





RECORD OF PROCEEDING OF THE  
Planning Commission  
**PUBLIC HEARING**  
CITY OF BELLINGHAM, WASHINGTON

<br>

THURSDAY, APRIL 15, 2004 07:00 P.M.  
COUNCIL CHAMBERS

**CALL TO ORDER:** The PUBLIC HEARING of the Planning Commission was called to order by Doug Starcher - (Chair).

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**ROLL CALL:**

Commission Members Doug Starcher - (Chair)

Nick Zaferatos

Michael Kohl

Chris Morgan

Jim Bishop

Commission Members

Absent Julie Muyliaert, Joan Beardsley

Planning Staff Members Greg Aucutt, Senior Planner; Pat Carman, Planner I; Brent Baldwin, Public Works Transportation Planner; Cheri Moniz, Recording Secretary

**APPROVAL OF MINUTES: None to approve.**

PUBLIC HEARING

**1. ZON2004-00003: A request to change** the current zoning requirement for properties in Area 4 of the Cornwall Park Neighborhood that requires the Institutional Master Plan applicable to Area 7 of the Cornwall Park Neighborhood to be amended prior to development of medical offices in Area 4. The subject properties are zoned Residential Multi / Institutional. If the text amendment is approved, medical offices could be developed without amending the Institutional Master Plan. The applicant is the City of Bellingham.

**STAFF PRESENTATION**

Pat Carman stated that she met with attorneys John Sitkin and Phil Serka this afternoon. As a result, the staff recommendation was revised and was handed out to the Commissioners. This proposal is a consideration of a text amendment to delete a special condition applicable to one allowed use in Area 4 of the Cornwall Park Neighborhood. The condition requires that prior to development of any medical facility the St. Joseph's Hospital Institutional Master Plan (IMP) be amended. This condition does not apply to any other use in that area. The IMP is applicable to the property, which was once Area 4, and has now become a part of Area 7. Area 4 is zoned residential, multi, institutional uses. The use qualifier includes planned, mixed, institutional, medical offices allowed. The IMP applies only to Area 7 of the neighborhood that incorporates the hospital and other private property. The hospital purchased some of this property and uses it as open space. In speaking with the hospital and the land owners, they

agree that the language developed today is appropriate for the plan. Staff is confident the City has the necessary mechanisms to address the transportation and circulation issues raised by the Hospital's representative Mr. Serka. This text amendment addresses the six factors that the commissioners have to consider as part of the rezone process. Staff recommends that the text amendment apply to the identified properties and create Area 4A. The preferred recommendation, however, is to approve the request and apply the new language to all of Area 4.

Doug Starcher stated that St. Joseph's Hospital is updating its IMP which will include a traffic study. He asked if there is a completion date. Pat Carman said there is no completion date. They are in the early stages of developing their time line. Brent Baldwin said that the hospital is starting on their transportation plan, but they are waiting for the City's transportation model. He felt that it should be completed by the end of the year.

Nick Zaferatos asked if the hospital owns the area referenced in the preferred recommendation. Pat Carman stated that there is a small lot owned by the hospital and the rest is owned by the Deets family. Mr. Deets has participated in the discussions, but has yet to make a commitment.

## **APPLICANT**

## **PRESENTATION**

**John Sitkin, 1500 Railroad Avenue**, stated that he represents the parties that have the property in the corner of Squalicum Parkway and Birchwood Avenue. They held a neighborhood meeting and had a second meeting to discuss the transportation issues. To develop the property for medical offices, a private party has to pursue the hospital to change their IMP. City staff suggested changing this requirement. The applicant understands that they still have to go through the planned contract process. He noted that multi-family can be developed on this site without amending the IMP, which would be more impactful. The applicant added the words "traffic circulation and access" to the special conditions section of Area 4. Both will be addressed in the planned contract. There is a condition not to allow access from Birchwood Avenue. In their opinion, if the hospital is going to do a traffic study, access limits should not be applied before the study. The applicant suggested removing this. If the Deets property is not included, they recommend creating a new Area 4A. If the Deets property is included, they suggest applying the language change to all of Area 4, as has been recommended by staff.

## **PUBLIC HEARING OPENED**

No testimony recorded.

## **PUBLIC HEARING CLOSED**

## **DISCUSSION**

Chris Morgan asked if the Deets property owners have been included in the discussions. Pat Carman stated that they attended the neighborhood meeting, but did not commit one way or the other. They are still in discussion with the Parks Department.

Mike Kohl commented that the preferred recommendation from staff is the most appropriate. That change just moves the property out of the IMP. It allows for less constraint on future development. The property is already burdened by the stream corridor and the wetlands.

The Commission discussed the intent language for the IMP. Nick Zaferatos asked if the IMP was set up for a single institutional owner to master plan the area or was the intent to include other property owners. Pat Carman said the intent was for a larger ownership to master plan. However

Area 7 includes many private property owners whose development is governed by the IMP in terms of landscaping, setbacks, etc. John Sitkin commented that this seems to be an oversight in the IMP for Area 7. In Title 20 the intent is *to provide for the development of large campus type public or quasi-public uses in a planned and coordinated manner*. This will not be in this large campus setting. Mike Kohl said that the components of the IMP that applied to this were related to the proposed motion that Mr. Sitkin gave the commissioners regarding the continued coordination and consideration of infrastructure and traffic planning. They concluded that this change unburdens the property and leaves traffic circulation and mitigation as part of the planned contract process.

**MOTION: CHRIS MORGAN MOVED TO APPROVE THE REQUESTED TEXT AMENDMENTS WITH THE AMENDED STAFF PREFERRED RECOMMENDATION AND THE CHANGES TO THE LANGUAGE FOR AREA 4 ON PAGE 2 OF THE MOST RECENT HANDOUT. NICK ZAFERATOS SECONDED.**

Nick Zaferatos asked if the city attorney has reviewed the revised staff recommendation. Pat Carman stated they had not.

John Sitkin commented that the difference between the revised staff recommendation and his proposed motion is the third bulleted item which referenced deleting the provision of no access to Birchwood Avenue. This is not a critical issue for the applicant.

Mike Kohl stated that the streambed runs along Birchwood and asked if they had the ability to come off Birchwood to that property. John Sitkin said it will be very difficult and involve a bridge. Part of the developable area is adjacent to Birchwood.

**VOTE: ALL AYES.**

**2. ZON2004-00005: A request to change** the current zoning from Auto Commercial to Residential Multi at 1,000 square feet per dwelling unit for approximately 1.9 acres located in Area 1 of the Samish Neighborhood. The subject properties are adjacent to and west of Ashley Street between Byron Avenue and Consolidation Street. If the rezone is approved, up to 69 dwelling units could be built. The applicant is Al White.

## **STAFF PRESENTATION**

Pat Carman said the application consists of a request to rezone 1.9 acres from Auto Commercial to Residential Multi at 1000 square feet per dwelling unit (42 units/ acre) in Area 1 of the Samish neighborhood. A maximum of 69 units would be possible if approved. The issues raised by this requested change include appropriate density, traffic, parking, road infrastructure, crime, protection of Lincoln creek, preservation of significant trees on the property.

The current Commercial zoning was intended to provide goods and services for the motoring public. Typically, Auto Commercial zones are located at or near freeway interchanges. Ashley Street is orientated towards residential areas and provides access to both single and multi-family developments. The subject property is only 1.9 acres and does not have the visibility from the freeway normally associated with commercial developments. Residential zoning is more appropriate for this site as it is consistent with the surrounding development patterns.

Pat Carman said the property is located on the fringe of the single-family development at a variety of densities and zoned for multi-family development. Western Washington University is in the process of developing a park-and-ride on the drive-in theater site to become a transit center.

Staff supports the requested rezone and recommends adding the planned designation to ensure that the public has the opportunity to review any proposal for that site. Staff supports the rezone for a number reasons (1) WWU intends to develop a park-and-ride as a transit hub for the area, and (2) it is an appropriate infill development for students and people of various income levels. Two large commercial areas, Sehome Village and Lakeway Shopping Center are located in close proximity to this property. Multi-family will be developed on the property south of Fred Meyer and the property south on Ashley. If the proposal is approved, Ashley Street will be improved from Byron Street north to Consolidation Avenue.

Most of the concerns raised by neighbors stem from the single-family homes in the area that have been rented out to numerous students. As a result, parking is an ongoing problem. The City is considering a nuisance ordinance that would address some of the issues raised by neighbors. The City is working with the neighborhood, WWU and developers to find solutions.

Staff recommends approval of the rezone with the addition of the planned qualifier to create Area 1A conditioned to allow residential-multi setbacks, require an on-site manager and provide 138 parking spaces on-site.

Mike Kohl asked what for the surrounding densities of the area.

**Tom Barrett, 1304 39th Street,** stated that Ashley Court is 4,000 square feet per unit (10 units/ acre) with 9 additional units at 1,500 square feet. The area to the east (Area 3) is 5,000 square feet per unit (8 units/ acre). Pat Carman stated that the Maple Park Apartments has 184 units, Samish Heights is 2,100 square feet per unit (20 units/ acre), and South Gate Apartments is 1,400 square feet per unit (31 units/ acre).

There was discussion on the neighborhood plan requirement to improve the interchange to I-5 and Samish. Chris Morgan asked for the schedule for the improvements at I-5 because no construction can start until that improvement has taken place. Brent Baldwin stated that those improvements occurred when the bridge was constructed 6 years ago.

Chris Morgan asked for clarification on the size of the property.

**Mike Smith, 209 Prospect,** said the correct measurement is the 69,000 square feet (1.6 acres).

The next discussion centered on the requested 1,000 square foot density. They asked how staff arrived at that density. Pat Carman said the density of the area was suggested by the applicant and discussed at a Technical Review Committee meeting. The City is in need of infill areas. They concluded that this site is on the fringe of two major commercial centers.

Nick Zaferatos asked if Lincoln creek bisects the property. Pat Carman stated that the creek goes through a small portion at the north end of the site.

The discussion turned to the WWU park-and-ride. There will be one level of parking. There is the possibility of additional parking to the north of this site. The access will be off of Lincoln Street. Whatcom Transit Authority will provide more frequent bus service to the site.

Doug Starcher said he understands the neighborhoods concern regarding the “overpopulated single family homes”. He felt it ironic that in the letter from WWU they express their concern that these residents in the proposed development will use the park-and-ride as overflow parking.

**Mike Smith, 209 Prospect**, said this is the right project, at the right place and the right time. Its proximity to the new park-and-ride makes it the right place. The focus is to design Transit Orientated Development (TOD) which builds high density projects next to transit hubs. The intent is to get people to use transit instead of driving single occupancy vehicles. This is between two major retail developments and fits the definition of a TOD. In regard to being the right time, the City is projected to grow by 31,600 residents by 2022. The City needs to centralize development and take advantage of the underutilized transit system. In order to get 2 parking stalls per unit they are proposing some underground parking. The building design is to have central corridors. There are significant trees on the property and they intend to retain some of those trees.

Chris Morgan asked if the 19 parking spots along Ashley were included in the 138 total parking spaces listed in the report. Mike Smith said they were not included. The applicant is working with Public Works to get approval to construct and use these on-street parking spaces.

**Mike Smith** reviewed the design. The smaller building is two stories with parking underneath. The other building is 3 stories with parking underneath for a portion of the building and steps down to two stories along Byron. Each unit has 2 bedrooms. The 138 parking spaces are all on-site, plus the possibility of 19 more on Ashley Street.

Nick Zaferatos stated that he likes the TOD idea. He asked if this is going to be mainly college student housing. Mike Smith said they will not restrict the type of resident, but predict a high percentage of students.

Nick Zaferatos asked how they propose to induce tenants to not to bring their cars. Mike Smith stated that by not building 138 spaces, the tenants would not be able to bring their vehicles. He said there will come a time that we will not be able to afford to drive single occupancy vehicles.

They discussed the stream corridor set-back when Mike Kohl pointed out that the minimum is 50 feet and the driveway infringes on that. Mike Smith stated that it was their understanding that the set-back was from the building, but they will accommodate that.

Mike Kohl commented on the slope on the westerly side of the site and asked if there will be a retaining wall to hold the parking up. Mike Smith clarified that they will build on grade. The parking will be fairly level. The detention facility will be structured.

Jim Bishop asked if the footprint underneath the building is all parking and if there was a driveway from the smaller building all the way under to the larger building. Mike Smith agreed.

## PUBLIC

## HEARING

## OPENED

**The following provided testimony against the proposal due to the lack of parking: Robert Wolf, 4211 Consolidation Avenue; Richard Baldwin, 1014 Lone Tree Court; Shirley Forslof, 1508 40th Street; Bob Merth, 214 Jerome Street,** They stated that one unit cannot be expected to provide only two parking stalls, as there will be far more vehicles associated with each unit. The extra cars will park on the street. The increase in vehicles will narrow the traffic to one lane on Ashley Street. They insisted there be more parking on site. The neighborhood is tolerating a higher percentage of students. They understand density is a problem, but felt that they are sharing in that. They asked the Commission to consider the current residents.

**The following provided testimony against the proposal due to the density:**

**Kenni Merritt, 1304 39th Street; George Sanders, 4062 Consolidation Avenue; Ralph Davis, 138 S 42nd Street,** They expressed their concern that this is too many people on a small site. TOD is a great idea and a good goal, but there is currently no parking at WWU so students leave the cars in the neighborhood. There was concern regarding the set back reduction. By doing this, a monolithic two-story building will be at the street. Another concern is that the multi-family designation doesn't apply and this would be like a dorm. This rezone would further destabilize a neighborhood that is already burdened by the impacts of high density student housing.

**The following provided testimony against the proposal due to the increase in traffic congestion and the need for street improvements:**

**Bill Smith, 141 S 42nd Street; Alexandra Wiley, 121 S21st Street; Joel Hile, 218 Jerome Street,** They said Ashley and Byron Streets need to be improved. In regard to congestion, they pointed out that the WWU park-and-ride has not received funding. To build this complex before the park-and-ride is built is questionable. Adding another 200 cars will only add to the problem. Brent Baldwin stated that the streets would be improved to 40 feet with 8 feet of parking on either-side, two 12 foot travel lanes, sidewalks and curbs. He further clarified that as development occurs, each developer is responsible to build ¾ of the arterial street. Other developments will be required to do their portion. The City will do improvements when San Juan Boulevard is widened which will include improvements to Ashley, 40th, and Dumas Streets.

**Tom Barrett, 1304 39th Street,** Samish Neighborhood Association President, submitted a letter into the record which details their opposition. He pointed out that the Association has never taken a position on a rezone before. The problem is that there are too many people living in these homes thus increasing traffic and parties. At 1,000 square feet, this is too dense for the area and incompatible with the neighborhood. In regard to traffic patterns there are many cars parked illegally thus making it difficult to walk and drive in the area. In his opinion the on-site manager will not work. He said they are not against multi-family, just at this density.

**Lynn Smith, 141 S 42nd Street,** commented that in the reasons why Auto Commercial would not work, Pat Carman stated that the property is not close to a freeway on-ramp. Then when discussing why this site would be good for multi-family, Ms. Carman stated that the proximity to an on-ramp is beneficial. She asked if there were different standards applied to the proximity of the freeway. She urged the commission to not approve the proposal.

Pat Carman said the TRC committee looked at the kinds of development that are adjacent to the freeway on-ramp. Staff assumed a majority of residents would be students and would not be using the northbound on-ramp. They assumed that the students would use the park-and-ride. The Auto Commercial use includes motels, restaurants and gas stations. Staff felt this area was not appropriate for those. This area should remain residential. There are not different standards.

**Marcia Merth, 214 Jerome Street,** expressed concern with drunken driving, parties and the increase in noise. She stated that when neighbors have called the police, they have been retaliated against. This project is building housing for students at the detriment to the neighborhood. She said students always have 4-5 renters in one unit and all have vehicles.

**Norman Pendergraft, 215 Ashley Street,** stated his concern regarding crime. Since the first apartment complex was built, there has been an increase in crime with every other development. Statistically, people who break into your house live within 2 blocks of you.

**PUBLIC**

**HEARING**

**CLOSED**

**DISCUSSION**

Pat Carman said that students living in single family houses is an issue in many neighborhoods. She cited her own experience with student housing within her neighborhood. In regard to the crime, Samish is the 8th lowest neighborhood per the Bellingham Police Department 2003 Crime Summary. The actual crime rate in the neighborhood went down in 2003. Staff reviewed the area between Maple Street and Dumas Street over to 42nd Street and found that of 54 crimes, 32 were property crimes. In the whole neighborhood there were a total of 113 crimes, of that 94 were property crimes. She pointed out that the neighborhood with the lowest crime was WWU. They have a density of 1000 square feet and managers on site.

Pat Carman said the neighbors are reacting to the “single family” dwelling units that were built in the area. Those are rented to one student, who rents out the other rooms to many students.

Nick Zaferatos said the parking requirement standard is 1.5 for a 2-bedroom unit in a multi-family development. He asked if staff is recommending two. Pat Carman clarified that the City parking standard is a minimum requirement and developers always have the option to build more.

Nick Zaferatos asked the applicant how they intend to control occupancy. Mike Smith said that was difficult to answer. He suggested that the on site manager be given that authority. He stated that the landlord and the manager have the control.

Nick Zaferatos felt that this was a unique site due to the proximity to the park-and-ride. It makes sense to have higher density, but 1,000 square feet is very dense. He suggested that pedestrian access between the apartment complexes and the park-and-ride be addressed. He expressed concern about the creek constraint. He said that 2,000 square feet density may be a better transition between the single and multi-family units. This would also buffer the neighborhood from the park-and-ride. Commercial uses would not be appropriate for this site.

Mike Kohl asked if residential development is allowed in Auto Commercial zoning. Pat Carman stated it was not.

Mike Kohl asked if a variance was required for the set-back reduction. Pat Carman stated that it could be done in the planned designation to allow for residential multi setbacks. She cited the Ashley development across the street.

Mike Kohl commented that they should look at the residential density that exists in the area. He suggested building a neighborhood commercial/ service center on this site. They tend to limit traffic out of the area. In regard to the 1,000 square feet density, he felt this proposal was more of a spot zone. He suggested 2,000-2,500 square feet per unit density. He said he understands infill, but that it was inappropriate here.

Pat Carman stated that the applicant came before the Planning Commission several years ago with a request of 1,500 square feet per unit density. That Commission voted to recommend the number of units be reduced to 32 at which time he withdrew the application.

Chris Morgan said he was not going to let the party issue bias him. He expressed concern about the number of cars. He understands that the City has to increase density to avoid sprawl. This was a good location. The density seems a bit high. He asked where else this density is applied. The consensus was that 1,000 square foot density is applied along Bill MacDonald Parkway.

Chris Morgan stated that this is a good solution with the proposed buildings. He wonders what the livability would be like due to the lack of community space. He felt that parking is an issue and should be better addressed. He pointed out that the students that will be using the park-and-ride are those that live farther away. He pointed out that the site drops from Ashley, therefore pedestrians would not be looking at the buildings straight on. He stated that we cannot be intolerant of students as they are the future. He suggested that the proponent work with WWU regarding parking. The University should recognize that the parked cars are essentially university cars. WWU has not built all the parking garages included in their campus IMP. One way of alleviating the pressure on this neighborhood is to allow parking from this project to use the new WWU park-and-ride facility.

Jim Bishop said the City needs infill and this is a unique site for it. Irresponsible landlords add to the problems cited by the neighbors. He felt that the City needs to be able to sanction problem landlords. He suggested a “reward” for students that do not have a vehicle on site. Cars are killing Bellingham, not the people. He would like WWU to be a part of the rezone and development process.

Doug Starcher said that there is a difference between the 6-bedroom “rooming houses” that have been built in the neighborhood and this complex. This proposal has great components, such as the interior halls to reduce noise. He agreed that we are being killed by cars, not density. In regard to how many people can go into a building, these units are too small to have more than 2 or 3 people per unit. He pointed out that many of the neighbors live in a multi-family zoned area. His preference is for lower density and more parking. He said they should be planning for guest parking. He suggested a density of 1,500 to 2,000 square feet and a minimum of 2 parking spots per 2-bedroom unit.

Nick Zaferatos stated that traffic is the problem and transit is the solution. He pointed out that they need the density to encourage transit use. If we put density in here before the transit service is in place, there will be a problem. The change in zoning to residential is more desirable and less disruptive than Auto Commercial uses would be. This is a nice buffer between the activity that will be associated with the park-and-ride, which benefits the neighborhood.

**MOTION: NICK ZAFERATOS MOVED TO PROPOSE A DENSITY OF 1,500 SQUARE FEET PER DWELLING UNIT, ADDRESS THE CONCERNS REGARDING THE SETBACK FROM LINCOLN CREEK IN THE DESIGN, AND REQUIRE ONE VEHICLE PARKING SPOT PER BEDROOM. JIM BISHOP SECONDED THE MOTION.**

Jim Bishop asked if there were foot paths to encourage not using vehicles. He asked if there were a way to add paths from this development down to the park-and-ride.

Pat Carman stated that site design issues such as trails will be addressed in the planned contract process. WWU plans on putting up a fence to discourage access to the park-and-ride due to safety issues. The University wants to encourage using the main entrance on Lincoln Street. In terms of sidewalks for the residential area, there are sidewalks adjacent to the newest multi-family development.

Chris Morgan said this is a good site due to the proximity to the park-and-ride. He is concerned with the fact that WWU hasn't been a part of the discussion. He felt that changing the density to 1,500 square feet helps, but may not be enough. If the neighborhood is having a problem with 3,000 and 4,000 square foot densities, then 1,500 could definitely be a problem. He suggested limiting the number of bedrooms allowed. He commented that vehicles will remain as the preeminent means of transportation. He suggested working with the University for a solution.

Nick Zaferatos pointed out that a poll has shown that the price of gas has to get to \$2.75 before people consider an alternative behavior, such as a smaller car or public transit. WWU doesn't want to and should not have to subsidize parking for this proposed development. The strategy is to get students from further away to use the park-and-ride. He asked if the commission should recommend a change from the standard parking requirement in the planned contract.

The discussion turned to parking when the Commissioners determined that approximately 70% of the students at WWU are from further away, such as Seattle. Mike Kohl pointed out that the issue of the car comes in because the students need the car to go back home. They may not be using the vehicle while they are in Bellingham. Mike Kohl suggested that it would be more realistic to estimate 2-3 cars per unit, plus guests. He stated that they would need to decrease the density and increase the parking requirement. Jim Bishop asked if tandem parking spaces could be used in this design. Doug Starcher said the Commission allowed those in a project in Fairhaven. Tandem spaces have worked well in other communities. They agreed that many of the vehicles won't be driven every day and that non-standard spaces could be applied here.

Mike Smith asked if the commission would grant a recess so he could speak with the owner.

Doug Starcher agreed to a recess for the applicant.

Nick Zaferatos said he did not believe in the concept that if you build it the cars will come. He works with students and a significant number of them would prefer alternate means to get to the campus. He stated that students currently have two alternatives (1) live on campus, but that is reserved for freshmen or (2) live in the area immediately surrounding the campus.

Doug Starcher said the park-and-ride at Civic Field and the Campus Express shuttle bus have been a huge success. He said that students will still need a car to get groceries. Some of the residents expressed in their letters that commercial might be a better use here.

Mike Smith on the behalf of the property owner requested a continuation to next month so the owner can project if they can make the project work at a density of 1,500 square feet per unit and a minimum of one parking space per bedroom.

**VOTE: ALL NAYS**

Greg Aucutt suggested that this be put on the agenda for May 6th.

Chris Morgan recommended that the applicant have some interaction with WWU to address the parking issues. What they have submitted so far is not sufficient.

**ADJOURNED: 10:00 p.m.**

Minutes prepared by:

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Cheri Moniz, Recording Secretary  
Minutes edited by various Planning Staff

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