

YORK NEIGHBORHOOD ASSOCIATION
c/o 520 Edwards St.; Bellingham, WA 98225

May 25, 2015

Mr. Rick Sepler, Director
Planning and Community Development
City of Bellingham
210 Lottie St.
Bellingham, WA 98225

Dear Mr. Sepler:

On behalf of the York Neighborhood Association we are writing to bring to your attention a planned development in our neighborhood at 1623, 1625, and 1627 Iron St., which we will refer to as the “Hansen/Iron St. mega-plex.” The properties are owned by Cottonwood Units, LLC. The State of Washington Secretary of State lists the governing agents as David Hansen and Jon Hansen.

Currently, there is one existing house at 1625 Iron St. in the middle of two adjoining lots that is a “contributing property”¹ to the National York Historic District. The project proponent plans to bulldoze this house and has filed permits to construct three new homes on the three lots.

This letter will address our concerns and questions for the project with these subtopics:

1. Protection of Assets of the National York Historic District;
2. Apparent Deception of Intent for Use of the Properties;
3. Planning Department Oversight;
4. York Sub-Area 5 Zoning Regulations;
5. Washington State Growth Management Act;
6. Bellingham’s Comprehensive Plan;
7. Past decisions of City Council and the Hearing Examiner.

1. Protection of Assets of the York National Historic District

The demolition permit request for the existing home at 1625 Iron St. has “triggered” a SEPA (State Environmental Protection Act) review because it is part of the National York Historic District. We await written notification of this review from the Planning Department and an opportunity to be part of the public comment period that the review requires. We do not support bulldozing of existing housing because historic preservation is an inherently “green” approach to housing needs.

We support the concepts as stated in the Washington State publication, “Historic Preservation: A Tool for Managing Growth” (jointly issued by the Washington State Community Trade and

¹ “Contributing property” is a reference to an evaluation system used to determine historic integrity of a structure. “Historic integrity is the authenticity of a resource’s historic identity, and refers to the intactness of historic form and original construction materials. As such, historic integrity is essential to the resource’s ability to convey its significance.” (*Survey Summary and Proposed National Historic District for the York Neighborhood*, Historic Preservation Northwest.)

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Economic Development Department and the Department of Archaeology and Historic Preservation), that reads:

“The spirit of the 1990 Growth Management Act (GMA) encourages the preservation and protection of Washington’s cultural resources, a community’s character, and quality of life.”

“In efforts to increase the number of affordable housing units, rehabilitation of historic housing can be less costly than building new housing. Plus, reinvesting in historic buildings serves to combat blight and maintain the character of neighborhoods.”

Mr. Sepler, we ask for your support in maintaining the character of the National York Historic District. We do not support teardowns of historic housing because it begins a process that threatens the historic fabric and character of an historic district. Cities have seen the phenomenon of absentee owners allowing blight to occur and then bulldozing their properties rather than bring them up to safe codes and repair their appearance.

This replacement housing is often oversized and out-of-scale with the historic district. A “domino effect” takes place; and, gradually, a neighborhood ends up with a hodgepodge of housing types and loses its inherent historic character. Preservation of the National York Historic District assets is a primary concern of ours and, hopefully, of yours and the Planning Department.

The property owners own at least 33 other rentals in the York Neighborhood; and, additionally, through their real estate and property management company, Lakeway Realty, have oversight for many more. This is just in York. Hundreds of other rental properties are under their control and ownership, as we are sure you are aware.

Q.1: What new multi-family housing types in Single-Family Zoned neighborhoods will be allowed throughout the city if a new precedent is set with the “Hansen/Iron St. mega-plex” project?

2. Apparent Deception of Intent for Use of the Properties

We are alarmed about the apparent deception for use of this property, as documented in the owner’s Craigslist advertisement dated 5-18-2015. The permit application for the houses was for five-bedrooms each, with each having two “bonus” rooms. However, the Craigslist ad described them as “New Construction” seven-bedrooms each, renting for \$3,500 per month and available September 1, 2015. Attached is a copy of the Craigslist advertisement.

York’s Sub-Area 5 is zoned Single Family. The intended use for this project is multi-family, or Rooming Houses. Damage deposits of \$250 “per adult” are required, per the Craigslist advertisement.

The property owners have filed permits for three, five-bedroom houses, but they clearly intend to rent them out to seven individuals, each. In addition to violating the Single-Family Zoning regulations, this apparent deception may be to avoid installation of the required parking spaces. A five-bedroom house requires four parking spaces, or a total of 12 for the combined mega-

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complex. A seven-bedroom house would require six parking spaces each, or 18 parking spaces total.

Q.2: How is the Planning Department investigating the apparent deception of intent?

3. Planning Department Oversight

We are aware of only one effort by the Planning Department to assess the impact of the proposed project and that is a SEPA review, which was “triggered” by the applicant’s request to bulldoze the house at 1625 Iron St. Because it is a “contributing property” to the National York Historic District, a SEPA review is required.

Q.3: Are concepts for historic preservation of the neighborhood, as expressed in the Washington State Historic Preservation Plan, being supported?

Q.4: Are the assets of the National York Historic District being protected?

Q.5: When providing oversight for the permit review for the “Hansen/Iron St. mega-plex” is the Planning Department representing the interests of the adjacent property owners?

Q.6: Is the Planning Department enforcing the Land Use zoning regulations of the York Neighborhood Plan and the City Comprehensive Plan?

Q.7: Are the goals of the State Growth Management Act being supported?

Q.8: Has the Planning Department initiated an investigation to determine if the “intended” use is in violation of the “stated” use in the applicant’s permit?

4. York Sub-Area 5 Zoning Regulations:

This project is located in York’s Sub-Area 5, which is zoned SINGLE FAMILY RESIDENTIAL, HIGH DENSITY. Clearly, as stated in the property owner’s Craigslist advertisement, it is not intended to be a five-bedroom, single-family home.

Q.9: How will the Planning Department enforce the rules of “not more than three unrelated” for these Single-Family zoned properties?

This regulation has not been enforced by the Planning Department or Code Enforcement in the past.

York’s Plan document states (our emphasis added in bold): “**The zoning for this area should support the existing predominant single-family development pattern.** Residents have expressed a desire to adopt design guidelines that would ensure new development, remodels, and rebuilding of nonconforming buildings/uses are designed consistent with the area’s historic pre-WWI architecture and pedestrian oriented streets.”

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York Neighborhood Plan Design Objectives state (our emphasis added in bold): “York Design Objectives-3: Include York Neighborhood in the City’s development of an Historic Neighborhood Design Guidelines and Standards document, with open participation of any and all York residents, property and business stakeholders, **to encourage new development that is in scale with and architecturally compatible with the historic character of York; and that the neighborhood’s original character of single-family homes is preserved.**”

From York’s Neighborhood Plan: “York Traffic Improvements-1: Use public processes when available to consider possible adverse affects due to increased traffic volumes, potential for cut through traffic or environment contamination from new construction proposals, **with intent on preserving the historic character and cohesiveness of the neighborhood, and the health of residents.**” (Our emphasis added in bold.)

Q.10: How will the Planning Department provide oversight and enforcement of the parking requirements?

The required parking space allotment for the new development of three houses with five-bedrooms each equals four per house, or 12 for the complex. If the houses are actually used as seven-bedrooms each, the required parking is six per house, or 18 for the complex. This means the backyards of the development will be turned into parking lots.

Each parking space is required to be nine-feet wide. If each house has four parking spaces, that equals 36 feet on lots that are 40-feet wide. The remaining four feet does not allow for maneuverability within the space between the cars. If the actual use is for seven-bedrooms in each of the three houses, that’s 162 feet-in-width for parking. It eliminates the green space, challenges the traffic volume of both the alley and the street, and destroys the character of single-family housing. This is not in keeping with the design or intent of a Single-Family zoned neighborhood.

5. Washington State Growth Management Act:

As stated in the Washington State Community Trade and Economic Development publication, *Historic Preservation: A Tool for Managing Growth*: “The spirit of the 1990 Growth Management Act (GMA) encourages the preservation and protection of Washington’s cultural resources, a community’s character, and quality of life. Historic preservation is an important tool aiding the protection and enhancement of a community’s special attributes.”

GMA: “36.70A.070 Comprehensive plans—Mandatory elements. (2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the **preservation, improvement, and development of housing, including single-family residences.** (Our emphasis added in bold.)

The intent of the “Hansen/Iron St. mega-plex” is clearly not to preserve the “character of established residential neighborhoods”; it is not to preserve “single-family residences.”

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GMA: “36.70A.020 Planning goals. (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.” (Our emphasis added in bold.)

We do not believe the alley behind this proposed development is “adequate to serve the development.” The alley was one of Washington state’s first alleys, in one of the state’s original “suburban” developments, the York Addition. The neighborhood was platted in 1884 with homes along the 1600 block of Iron being built in: 1918 (1600 Iron); 1905 (1606 Iron); 1902 (1610 Iron); 1895 (1617 Iron); 1903 (1618 Iron); 1895 (1619 Iron); 1900 (1620 Iron); 1910 (1625 Iron) – the house proposed to be demolished; 1905 (1626 Iron); 1895 (1630 Iron); 1900 (1634 Iron); 1916 (1636 Iron); 1900 (1637 Iron); and 1927 (1639 Iron).

Similarly, the block behind 1600 Iron -- the 1600 block of Humboldt St. -- has historic homes that share the narrow, turn-of-the-century alleyway on which this 15-21 bedroom “mega-plex” will be built.

Q.11: Parking concerns. Will a traffic study and capacity analysis be conducted for this project?

As previously addressed, this proposed “mega-plex” will require a minimum of 12 off-street parking spaces with alley access. If the project is *actually* three, seven-bedroom houses the minimum off-street parking requirement is 18. This essentially means the entire backyards of the three houses will be used as parking lots, eliminating green space and creating potential drainage and environmental degradation to the surrounding properties.

Q.12. How will the Planning Department address the apparent attempt by the owner to side-step the regulations for required off-street parking for three, seven-bedroom houses?

6. Bellingham’s Comprehensive Plan

We believe this project is inconsistent with Bellingham’s Comprehensive Plan, which states: “Bellingham’s neighborhood plans remain critically important to achieving the vision and goals of the comprehensive plan. **The plans are powerful tools that help to maintain neighborhood character and define the “vision” of the neighborhood in the future.**” (Our emphasis added in bold.)

7. Inconsistencies with past decisions of City Council and the Hearing Examiner

Several years ago a project known as the “Stebner four-bedroom Duplexes” in the Happy Valley Neighborhood was cause for controversy; and, ultimately, a decision by the City Council outlawed four-bedroom duplexes in the future. We believe the proposed “Hansen/Iron St. multi-plex” is a similar controversial, precedent-setting project.

Due to its inherent violation of the Single-Family Land Use Zoning, we believe the City Council will oppose the project even if the City Council is not the governing body to grant or deny its

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approval. The YNA will lobby for Council's involvement because it, historically, has supported our efforts to implement historic preservation and *appropriate* infill.

A second, more recent ruling by the Hearing Examiner on a project known as "University Ridge" in Samish Neighborhood provides instructive tools that relate to our concerns. The project was dissimilar to the "Hansen/Iron St. mega-plex" project in that it was a large student dormitory-like project; however, the *standards* by which the Hearing Examiner measured the appropriateness of the development are useful for a project's evaluation. The Hearing Examiner's comments for that project, included below, and the fact that the project was in violation of the "rule of three" per Bellingham's Municipal Code, 20.08.20 (F) (1) are important to the dispute before us, now.

Hearing Examiner comments in the University Ridge case: Will the proposed use, "1. Be harmonious with the general policies and specific objectives of the comprehensive plan; 2. Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services; 3. Be designed so as to be compatible with the essential character of the neighborhood; 4. Be adequately served by public facilities and utilities including drainage provisions; 5. Not create excessive vehicular congestion on neighborhood collector or residential access streets."

Q.13: Have these concepts been applied to the proposed "Hansen/Iron St. mega-plex" project?

IN CONCLUSION

Mr. Sepler, you have repeatedly stated in public meetings that, "We need to find ways to allow density to occur." We agree with you; however, are blatant attempts to violate the City's codes what we must tolerate to achieve more density in our city?

As members of the Board for the York Neighborhood Association we stand on the record of our organization, which has supported ways to allow density to occur in appropriate locations, with good design and adequate parking, done legally in such a way as to not degrade or destroy the character of the neighborhood.

We support appropriate infill: The YNA is on the record as supporting and leading efforts for: (1) infill in appropriate locations such as the Samish Way Urban Village, of which 8 acres are in York; (2) infill in Sub-Area 2, the old Wilsons' Motors Site at the corner of Ellis and Champion streets, where a newly approved low-income senior housing project will be constructed; (3) use of the Infill Toolkit along the north side of Meador Ave., the current location of the school district bus barn, at which time this property is acquired by the City for adaptive reuse as a park and multi-family housing; and (4) use of the Infill Toolkit in Sub-Area 9 on Ellis St. In 2011 the YNA sponsored a rezone of Ellis St. to preserve the historic housing while allowing for adaptive re-use of properties through a commercial rezone and use of the Infill Toolkit.

We support affordable home ownership: Our representatives and residents are actively participating in the effort to attain more affordable housing units in the city. We are supportive of Kulshan Community Land Trust's ownership of several houses in the York Neighborhood.

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We support safe, healthy, affordable rental housing: The YNA has been active in rental registration and safety efforts for 20 years. We have organized and lobbied for these goals that are just beginning to be realized.

We support historic preservation: The YNA has been an advocate for historic preservation. Our members volunteered hundreds of hours toward this goal of attaining a National York Historic District status for a portion of the neighborhood, and we will continue to pursue this for two additional sections of the neighborhood. Our Neighborhood Plan reflects this goal, which we championed for inclusion in our Plan Amendments in 2011.

We actively improve and protect our neighborhood parks: Thousands of hours of volunteer time, grant acquisitions and 30+ years of devotion have gone into making York's Franklin and Rock Hill parks available to our residents and others. We initiated the acquisition of both sites: (1) the transference of the original Franklin Elementary School property from the school district to the City for use as a park, led by the "Friends of Franklin Park," a YNA-sponsored subcommittee; and (2) the acquisition of our Rock Hill Park through a Block Grant of \$35,000 in the early 1980s, which prevented the construction of a 13-unit apartment building. Without this property there would be NO park land in the largest, most densely populated section of our neighborhood.

We are a proactive organization that will oppose housing developments that do not represent the goals and regulations of our York Neighborhood Plan, the City Comprehensive Plan, the GMA, and the National York Historic District. We come to this moment in our history where we must take a stand to prevent the first attempt to destroy our neighborhood for the motive of profiteering. We believe the proposed "Hansen/Iron St. mega-plex" represents that kind of motive. It is NOT an example of good planning, appropriate densification, or affordable single-family housing.

We ask for the Planning Department to act diligently to stop this project. We all have so much to lose if this goes forward. Thank you for the opportunity to share our concerns. We seek your leadership in resolving this conflict.

Sincerely,

Members of the York Neighborhood Association Board of Directors:

Officers: Lisa Anderson, *President*; Tom Scott, *Vice President*; Anne Mackie, *Secretary*; and Don Hilty-Jones, *Treasurer*

Members At-Large: Cory Anderson, Kirsti Charlton, Robb Correll, Kim Owen, Mark Schofield, and Edward Tabor

Attachments:

Copy of Craigslist Advertisement;

Copy of Code Enforcement Investigation Request