habitat, Paragraph 2: "The Padden Creek estuary located north of Harris Ave, between 6th and 8th Streets, has..."

Suggested change: *Padden Creek estuary, located south of Harris Avenue as far south as McKenzie Avenue, and north of Harris Avenue, between 6th and 8th Streets, has....*

2.) The over twenty-year conversation with the City regarding culvert removal along Padden Creek has been a high priority for citizens and scientists. Culvert removal is noted as No.5.- 2. in the 1988 Agreement between Fairhaven Neighbors, Inc., and the City of Bellingham.

The *City of Bellingham Wildlife and Habitat Assessment*, of December 1995, states: " Padden Creek: Enhanced riparian habitat protection is needed. Water quality improvement is imperative. Future restoration of culverted sections is also advised. This re-opening of the stream course or recreating a new course would improve the stream for all wildlife."

City Resolution 45-98 was approved by the City Council on October 19, 1998, to support the 'daylighting' of Padden Creek', at the urging of the citizen led Padden Creek Alliance.

I believe culvert removal is considered essential to restoring salmon runs, and is supported by best available science. There are three major Padden Creek culverts located in the Fairhaven neighborhood.

Suggested deletions and additions: < (delete) *add* > Page 30, Goals, Policy, Policy 4.1: "A dedicated riparian area along each side of (the) Padden Creek should be planted with native vegetation to create a protective and continuous wildlife corridor, filter stormwater, *remove culverts at Harris Avenue, McKenzie Avenue, and 10th and Donovan Avenue to aid in fish passage,* keep the water cool enough (to) for salmon to survive, and

protect foraging and nesting heron and other wildlife species."

3.) There are four legal agreements, which are mentioned in the Plan, which should be added to the Reference List on Page 50-1:

Add: Agreement Between Fairhaven Neighbors, Inc., and the City of Bellingham, November 7, 1988. (marked as 0265.ENG, City Attorney)

-- Referred to on the last paragraph of Page 31, of the Plan

Add: Second Agreement Between Fairhaven Neighbors, Inc., and the City of Bellingham, August 22, 1994. (marked as 0471N, City Attorney)

-- This is an integral part of the 1988 agreement.

Add: Agreement of January 10, 1989 by and between Concerned Southside Citizens, and the Port of Bellingham, and the City of Bellingham. (Recorded 6-12-89, Auditors NO. 1640153)

-- Referred to in the first paragraph of Page 32 of the Plan.

Add: Settlement Agreement, by and between Susan Kaun, Fairhaven Neighbors, Fairhaven Harbor LLC., City of Bellingham, Department of Ecology, February 2006 (City Attorney)

-- Referred to in the second paragraph on Page 32 of the Plan, and the closure of 8th Street.

Please note: The 2006 Agreement resulted in: 1.) "8th Street between McKenzie Avenue and Harris Avenue shall be closed to vehicular traffic... 3.) The City shall be responsible for removing the existing 8th Street improvements. This removal shall include all pavement and all compacted ballast material."

Thank you for this opportunity to comment on the March 20, 2012 Draft Fairhaven Neighborhood and Urban Village Plan.

Kind regards,

Susan Kaun
613 Donovan Ave.
Bellingham WA 98225
(360) 527-9660

cc: Vince Biciunas, President, Fairhaven Neighbors



Fw: Fairhaven SEPA comments

Jackie Lynch to: Greg Aucutt, Kurt Nabbefeld, Chris J Koch,
Christopher J Behee, Kathryn E Franks

04/03/2012 01:08 PM

Cc: Heather M Aven

FYI, and for the record:

Jacquelyn Lynch
360-778-8350
PCDD, 210 Lottie, Bellingham WA 98225

NOTE: All of my emails are subject to public disclosure .

----- Forwarded by Jackie Lynch/planning/cob on 04/03/2012 01:06 PM -----

From: Doug Robertson <doug@belcherswanson.com>
To: "jlynch@cob.org" <jlynch@cob.org>
Cc: "robin@bellinghamtennis.com" <robin@bellinghamtennis.com>
Date: 04/02/2012 08:05 PM
Subject: Fairhaven SEPA comments

Dear Jackie

Please include this into the record as Bellingham Tennis Clubs comments on the SEPA MDNS notice. We greatly appreciate the hard work staff has invested in this process. AS the process moves ahead, these are additional items that we believe require closer review prior to issuing a SEPA decision. Height limitations/FAR/View Corridors. All of these land use regulations significantly decrease developable land. This decreases the ability of this urban village to infill to meet the requirements of the GMA/Comp. Plan. No analysis has been undertaken to quantify the lost development opportunities created by imposing such restrictions. Given that decreased development in urban villages means more sprawl, the adverse environmental impacts created by these regulations need to be addressed. The generalized statements do not reflect an accurate review. In fact, there are negative impacts upon buildout and these must be quantified and then contrasted with externalizing growth outside of a Tier 1 urban village. In addition, the changes to the SMP and CAO have negatively impacted the development capacity of much of Fairhaven (including port property). Such negative restrictions have to be reviewed as well. The appropriate approach is to survey the owners to get a more accurate picture of each properties intend and possible build out capacities. Finally the view corridor on McKenzie is of little aesthetic value because the vegetation corridor along the creates a view blockage. So the net gain from the view corridor is anticipated to be nil.

Stormwater. There are excellent opportunities to address regional storm facilities given the high percentage of impervious in Fairhaven. The SEPA and the UVP fail to consider the propriety of imposing the requirement for regional storm facilities and the resulting improvement to storm water management.

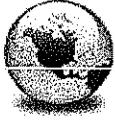
Population—the caveat about the 2006 projections is unwarranted. While real property development may have slowed, human population growth and migration to our community has not. If anything, the population projects understate the needed capacity that must be met by the urban areas of Bellingham.

Parking—there is no question that the UVP will impact development and hence parking. The UVP does not adequately address the need for the city to develop a plan for regional parking.

Thank you.

Douglas K. Robertson
Belcher Swanson Law Firm, PLLC
900 Dupont Street
Bellingham, WA 98225
Tel: 360-734-6390
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Email: dkr@belcherswanson.com

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Proposed Fairhaven Neighborhood and Urban Village Plan

Sally Kisling to: haven
Cc: "David C. Kisling, Jr"

04/10/2012 09:48 AM

Subject: Fairhaven Neighborhood and Urban Village Plan

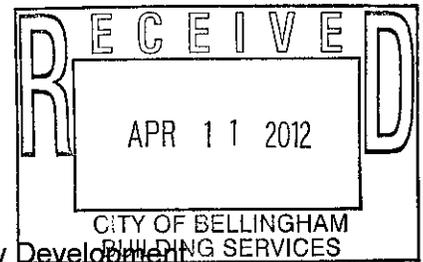
Neighborhood = n, 3b. a section lived in by neighbors and usually having distinguishing characteristics

Urban = adj. of, relating to, characteristic of or constituting a city

Village = n, a settlement usually larger than a hamlet and smaller than a town

Attention: Heather Aven

Thanks for the opportunity to express our opinion. We are Sally and Dave Kisling from Billings, Montana. We wish to offer our opposition to increased building heights in Fairhaven Village. We own a condo in the Fairhaven Gardens building at 1134 Finnegan Way. One of the main attractions to that particular building is the rooftop patio which allows a wonderful view of Bellingham Bay. The perfect place for resident and family gatherings. It is particularly relaxing and enjoyable now because the courtyard and rooftop have been converted into beautifully container landscaped areas. Additionally, there is an area devoted to container vegetable gardens which are cared for and enjoyed by just about everyone who lives in the building. The unit owners and residents have been commended by Whatcom County for working together to get this major project completed. They continue to volunteer much time and monetary support. It would be a heartbreaker to see unfavorably tall buildings interfere with not only the Bay view, but also the ambiance of the historical Fairhaven Village. We vote no to the increased height and we ask careful consideration by Fairhaven residents before voting on this issue. Approval will surely affect what is now known as historical Fairhaven. Interesting that the proposal is called "The Fairhaven Neighborhood and Urban Village Plan" which will be exactly what it is not if planning continues moving from "distinguishing characteristics" to "constituting a city" from the very historic Fairhaven Village, "a hamlet smaller than a town." Which do you prefer?



Date: April 10, 2012

To: Jeff Thomas, Director of Bellingham Planning and Community Development
From: Ralph W. Thacker

Re: Draft of the Fairhaven Neighborhood and Urban Village Plan as of March 20, 2012

Dear Jeff:

The approval of the Fairhaven Neighborhood and Urban Village Plan as presented in the Draft of March 20, 2012 would create a ring of buildings sixty-six feet in height surrounding Fairhaven's historic core with its intimate streetscapes and pedestrian orientation. Because of the high land values in Fairhaven, the new structures will largely be devoted to apartments and condominiums for upper-income tenants and owners. Typically, these individuals will be retirees having little incentive to become a part of our community and depending on cars for personal mobility rather than walking or bicycling.

This picture stands in sharp contrast to the traditional image of Fairhaven as a blue-collar neighborhood with a village-like center offering a turn-of-the-Twentieth-Century ambiance. It reflects the same failed development concept upon which the City of Fairhaven was founded, ignoring the process of supplying demand and relying on hype (and hope). This picture is focused almost entirely on economic growth emerging from the retail sector's ability to attract business from afar rather than on organic growth in the industrial sector, which was the strength of Fairhaven for much of the Twentieth Century.

The Bellingham Comprehensive Plan classifies Fairhaven as a "District Center" while the accompanying Environmental Impact Statement (EIS) of 2004 identifies it as a "Town Center." With no explanation or justification, the FNUV Draft of March 20, 2012 adopts the first classification. This change would require wider streets, more traffic signals and more parking. The Draft overlooks the fact that the 2004 EIS infill goal of 334 new housing units has been seventy-two percent achieved and proposes adding 308 more units, bringing the 2023 total new units to 548. This would justify an updated EIS.

Recognizing that parking in Fairhaven's commercial area is maxed-out at 1,000 public spaces and 730 private, the FNUVP Draft of March 20, 2012 projects a need for between 2,300 and 2,800 total spaces. This would be an increase of 33% to 62%! The Draft neither estimates how many of the existing public spaces would be lost to prospective development nor indicates how the projected huge demand for parking would be met. In addition, the Draft does not assess the effectiveness of Fairhaven's two existing parking districts or call for their expansion or replacement.

The following recommendations are offered to remedy the deficiencies cited above:

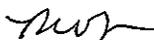
1. Regard Fairhaven's primary role as an urban village to be the provision of jobs, goods and services, public events and water-related recreational opportunities.
2. Maximize Fairhaven's pedestrian-orientation and intimate ambiance by keeping the area in which taller structures are permissible as compact as possible.

3. Rehabilitate historic buildings when economically feasible or replace them with higher new structures utilizing an architectural pallet that reflects the buildings they replace and/or the adjacent historic structures.
4. Encourage development of mixed-use structures that target the office market.
5. Encourage development of mixed-use structures designed for the residential market to offer units that middle-income individuals can afford.
6. Discard the upper floor set-back concept for new construction, since it is neither compatible with Fairhaven's historic buildings nor economically feasible due to the cost of additional bearing-walls required and curtailment of income potential.
7. Maintain view corridors along all east-west streets from McKenzie to Douglas, including those that have been vacated.
8. Encourage the development of new single-family houses and apartments for moderate-income occupants in adjacent neighborhoods.
9. Encourage development of private property zoned for light-industrial use to seek firms in the assembly, research and/or service fields with some mix of housing.
10. Encourage the expansion of Fairhaven's existing industrial enterprises.
11. Encourage the redevelopment of older buildings on Port of Bellingham property for light industrial use with a height limit of 40' except in special cases.
12. Encourage development of new structures for light industrial use on vacant Port property with a height limit of 40' except in special cases.
13. Fold Fairhaven's two existing parking districts into a new parking district covering the area bounded by 13th, Old Fairhaven Parkway/Donovan, 8th and Knox.
14. Study the feasibility of constructing an underground parking facility in the 10th Street right-of-way between Mill and Knox with possible extension to Douglas in association with mixed-use development of the adjacent vacant property.
15. Encourage more frequent bus service between the center of Fairhaven and the adjacent neighborhoods.

If the FNUVP Draft of March 20, 2012 is approved as written, it may actually stimulate the process of sprawl that it intends to curb, forcing middle-income individuals to satisfy their housing needs outside of the neighborhood and outside of the city.

Sincerely and hopefully yours,

Ralph W. Thacker



cc. Mayor Kelli Linville and Members of the City Council and City Planning Commission

Planning Commission
City of Bellingham

April 14, 2012

I would like to comment on the proposed Fairhaven Neighborhood Plan. I know a great deal of work has gone into this plan and I appreciate many of its elements.

I still object to some of the proposed height increases. Although the staff report talks about making compromises, the heights have been raised in almost every instance. I wonder how this is seen as compromise between differing viewpoints? The major disagreement has been between those who want to keep the current 35' height (with the possibility of higher by City Council vote) in the historic and nearby areas and establish some height limits in those few areas that have "no height limit" per the report (although this is technically incorrect since the Planning Director has designated oversight of these). Again I question how it is compromise to raise heights in almost every situation.

The staff report mentions the need for increased heights in order to have "economic feasibility" yet the majority of the buildings built over the last ten years have stayed within 35' and have been both feasible and successful. In the fact, the most "empty" buildings are those buildings that are higher.

The staff report also suggests that the current situation where landowners have had to go through a process to gain height variance has cost the owners, city, and public **extra time**. It does not, however, mention that this process has also had **benefits**, helping maintain the character, ambience, and success of Fairhaven. The public, at least, has been more than willing to spend the time to make sure that quality is preserved. It has mostly been those instances where a project "slipped through" public notice, that things have gone awry. Those of us who have lived here a long time know of instances where the public good was preserved because of the built-in processes for review. I can understand that builders would prefer not to have to deal with public opinion, but that public opinion has always been what has helped preserved value. Happily, we live in a country where individual rights are well balanced with public good.

Although Fairhaven is designated as a Tier 1 Urban Village, it is clearly different than the newer Barkley Village area (with much wide open flat space, no history, and no view) and Sunset Square area (mostly commercial, flat, modern, no history, no view). Fairhaven is a small area and its density must be considered in proportion to its size. It is also next to the water, has considerable elevation change, little room for traffic circulation, limited parking, and major historic buildings and character. Infill is a good strategy to accommodate growth but it is only one part of the values and goals within the Comprehensive Plan. To push Fairhaven's density to the limit is to destroy all that it is.

Thank you.

Janet H. Simpson
409 Cowgill Ave. Bellingham, WA 98225
(360)71-9713



Fw: Fairhaven Neighborhood and Urban Village Plan

Heather M Aven, Christopher J Behee, Kathryn E

Greg Aucutt to: Franks, Chris J Koch, Jackie Lynch, Kurt
Nabbefeld

04/16/2012 09:21 AM

Cc: Jeffrey B Thomas

FYI

----- Forwarded by Greg Aucutt/planning/cob on 04/16/2012 09:21 AM -----

From: "Marla Vannice" <marlav123@yahoo.com>
To: <gaucutt@cob.org>
Date: 04/15/2012 08:19 PM
Subject: Fairhaven Neighborhood and Urban Village Plan

I would like to express my wishes that the height restrictions not be changed.

Thank you.

Marla Vannice
1134 Finnegan Way #406
Bellingham, WA 98225
360-927-7574



Fw: Street closure
Greg Aucutt to: Heather M Aven

04/16/2012 09:45 AM

For the tracker...

Greg Aucutt, AICP, Senior Planner
City of Bellingham Planning Department
210 Lottie Street, Bellingham, WA 98225
(360) 778-8344

----- Forwarded by Greg Aucutt/planning/cob on 04/16/2012 09:46 AM -----

From: Webmail fvnphcy <fvnphcy@bossig.com>
To: gaucutt@cob.org
Date: 03/17/2012 06:57 PM
Subject: Street closure

Dear Greg,

I am the owner of Fairhaven Pharmacy at 12th & Harris Ave, and am very concerned about the city's plan on closing some streets in the Fairhaven District. We already have a problem with a lack of sufficient parking in the district, & to consider closing some streets & eliminating some of the existing parking is just not reasonable. This will result in our customers & patients having to park further away from the Pharmacy. Many of our customers are sick and elderly, and having to park further away will be a real hardship on them and may lead to of decrease in business. I hope you will not proceed with this idea until some solution to the lack of parking is made.

Sincerely,
Rob Johansen
Fairhaven Pharmacy
1115 Harris Ave.
(360) 734-3750
fvnphcy@bossig.com

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

Phone: (360) 733-8334

Email: dkehrer@Kehrerassoc.com

April 16, 2012

City of Bellingham
Planning and Development Commission
210 Lottie Street
Bellingham, WA 98225

RE: Briar Development Company - Comments on Proposed Fairhaven Neighborhood and Urban Village Plan and related documents.

Honorable Members of the Planning and Development Commission:

I am a planning consultant submitting comments on behalf of Briar Development Company LLP. As the owner of the Fairhaven Market, Briar Development has a particular interest in how the Urban Village Planning documents might affect their ability to provide a suitable facility to sustain a grocery business in the Fairhaven community. We have identified areas of concerns in both the plan and the design guidelines. Those concerns are addressed in our comments below.

A. Future Store Expansion:

On March 29th, the Planning Commission held a hearing and made a recommendation on a comprehensive plan amendment and site specific rezone submitted by Briar Development Company. Briar filed their request to let the community know that Briar Development had purchased property on the block behind the store to allow for a future redevelopment of the market and to obtain the necessary zoning to allow the eastern half of the block to be used to support a future store expansion. Although the Commission recommended that the Briar request not be approved at this time due to the lack of a specific development plan to review, the consideration of the request made it clear that a discussion about the role of the market and Briar's interest in planning for an expansion of the market needs to be included in the Fairhaven Urban Village Plan.

Virtually everyone we have talked to or heard from over the past five years, including City Staff, Commission members during rezone deliberations, residents and business owners in the Fairhaven Neighborhood and even opponents of the proposed rezone want to see the Fairhaven Market continue to remain in business and serve the greater Fairhaven Community. Most folks also understand that the

existing store building is reaching the end of its useful life. The store building is small, even as urban grocery stores go, and the existing site is cramped. Even with a vacation of 13th street and the addition of the land purchased by Briar behind the store, the site is still small for siting a grocery store and providing parking. A larger store and better site layout will be needed within the useful life of the currently proposed Neighborhood/Urban Village Plan.

Although support for the Fairhaven Market has been strong, there are a few issues that have surfaced with regard to the possible future expansion of the store. Those issues include the future vacation of 13th street behind store (without the vacation of 13th street there is little likelihood that the current store could be enlarged) and issues relating to the rezone of the eastern half of the block behind the store and whether the eastern half of the block should be included as part of the Fairhaven Urban Village Plan. Briar had hoped that those issues would be addressed through the comprehensive plan amendment and rezone review process and made a part of the Fairhaven Urban Village Plan. However, because the recommendation of the staff and Planning Commission is to not approve the rezone request at this time, neither the possibility of a store expansion nor the issues that have been identified related to the future expansion of the store are addressed in the Urban Village Plan.

If Briar is expected to come back with a proposal when more detailed plans for a store expansion have been made, then the Urban Village Plan needs to include policy or other language that makes it clear that to do so will be consistent with the Goals and Policies of the Fairhaven Neighborhood and Urban Village Plan.

In that regard, we are asking that the following policy statement be added to the list of Commercial Core Goals and Policies on page 18 of the Draft Fairhaven Neighborhood and Urban Village Plan. Conveniently, there is currently no Policy 2.5 in the list so adding this policy would not change the numbering.

Policy 2.5 - Having a grocery store in the Fairhaven Urban Village is in the public interest and is consistent with the fundamental goals and policies of this plan. The existing Fairhaven Market is appropriately located within the planning area. The continued economic viability of the market will likely require its expansion to the east. Such expansion could involve the vacation of a portion of 13th street and a possible rezone of property fronting 14th street along with a change in the Urban Village Boundary. Because of the importance of a grocery store to the community and the Fairhaven Urban Village, favorable consideration of such future actions would be consistent with this plan so long as specific development plans and conditions: i) provide appropriate transitions and other measures to ensure that the adjacent residential neighborhood is not adversely impacted; and (ii) satisfy all other applicable approval criteria.

B. Other Urban Village Plan and Design Standards Related Comments.

Briar has submitted comments on two previous occasions concerning the design standards and related policies. We have been concerned that the proposed design standards 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.

The March 20th drafts of the Fairhaven Neighborhood and Urban Village Plan (FNUVP) and Design Guidelines have been substantially improved. The new guidelines provide greater flexibility especially for development in the Historic Influence area where the Fairhaven Market is located. However, there is still language in the Urban Village Plan and provisions in the Design Standards that raise concern.

1. Urban Village Plan

With regard to language in the Urban Village Plan, we are still concerned with the fact that 13th street from Harris to Larrabee is still identified as a non-arterial commercial shopping street (see page 41 of the Draft FNUVP). Non-arterial commercial shopping streets are identified as having a primary function to provide parking, circulation and pedestrian accessibility. Where 13th ends at Larrabee, it does not provide these functions. It would be helpful if the Urban Village Plan clarified the status of this section of 13th in this area or at least acknowledged that a vacation of 13th would be possible under the right circumstances and where there were clear benefits to the community provided.

2. Design Standards

With regard to Fairhaven Urban Village Design Standards (FUVDS) we have the following comments.

Pedestrian Connectivity Standards Page 23 FUVDS: The Pedestrian Connectivity Standards found on page 23 of the Draft FUVDS requires that a pedestrian walkway be provided through proposed new full block developments. This would of course be a problem for the grocery since it would require that a new store be constructed in two halves with a minimum 15 foot walkway open to the sky between them. Other types of retail establishments that require a large building foot print would be similarly affected. There are other problems with this requirement including the cost of constructing two additional exterior walls each of which would need to meet the building code requirement for exterior walls 15 feet apart. The notion of providing midblock pedestrian corridors is a good one however, as identified above there are practical difficulties for certain types of development. To account for the fact that a through block pedestrian corridor may not always be possible, we propose that the language of Standard a) on page 23 of the FUVDS be amended to read as follows:

a) **Standard:** Unless the proposed use makes it impractical, On full-block developments (200' x 200') provide pedestrian walkways through the property to adjacent alleys, public sidewalks, streets, trails and/or other pedestrian walkways. A walkway shall be open to the sky and no less than 15' wide.

Parking Standards starting on page 45 FUVDS: Briar has previously stated their concerns about the parking standards contained in the FUVDS. The wording of Standard 1) on page 46 is confusing. We are not sure what the term "internal to the building or parcel" means. The options listed would indicate

that parking located at-grade and screened with architectural elements or landscaping would meet the requirement. If this is not the case then it is not be possible to design a grocery store on the Fairhaven Market site, even with land behind the store added in, that has parking “internal to the building or parcel.”

Additionally, Standard 3) on page 46 says to not place parking between a building and street. Grocery stores are ground floor businesses that for efficiency and security need to be rectangular in shape. This means that no matter where a new store is located on the site, parking will need to be located between the store and a street. If the parcel were much larger, then it might be possible to create a shopping center-like design similar to the site plan shown on page 46 of the FUVDS, but that is not the case with this site. What can be done on this site is to visually screen parking areas from the street using a variety of techniques including landscaping, berms, walls and fences. This can be done in a way that provides a visually appealing pedestrian friendly streetscape. The parking standards need additional work to make the standards clearer and to recognize that for some uses locating parking areas between the building and the street cannot be avoided. We propose that the language of Standard #3 on page 46 of the FUVDS be amended to read as follows:

3) 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.~~*

C. Expansion of RTZ4 designation to Eastern Half of Block Behind the Fairhaven Market

Finally, we would like to propose that the Planning Commission incorporate into the Urban Village Plan the recommendation made by the Fairhaven Neighbors regarding the eastern half of the block behind the Fairhaven Market. In a letter addressed to Nicole Oliver dated January 5, 2012 with copies to the Planning Commission, the Fairhaven Neighbors wrote:

“Haggen’s Fairhaven Market is an important resource valued in the community as a full service grocery. We support the inclusion of the Haggen property into the Fairhaven Urban Village Boundary, whether the lots are in the Fairhaven or Happy Valley neighborhoods. We suggest moving the RTZ 4 designation north to McKenzie Avenue and including retail uses as a conditional use in that zone.”

We have previously supported this proposal and think that it provides an alternative approach to addressing the issues raised by the Briar's comprehensive plan amendment and rezone request without implying that an expansion of the store onto the eastern half of the block or a vacation of 13th street would be approved.

Regardless of what happens with the store expansion, single family zoning on the eastern half of the block behind the store is not the appropriate zoning for this property. The current single family zoned properties butt up against the commercially zoned property to the west with no intervening alley. Given the range of surrounding uses, this is an area that is clearly in transition. A more appropriate zoning for the eastern half of the block, as suggested by the Fairhaven Neighbors, is Residential Transition (RTZ), specifically the same as that proposed for the property across Larrabee from the site.

By extending the RTZ4 zoning to the eastern half of the block and including the eastern half of the block into the Fairhaven Urban Village boundary, the Urban Village Design guidelines would apply to future development on the site. Because Urban Village boundaries can extend beyond neighborhood boundaries, it would not be necessary to move the boundary between the Fairhaven Neighborhood and the Happy Valley Neighborhood.

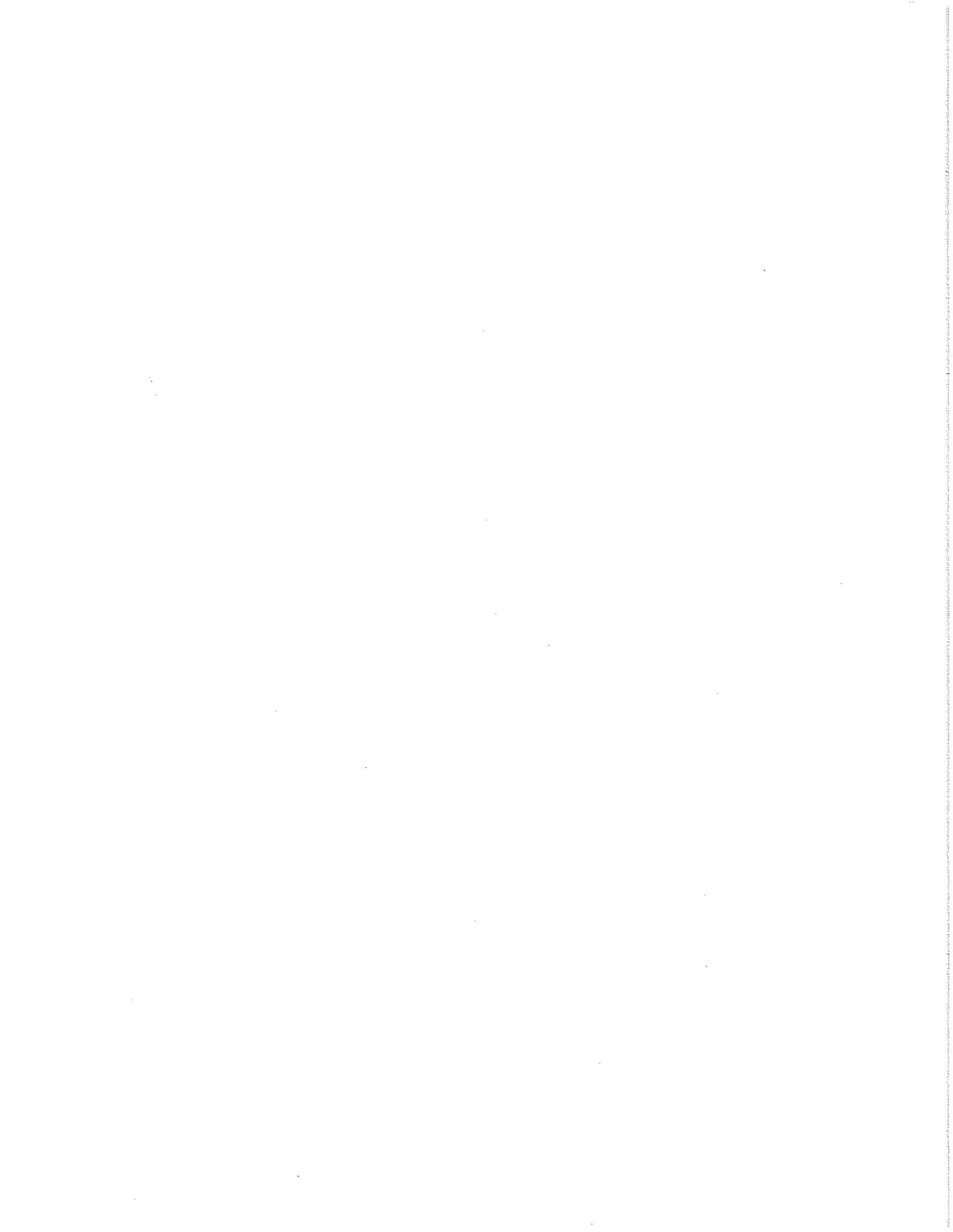
The additional advantage of adopting this recommendation is that it would provide a clear path for the processing of a future proposal for a store expansion. The site would already be in the Fairhaven Urban Village and would therefore not require a change in the urban village boundary.

This concludes Briar's comments on the Fairhaven Neighborhood and Urban Village Plan and supporting documents. Thank you for providing the opportunity to comment.

Very Truly Yours,



Donovan F. Kehrer



Fairhaven Neighbors

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Department of Planning and Community Development
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April 16, 2012

RE: FNUVP & Threshold Determination, dated March 20, 2012

Comment of Fairhaven Neighbors

Dear Mr. Aucutt,

The Fairhaven Neighborhood and Urban Village Plan (FNUVP) update process has been underway for many years, and the community has invested considerable time and effort on the production. Fairhaven Neighbors initiated the effort in 2007, beginning with a survey questionnaire mailed out to one thousand households and businesses in Fairhaven. The overwhelming response was 1) keep building heights low to protect and preserve the historic and pedestrian oriented atmosphere of the 'village' and 2) provide adequate parking. The FNUVP draft now under consideration fails to ameliorate these issues, instead promising their exacerbation.

In 2007 there was a project in the permitting stages intending to build up to ten stories on a 200' x 220' site along Harris Avenue. The issue of appropriate building height was as relevant then, during an economic boom time, as it is now, during an economic downturn.

Since that time, and consistently, staff connected to the Planning Department have heard many, many voices calling for limiting heights in Fairhaven to three and four stories, and economically viable projects have been built in the meantime, most at three stories or less. What can Fairhaven Neighbors possibly add now to convince Planning Department staff to listen to reason and implement regulations that make this vision a reality for the future? Maybe a review of some facts concerning infill and infrastructure will help establish the obvious, that increased building heights invite not beneficial increased density, but harmful excess density that will permanently eliminate the village atmosphere and pedestrian orientation that has attracted so many to Fairhaven.

The proposed FNUVP reaches far beyond the development envelope anticipated for Fairhaven in the existing Neighborhood Plan, the existing Comprehensive Plan and the existing Comprehensive Plan Environmental Impact Statement. Essentially, an existing "Tier 1" type Urban Village, platted and in service continuously since the mid 19th century, will be reformatted to exhibit the density usually associated with a

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Central Business District and grafted onto the existing substandard neighborhood infrastructure. Described in the DNS notice as “. . . *Minor* changes to underlying zoning designations; and drafting new development regulations . . .,” these changes will actually modify the development trajectory for the area to such a substantial extent as to require a new and detailed Environmental Impact Statement.

INFILL CAPACITY

The FNUVP calls for increased infill capacity. Infill parameters result from State growth projections, the Growth Management Act (GMA) and the Bellingham Comprehensive Plan.

The existing Comprehensive Plan Environmental Impact Statement (EIS) has a much-reduced characterization of Fairhaven’s overall suitability for infill than the scope realized by the project documents. 2004 EIS (Chapter 4, pages 37 and 38, Alternative 2: “Infill,” italics added):

Future growth under Alternative 2 would primarily be encouraged in or near "urban development centers" and "town centers" identified in the 1995 Bellingham Comprehensive Plan. The centers include areas where public infrastructure (roads, water, sewer, schools, parks, police and fire protection) are already in place, and where a range of employment and service opportunities are available. The designated urban development centers would be expected to receive much of the higher density development:

- *Downtown Bellingham, especially the multifamily tax exemption district;*
- *The Bellingham Central Waterfront, including Old Town, Port, Georgia-Pacific properties;*
- *Bellis Fair/Cordata, including West Bakerview area; and*
- *The Barkley Village /Sunset Mall area.*

Town center areas identified in the 1995 comprehensive plan are defined by the presence of adequate public infrastructure, but a narrower range of employment and service opportunities. They include:

- *WWU/Sehome Village area;*
- *Lakeway Center area;*
- *Northwest/Birchwood commercial area; and*
- *Fairhaven commercial area.*

While the Comprehensive Plan EIS plainly distinguishes Fairhaven, with its two-lane streets and its adjacency to Puget Sound, to exhibit infill capacity of a lesser magnitude than Bellis Fair/Cordata or Barkley Village/Sunset Mall, with their four to six-lane roadways and adjacency to Interstate 5, the Staff Report that facilitates the FNUVP makes no distinction. Staff Report (p.3, italics added):

“The Comprehensive Plan designates Fairhaven as a “District Urban Center”, defined as an area designed and intended to serve the entire community while remaining accessible to those living or working nearby. In addition to Fairhaven, other examples of District Urban Centers include the Sunset Square and Barkley Village areas.”

It is an unfortunate and misleading mistake that Fairhaven, a functioning town center area established in the mid 19th century and retaining the patterns of the period, is compared to an “urban development center” established in the late 20th century and exhibiting the patterns of the period.

BUILDING HEIGHT

The Checklist fosters the myth that areas permitting unlimited building height exist in Fairhaven. This is contrary to objective fact. These areas are presently subject to Fairhaven Design Review, which limits building heights both by the discretion of the Planning Director and the requirement that they be “consistent” and “harmonious” with existing historic buildings in Fairhaven. To set heights at 42’ – 66’ merely implements existing limits.

The Checklist also conceals actual harm resulting from proposed increased heights north and northwest of the commercial area. “The Fairhaven Urban Village and Neighborhood Plan review process included extensive view modeling studies that determined that development at the current height limits would permanently block most views over private property. For instance: The view west of Bellingham Bay from the Fairhaven Gardens development on the northeast corner of 11th Street and Mill Avenue could be blocked by a currently allowed 35’ tall building.” (Checklist p. 14, item 10.c.)

Fairhaven Gardens features a rooftop plaza available for common use of all residents. That plaza would retain its view after construction of a 35’ tall building. Fairhaven Gardens also includes many residential units on the Finnegan Street side that enjoy elevation above 35’ from 11th and would retain their views after construction of a 35’ tall building at Mill and 11th. The proposed FNUVP would permit heights of 66’ in that location on 11th Street, sacrificing views from all Fairhaven Gardens units, despite elevation, and eliminating views from the common plaza, a valuable amenity available to all building residents. Concealing harm such as this in the Environmental Checklist is regrettable.

PROJECTED GROWTH AND LAND SUPPLY

The Environmental Checklist and Staff Report water-down the recent infill accomplishments achieved in Fairhaven, diluting growth projections that inform the DNS determination. The Environmental Checklist discloses that “The existing developed commercial square footage and residential units were ‘backed-out’ of the new figures to derive a new-net figure” (p.12). The new-net figure appears to be an estimated “308 new housing units . . . and 263,000 square feet of both commercial and industrial space” (p.12).

Not counted are several large projects, all completed since drafting the 2004 Comprehensive Plan EIS and many developed since the 2006 Comprehensive Plan approval. “To establish a metric for future growth, the most-recent 500,000 square feet of mixed use construction was analyzed. Included in this total are Fairhaven Gardens, the Waldron/Young block, Harris Square, and the 1440 McKenzie block. These projects averaged 64 housing units and 21,000 square feet of commercial space per acre” (Staff Report, p.11). These projects, by themselves, have already provided approximately 240 new housing units in Fairhaven since 2004. Add to that a minimum of 40 new housing units built since 2005 between the Creekside at Fairhaven development and the 13th and Mill Building, and Comp Plan infill allocations for Fairhaven can be considered spectacularly successful, especially if the parking and traffic impacts are ignored.

The 2004 Comprehensive Plan EIS produced a wide variety of infill strategies to accommodate housing units to provide for increased population in the Bellingham UGA through 2023. All Alternatives require Fairhaven to build 334 new housing units beginning in 2004 (without any rezoning) to achieve projected infill requirements (EIS page 4-40). The Net Total New Units possible with existing zoning and development regulations were set at 367 (Table 4.2.1.7.B). Since 2004, at least 280 new housing units have been built in Fairhaven. That leaves only 54 units to be built in the eleven years until 2023.

The Fairhaven Urban Center area considered in the 2006 Comprehensive Plan Land Supply Summary (Chapter 2, Table 14, LU16c) includes 25 acres of vacant land and projects 137 units possible (195 less 15% land availability factor and 15% safety factor), prior to construction of McKenzie Square and Waldron/Young. The FUVNP contemplates 288 *new, additional* units, occurring on approximately 6 acres in the central commercial area.

A vast strategic infill reserve remains adjacent to the central commercial area, yet is excluded from infill projections. For example, no additional housing units are projected for the approximately 4 acre I-3 industrial zoned property west of Padden Creek and south of Harris Avenue. This area also is proposed to have height increased from 40’ to 66’ for non-industrial development and there has been much

interest to apply for conversion to mixed use zoning in recent history. Fairhaven Neighbors have embraced this possibility, reasonably scaled, meeting with owners on several occasions to discuss acceptable development ideas. Considering the density and infill possibilities already existing in Fairhaven, there is no reason to offer increased heights for non-industrial development in this and similar areas.

It is challenging to consider, after completing nearly all of the infill contemplated by the existing Comprehensive Plan and Comprehensive Plan EIS, that this infill quotient could be blithely increased again, by more than 100% of the original, nearly fulfilled 2006 allocation, without a new EIS to determine probability of adverse environmental impact. It is also challenging to contemplate why these substantial increases would be promoted during a period when the State of Washington is drastically reducing its projections for growth. (see State of Washington Office of Financial Management, *Forecast of the State Population*, November 2011, p.3 [Link:http://www.ofm.wa.gov/pop/stfc/stfc2011/stfc_2011.pdf].

Indeed, are Bellingham Comprehensive Plan projections still valid?

PARKING

The Environmental Checklist is not reasonably responsive and/or evades items addressing parking supply and demand (see Checklist pp. 16 & 17). Item 14 c.: “How many parking spaces would the completed project have? How many would the project eliminate?” is not answered. The response given incorrectly declares that a Parking District “eliminates” parking requirements for non-residential developments “for many properties in the center of commercial Fairhaven.” The total parking supply for the entire commercial area, including all areas inside and outside the Parking District boundary, is then summarized as “approximately 1,000 spaces on-street (public) parking and approximately 730 off-street (almost all private).” The response next addresses demand: “The Fairhaven Parking Study by Transpo calculated that required parking would total approximately 2,300 to 2,800 spaces for Fairhaven’s commercial area, depending on parking code revisions and developer decisions.” That the FNUVP provides no location or regulatory structure to facilitate this necessary parking supply is not disclosed, instead it is affirmed that “little **public** parking is anticipated to be eliminated, mostly to construct driveways from a public street onto private parking. Much **private** parking will be eliminated as lots develop.” The source of the parking supply required for commercial development (2300 – 2800 spaces) is not addressed.

Parking policies also are not adequately explained in their connection to the rationale given for other development elements of the FNUVP. Arbitrarily increased building heights provide one example. “Height limits in the north and northwest of the commercial area will increase from 35’ to 56’ in the Historic District and 66’ outside of the Historic District” (Checklist p.13). The Staff Report rationalizes the increase, explaining “the current maximum allowable height is 35’,

with an optional 54' maximum (with City Council approval). Four buildings have been constructed that are taller than 35' using this option. No building has been denied the optional height increase. However, the approval process for these developments was difficult, and time consuming for the applicant, the public and the Council. This uncertainty added costs to these projects, and left some people concerned about the perceived fairness of the process. Staff's proposes to revise the current height limit to a standard 56-feet."

A reasonable rationalization, until recognizing that none of the four buildings requested an increase amounting to much more than 44 feet, or remembering that the request also required "implementation of an area-wide District Parking Plan, which demonstrates capacity for the increased parking demand generated by the increase in floor area" (BMC 20.00.070 p.6). No approval for height increase has been granted by the City Council in perhaps more than 10 years, and the 2011 Transpo Parking Study clearly showed zero capacity for increased parking demand for any new commercial floor area within the Parking District boundary.

It also is noteworthy that the underlying proposed new land use regulations that will implement the FNUVP do nothing to enable the somewhat tightened ("zero sum") parking policies suggested in the latest FNUVP draft (3-20-12).

HAGGEN REZONE

In light of the pending Neighborhood Plan Amendment and Rezone Request by Briar Development Company LLP, aka Haggen, and the possible denial of that request, we believe that the FNUVP should acknowledge the value of a neighborhood grocery store as a major anchor in the commercial district and include the goal of facilitating future enhancement of that property as economic conditions improve.

ENVIRONMENT

There is also much to suggest concern about the FNUVP impacts to the natural environment. The theme of the Environmental Checklist seems to be that the increased air pollution, noise, runoff and threat to endangered marine species that will result in Fairhaven if this FNUVP is adopted is acceptable because it will result in less contamination elsewhere in Whatcom County. This is not acceptable. The issue considered with the threshold determination should be whether the project will have an adverse impact on the environment within and adjacent to Fairhaven.

CONCLUSION

In summary, the DNS determination should be reconsidered because:

- (1) The FNUVP development regulations fail to address existing and future deficient parking supply, and increased building heights are not supported by existing parking supply.
- (2) The FNUVP reduces the area for residential infill consideration from 25 acres (2006 Comprehensive Plan, Table 14) to 6 acres, creating an excluded 19 acre strategic infill reserve, while simultaneously increasing the unit allocation from 334 (2004) to 588 (334 + 308 – 54 not yet built since 2004 allocation). This increase brings the Fairhaven allocation to greater than double the suggested low range (250) for “district urban centers” that are “town centers,” not “urban development centers.”
- (3) Aesthetic impacts from the increased building heights are ignored, increasing likelihood other impacts are also not accounted for, while no new growth projections are provided to show the rationale or purpose for the substantially increased development envelope proposed by this FNUVP.

For these reasons and many more our suggestion would be to revisit zoning changes and promote development regulations to conform more closely with the town center capabilities and proximate sensitive environments unique to Fairhaven.

- Restore the existing 35’ height limits to the Historic District and commercial areas north of Mill Avenue and also areas east of 12th and north of Harris Avenue.
- Restore the 40’ height limit to non-industrial uses in industrial zones.
- Establish development regulations that will increase commercial public parking supply to levels close to required standards and projected demand.

The result will be increased density and infill, reduced auto dependence and increased walkability in Fairhaven.

Unless these changes are made, a new and detailed EIS should be required prior to approval of the FNUVP as written.

Thank you again for the opportunity to comment and participate.

Sincerely,



Vince Biciunas, President

cc: Mayor Kelli Linville
Planning Commission
City Council
Old Fairhaven Association-Jody Finnegan
Fairhaven Village Association-Brad Imus