



City Council
City of Blaine Washington
344 H Street
Blaine, Washington 98230

October 4, 2007

Re: Cedar Street Development Proposal, Harbor Lands Company

Dear Council Member,

On June 11, 2007 the attached letter was forwarded to Community Development Services regarding the development, under the conditions of the Blaine Municipal Code, of a site on Cedar Street.

The site, shown on the attached site map is adjacent to a restaurant and an existing motel on two sides and residential occupancies across the street and alley. It is zoned Residential Office.

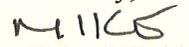
The minimum density allowed for residential use (apartments or condominiums) restricts the site to 6 units. This use is further exacerbated by the requirements for screening and separation to the adjacent residential uses. It is an inadequate use of this valuable and unique site.

Our client would like to develop a senior citizen, low cost housing project on the site based on the attached drawings. The project would contain 22 units, a day room and a meeting area.

Low cost senior housing is a growing need in all communities; Blaine is not without need in providing housing for its senior citizens with minimum incomes.

This use would be compatible with the adjacent single family zone and would provide a buffer to that zone from the adjacent restaurant and motel. The occupants in the building would have the least impact on the adjacent neighbors of any use that may be developed on the site.

As a Conditional Use described in 17.142.353, the opportunity to proceed with a Major Development exists and can be supported and directed by the Council. We ask that you consider this use as a benefit to the City and will allow us to make a presentation to the Council to proceed with our application based on the allowances made in your Codes.

Sincerely,

Michael Kohl



Mr. Tom Black, AICP, Development Manager
Community Development Services
344 H Street
Blaine, WA 98230

June 11, 2007

Re: Cedar Street Senior Housing Proposal

Dear Tom,

Thank you for the time and consideration you gave to the application for the Cedar Street Project brought forward on behalf of Harbor Lands Company.

In trying to best utilize the site the owner has analyzed a number of opportunities. The site, while abutting a residential neighborhood also abuts an existing motel/apartment and a restaurant. It is the classic buffer site between the two existing high impact uses and the existing residential neighborhood. As such it enjoys an opportunity to construct a truly transitional project that is neither totally commercial or fully residential.

To the intent of providing a buffer several opportunities exist. In the permitted uses, 17.26.020, small offices are allowed of less than 1,000 square feet. This could be interpreted to indicate that live/work spaces with the allowed residential density of 6 units constructed over 6 attached and attendant office spaces could be built.

In 17.26.040 Conditional Uses - Nursing Homes, Day Care Centers, Major Development, Multifamily Dwellings and Office Space of 1,000 square feet or greater, provided only sales of incidental merchandise are allowed, and the facility blends with and has a minimal impact on adjacent neighborhood are listed. The caveat regarding minimal impact and blending with adjacent neighborhoods appears to only apply to Office Space uses. Further, there is no threshold for density when considering the construction of Nursing Homes or Day Care Centers. Under the Conditional Use criteria as written, it is not unreasonable to consider that a 50 bed Nursing Home could be constructed on this site as long as it met with the zoning requirements for setbacks, building height and parking.

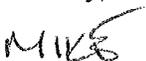
The application of the Conditional Use, Major Development directs us to review 17.142.353 Major Development. A copy is attached. It would appear that this Conditional Use allows consideration of any proposal that may be made on the site, regardless of the conditions of the underlying zoning, as long as it is reviewed and approved by the City Council.

Chapter 17.64 Major Development establishes the threshold for major development and again appears to over ride the basic zoning criteria in the R.O. Zone in the allowance and consideration of development outside the confines of the specified density.

It may be that this project could be applied for under the existing conditions outlined in the existing Zoning Text. Certainly, as you have recommended, the opportunity exists for the proponent to apply for a zone change or text amendment, it appears however, that the opportunity to proceed with this project using the existing zoning text may exist.

I'll look forward to discussing this project with you as we both become more familiar with the Blaine Land Use Codes.

Sincerely,

A handwritten signature in black ink that reads "MIKE". The letters are slightly slanted and connected, with a long horizontal stroke extending from the end of the "E".

Michael Kohl

Encl: Chapter 17.26 Residential Office Zone
Chapter 17.64 Major Development
17.142.353 Major Development

Chapter 17.26 RESIDENTIAL/OFFICE ZONE

Sections:

- 17.26.010 Purpose.
- 17.26.020 Permitted uses.
- 17.26.030 Accessory uses.
- 17.26.040 Conditional uses.
- 17.26.050 Minimum lot size and maximum density.
- 17.26.060 Setbacks.
- 17.26.070 Land coverage.
- 17.26.080 Height limit.
- 17.26.090 Lot width.
- 17.26.100 Off-street parking.
- 17.26.110 Screening.
- 17.26.120 Impact to adjacent residential housing.
- 17.26.130 Design standards.

17.26.010 Purpose.

The residential/office (R/O) zone is intended to accommodate high-density residential uses and office uses which will blend with the historic residential neighborhood and not be detrimental to the residential environment. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.020 Permitted uses.

Permitted uses in the residential/office zone are:

- A. Single-family dwellings;
- B. Office space under 1,000 square feet that blends with, and results in minimal impact to, the adjacent neighborhoods. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.030 Accessory uses.

A. Accessory uses in the residential/office zone are garages, swimming pools, storage and other uses customarily incidental to the permitted use.

B. Family day care homes and adult family care facilities. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.040 Conditional uses.

- A. Nursing homes.
- B. Day care centers.
- C. Major development as defined in BMC 17.142.353.
- D. Multifamily dwellings.
- E. Office space 1,000 square feet or greater, provided only sales of incidental merchandise are allowed, and the facility blends with and has a minimal impact on the adjacent neighborhoods. (Ord. 2628 § 2, 2006; Ord. 2577 § 5, 2004; Ord. 2554 § 3, 2003)

17.26.050 Minimum lot size and maximum density.

A. Minimum lot size in the residential/office zone is 6,000 square feet for the first unit or for a single-family residential unit, and 2,200 square feet for each additional unit.

B. Maximum density is 24 units per acre. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.060 Setbacks.

Setbacks in the residential/office zone are:

- A. Front, 20 feet;
- B. Rear, 20 feet;
- C. Side, eight feet on each side on lots up to 50 feet of frontage. Twelve feet on lots from 51 to 75 feet of frontage. Lots over 100 feet of frontage shall have 16-foot side yard setbacks. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.070 Land coverage.

Maximum land coverage in the residential/office zone is 60 percent. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.080 Height limit.

The height limit in the residential/office zone is 35 feet. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.090 Lot width.

Minimum lot width in the residential/office zone is 50 feet. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

17.26.100 Off-street parking.

A. Off-street parking shall be provided in the residential/office zone in accordance with specifications in Chapter 17.124 BMC.

B. Parking along Peace Portal Drive is restricted.

C. Parking shall be located in such a manner that access is gained from side streets and single-family housing in the SF-1 district is minimally impacted by associated traffic. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003)

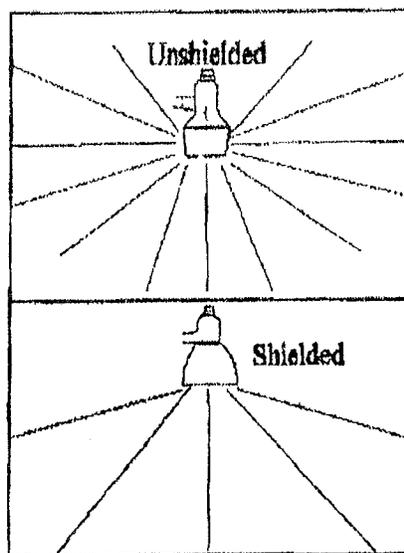
17.26.110 Screening.

In addition to those landscape requirements in Chapter 17.126 BMC, at those locations in the residential/office zone where an office use is proposed on a lot or lots which abut or are across an alley from residential units, a site-obscuring buffer is required. This buffer area shall be a minimum of six feet wide and consist of vegetation and fencing (if necessary) which shall be a minimum of six feet high at the time of installation. A minimum of one tree per 80 square feet of buffer area shall be required. (Ord. 2628 § 2, 2006; Ord. 2554 § 3, 2003. Formerly 17.26.120)

17.26.120 Impact to adjacent residential housing.

A. Light shall not trespass on adjacent properties nor result in glare to adjacent residential occupants.

B. Outdoor lights shall be shielded so that the direct light from the fixture is directed downward and does not cross property lines as indicated in this illustration.



er 17.64
MAJOR DEVELOPMENT

Sections:

17.64.010 Intent.

17.64.020 Applicability.

17.64.030 Major development determination and notification.

17.64.040 Review procedure.

17.64.050 Criteria for council approval.

17.64.060 Amendments to a major development.

17.64.010 Intent.

The major development review process is an additional review requirement for those projects that are determined by the city council to be of such magnitude or sensitivity that special review is needed to determine consistency with the city's comprehensive plan and to ensure that potential impacts are fully mitigated before project approval is granted. (Ord. 2577 § 3, 2004)

17.64.020 Applicability.

A. All major developments shall, prior to any construction, obtain approval from the city council.

B. Major development review shall be required if the proposed development project meets any of following conditions:

1. Residential subdivisions: 25 lots or greater;
2. Multifamily dwellings: 25 units or greater;
3. Motel/hotel: 50 units or greater;
4. Retail floor area: 50,000 square feet or greater;
5. SEPA review: when an EIS is required.

C. In addition to the conditions contained in subsection B of this section, the city council may declare any development proposal a major development, when, in its judgment, the proposed development is of such magnitude, complexity or sensitivity that final review and approval is necessary by the council to fully anticipate and mitigate potential impacts to the natural environment of the city, and to protect the health, safety and general welfare of the community in a manner consistent with the city's comprehensive plan and development regulations. (Ord. 2577 § 3, 2004)

17.64.030 Major development determination and notification.

A. Upon submission, each development proposal shall be reviewed and a determination made in the following manner:

1. Upon receiving a complete application, the director shall immediately make a determination of major development status if the development proposal meets the conditions contained in BMC 17.64.020(B).

2. The city council will make a determination of major development status if the proposal meets the conditions contained in BMC 17.64.020(C). In order to ensure an early city council determination, the director will provide an update of all proposed development projects at each city council public meeting.

B. Notification of a determination of major development shall be provided to the applicant within five days of such a determination. (Ord. 2577 § 3, 2004)

17.64.040 Review procedure.

A. A major development review shall be processed as a Type II-CC review as described in Chapter 17.06 BMC.

B. A major development review is required in addition to any other permit review and approvals required by other city codes. However, a major development review may be processed, to the extent possible, concurrently with any permit and environmental review process required in the city's code. (Ord. 2577 § 3, 2004)

17.64.050 Criteria for council approval.

A. Approval of a proposed major development shall be granted when it is determined that the proposed project is one permitted within the subject zoning designations and complies with all of the applicable provisions of this title and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines.

B. In addition, the city council may impose any reasonable conditions that may be required to mitigate impacts of the proposal on the natural environment of the city, and to protect the health, safety and general welfare of the people of the city consistent with the comprehensive plan. (Ord. 2577 § 3, 2004)

17.64.060 Amendments to a major development.

All amendments to an approved major development shall be processed in the same manner as the review procedure referenced in BMC 17.64.030. (Ord. 2577 § 3, 2004)

Chapter 17.66

17.142.340 Lot frontage.

The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered "frontage." (Ord. 2554 § 3, 2003)

17.142.345 Lot measurements.

A. "Depth" of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. "Width" of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot.

C. For irregularly shaped lots, the administrator shall determine lot measurements from such points as are most consistent with the purpose and intent of this title. (Ord. 2554 § 3, 2003)

17.142.350 Lot of record.

"Lot of record" means a lot which is part of a subdivision recorded in the office of the county clerk or a lot or parcel described by metes and bounds, the description of which has been recorded. (Ord. 2554 § 3, 2003)

17.142.353 Major development.

"Major development" means a development project or use that is of such magnitude, complexity or sensitivity that final review and approval of a development proposal is necessary by the city council to ensure that potential impacts to the natural environment of the city are fully mitigated, and to protect the health, safety and general welfare of the community in a manner consistent with the comprehensive plan. (Ord. 2577 § 4, 2004; Ord. 2554 § 3, 2003)

17.142.354 Major exterior remodels.

"Major exterior remodels" are all remodels or series of phased remodels whose value exceeds 50 percent of the value of the existing structure (as determined by the city of Blaine valuation methods). (Ord. 2600 § 5, 2005)

17.142.355 Marginal access street.

"Marginal access street" means a street which is parallel to and adjacent to a major arterial, which provides access to the properties abutting it and which separates the abutting properties from high-speed vehicular traffic. (Ord. 2554 § 3, 2003)

17.142.360 Metes and bounds.

"Metes and bounds" means a description of real property which starts at a known point and describes the bearings and distances of the line forming the boundaries of the property and is completed when the description returns to the point of beginning. (Ord. 2554 § 3, 2003)

17.142.362 Minor exterior remodels.

"Minor exterior remodels" are all remodels whose value does not exceed 50 percent of the value of the existing structure (as determined by the city of Blaine valuation methods). (Ord. 2600 § 5, 2005)

17.142.365 Monument.

"Monument" means a concrete mass from 12 to 18 inches in length with a diameter of six inches. The top of the monument shall contain a readily definable point such as (A) a punched brass cap, (B) a copper rod extending the full length of the monument, or (C) some other point which meets the specifications of the public works director. It must also contain one-half-inch reinforcing steel or other magnetic material, except where enclosed in an iron monument case. (Ord. 2554 § 3, 2003)



Community Development Services

344 H Street, Blaine, WA 98230 Phone: (360) 332-8311 Fax: (360) 543-9978

June 1, 2007

Mike Kohl
2620 North Harbor Loop Drive, Suite 7
Bellingham WA 98225

Subject: Cedar Street Multi-Family Project – Preapplication Meeting Follow-Up.

Dear Mr. Kohl:

Thank you for taking the time to meet with the TRC yesterday regarding the pre-application review for your proposed senior housing project on Cedar Street. As you know, the TRC had few comments on the proposal, other than noting that it varied significantly from the provisions of the R-O (Residential-Office) zone and could not be approved.

The two major inconsistencies had to do with the density of the project, which far exceeds the maximum allowed in this zone, and the proposed height of the structure which similarly exceeds the limitations of the R-O zone. A more in-depth analysis was unnecessary given the wholesale changes that would have to be made to the site plan in order for it to be compliant with the standards of the zone.

It is understood from your presentation that the applicant wishes to pursue development of a low-income senior housing project at the Cedar Street location, and believes the provisions of the current municipal code should be examined and possibly revised to accommodate this type of proposal. As was stated to you at the TRC, a development application is not the appropriate vehicle for addressing this kind of land use question.

If the applicant wishes to pursue this matter, two courses of action are open to him. First, the applicant could submit an application to amend Title 17 of the municipal code to revise or include new language that would permit developments such as you propose to be allowed. Second, the applicant could request that the City Council initiate such an application. In either case, the application would be subject to a rather lengthy public process, and depending on the specifics of the proposal, a Comprehensive Plan Amendment might be required as well. If you wish to pursue one of these options, I can provide you with the proper application forms and instructions about how to file them.

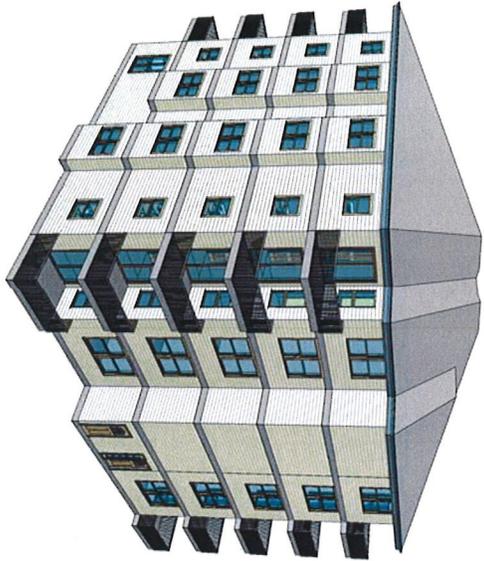
I hope this communication clarifies the position of the City relative to your proposal. Please feel free to contact me if you have any questions.

Sincerely,

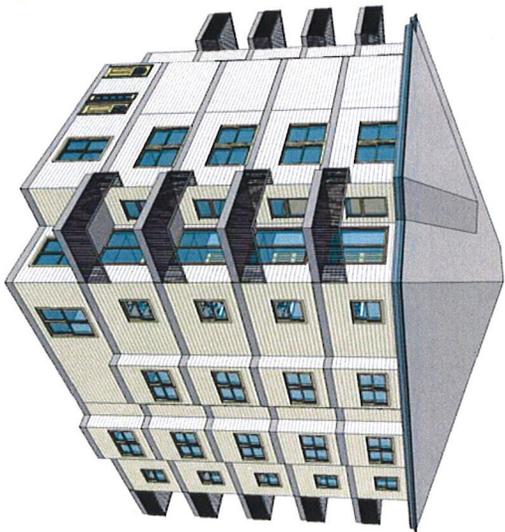
A handwritten signature in black ink, appearing to read 'Tom Black', written in a cursive style.

Tom Black, AICP
Development Manager

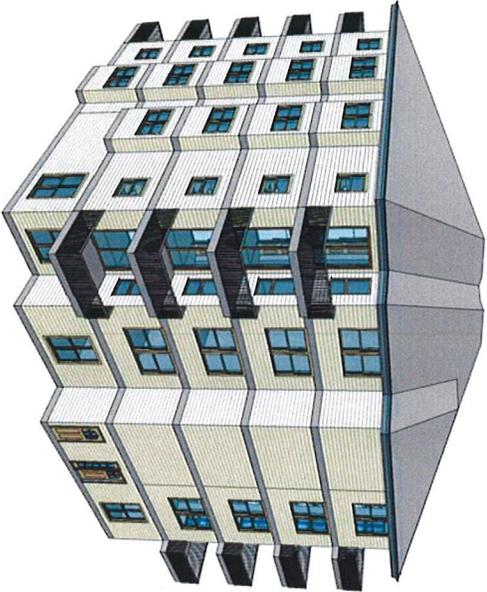
cc: Alex Wenger, Community Planner
Karen Calvert, Office Technician
File (Pre-Application)



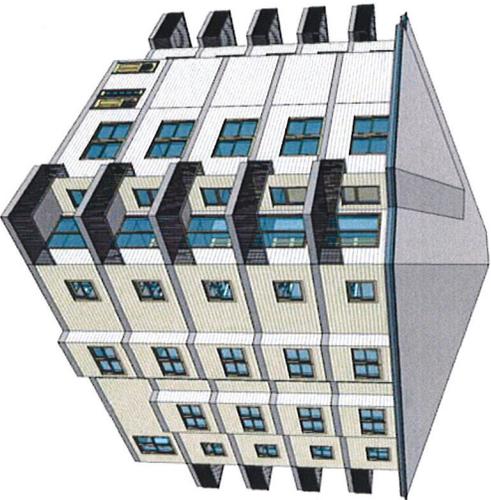
1 3D View 1



2 3D View 2



3 3D View 3



4 3D View 4

Revision By

Project Renderings
 Cedarhaven Senior Center
 Harborlands

Scale:
 Date: 06/16/07
 Job No: 04-0114
 Drawn By: EJP

AR1.0

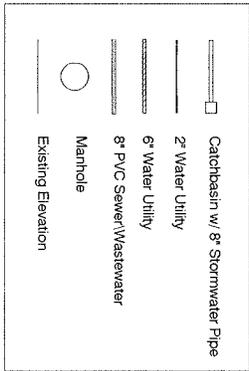
PROJECT DESCRIPTION:



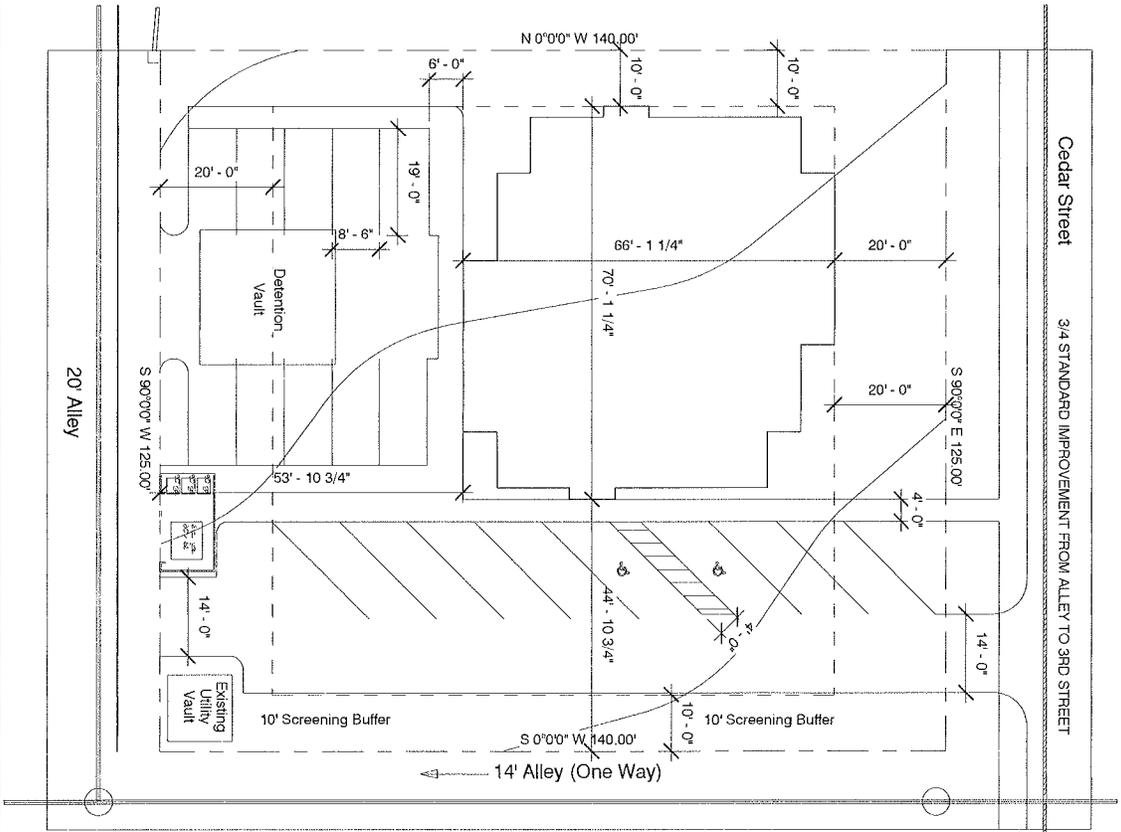
Proposed Uses: Senior Housing
 Note: All adjacent properties are zoned residential

Lot Size: 17500 sq.ft.
 Building: 3856 sq.ft.
 Sidewalks & Paving: 8165 sq.ft.
 Open Space: 5479 sq.ft. (31.3%)
 Parking Spaces: 16
 Handicapped Spaces: 2
 Total Parking Spaces: 18

NOTE: There are no existing buildings or structures except for a utility vault on the southwest corner of site.



1 Site
 1" = 20'-0"



EAST SIDE OF 14' ALLEY IS ZONED SINGLE DWELLING RESIDENTIAL (SDR)

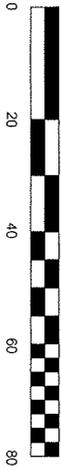
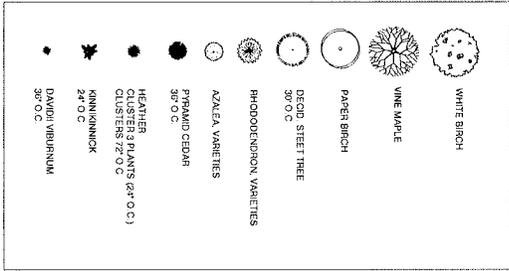
**Proposed Siteplan
 Cedarhaven Senior Center
 Blaine WA**

Scale:	1" = 20'-0"
Date:	06/11/07
Job No.:	04-0114
Drawn By:	EJP

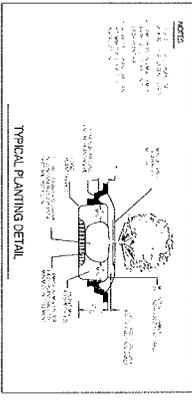
AS1.0

Revision	By

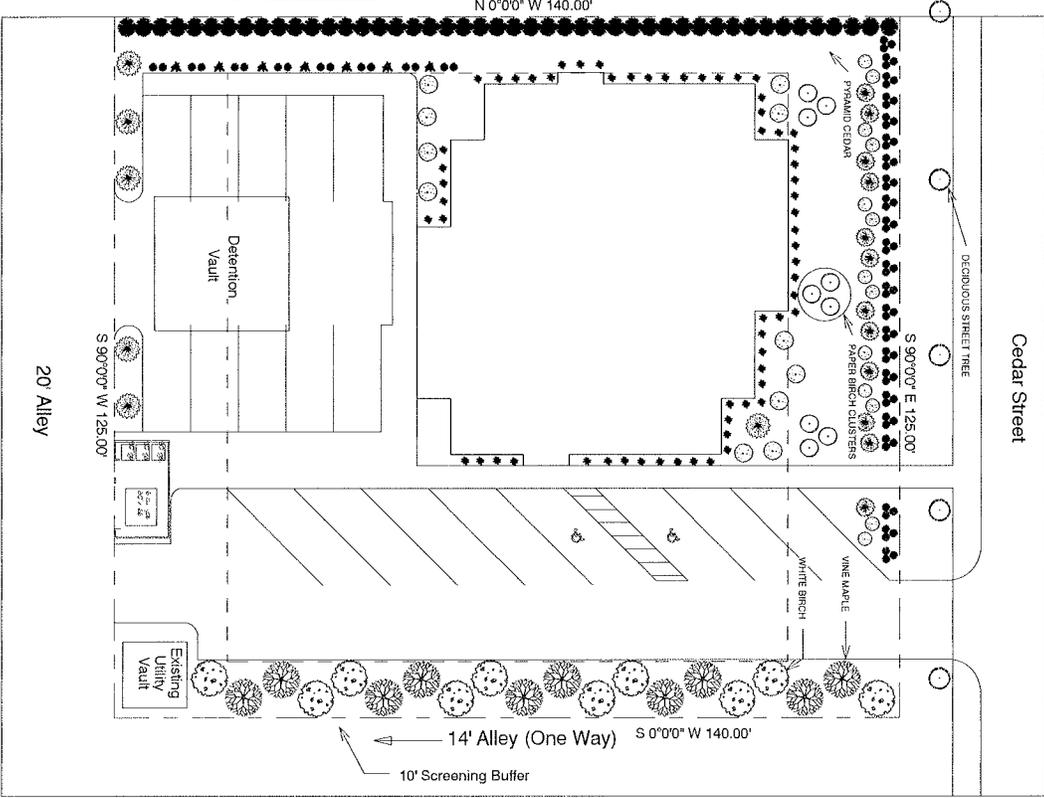
NOTE: ALL PLANTING BEDS WILL BE FILLED WITH PARK MULCH 3-5 MINIMUM COVER



COMMON NAME	LATIN NAME	QUANTITY	SIZE
RHOODENDRON VARIETIES	RHOODENDRON	22	3-4" - 2'x2'x1'x1'
AZALEA VARIETIES	RHOODENDRON	21	3-4" - 1'x1'x1'x1'
VINE MAPLE	ACER SPICATUM	50	3-4" - 8"x8"
PAPER BIRCH	BETULA PULVERULA	11	1-1/2" - 8"
DECID STREET TREE	FRAXINUS AMERICANA	46	1-1/2" - 2'x2'x1'x1'
HEATHER	HEATHER	12	1-1/2" - 8"
KINNIKINICK	DIQUETIA	50	1-1/2" - 8"
DANISH VIBURNUM	VIBURNUM	46	1-1/2" - 8"

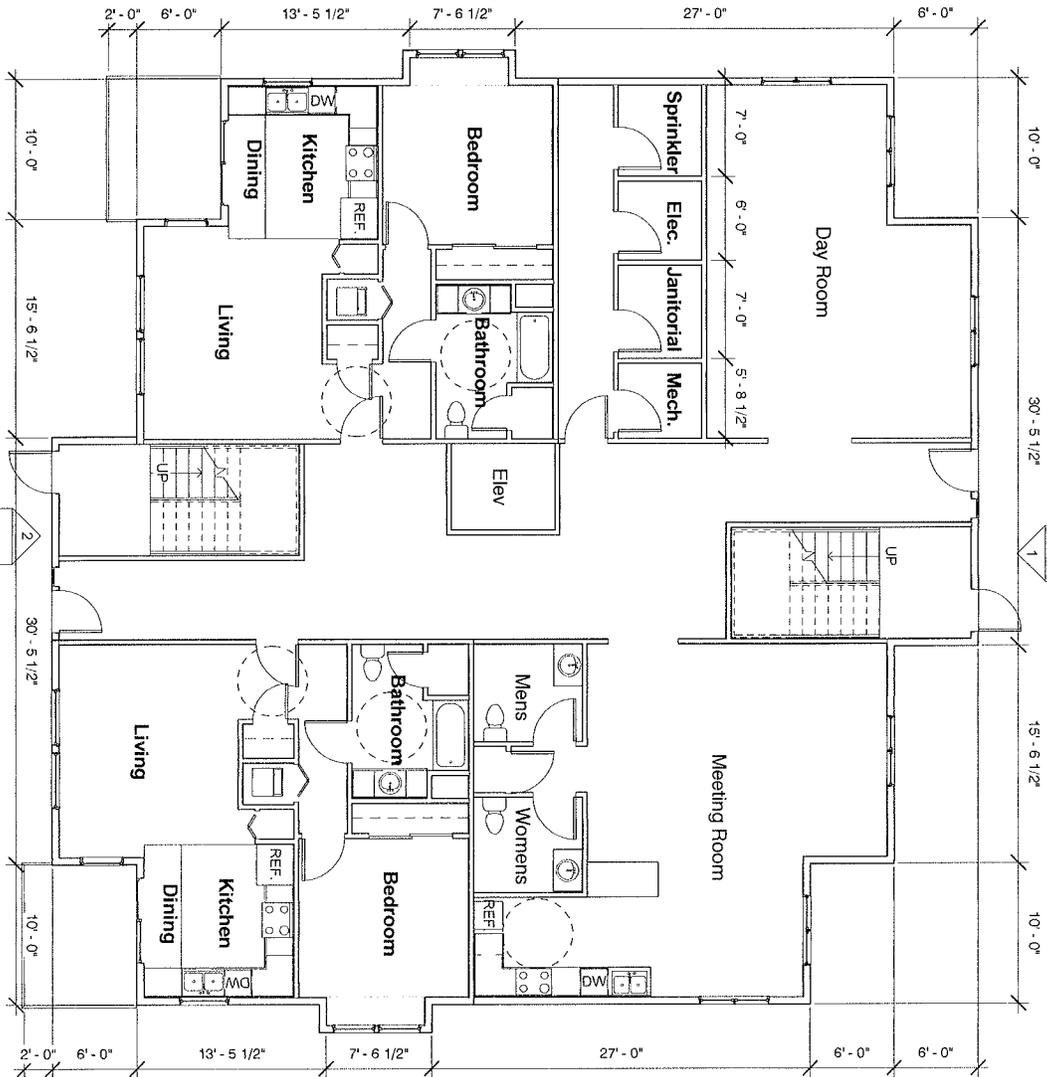


1 Landscape Plan
1" = 20'-0"



<h2 style="margin: 0;">Proposed Landscaping Plan</h2> <h3 style="margin: 0;">Cedarhaven Senior Center</h3> <h4 style="margin: 0;">Blaine WA</h4>		Revision By
Scale: 1" = 20'-0" Date: 05/11/07 Job No: 04-0114 Drawn By: EJP	AL1.0	

1 Floor 1
1/8" = 1'-0"



AE1.0
4

AE1.0
2

AE1.0
1

3
AE1.0

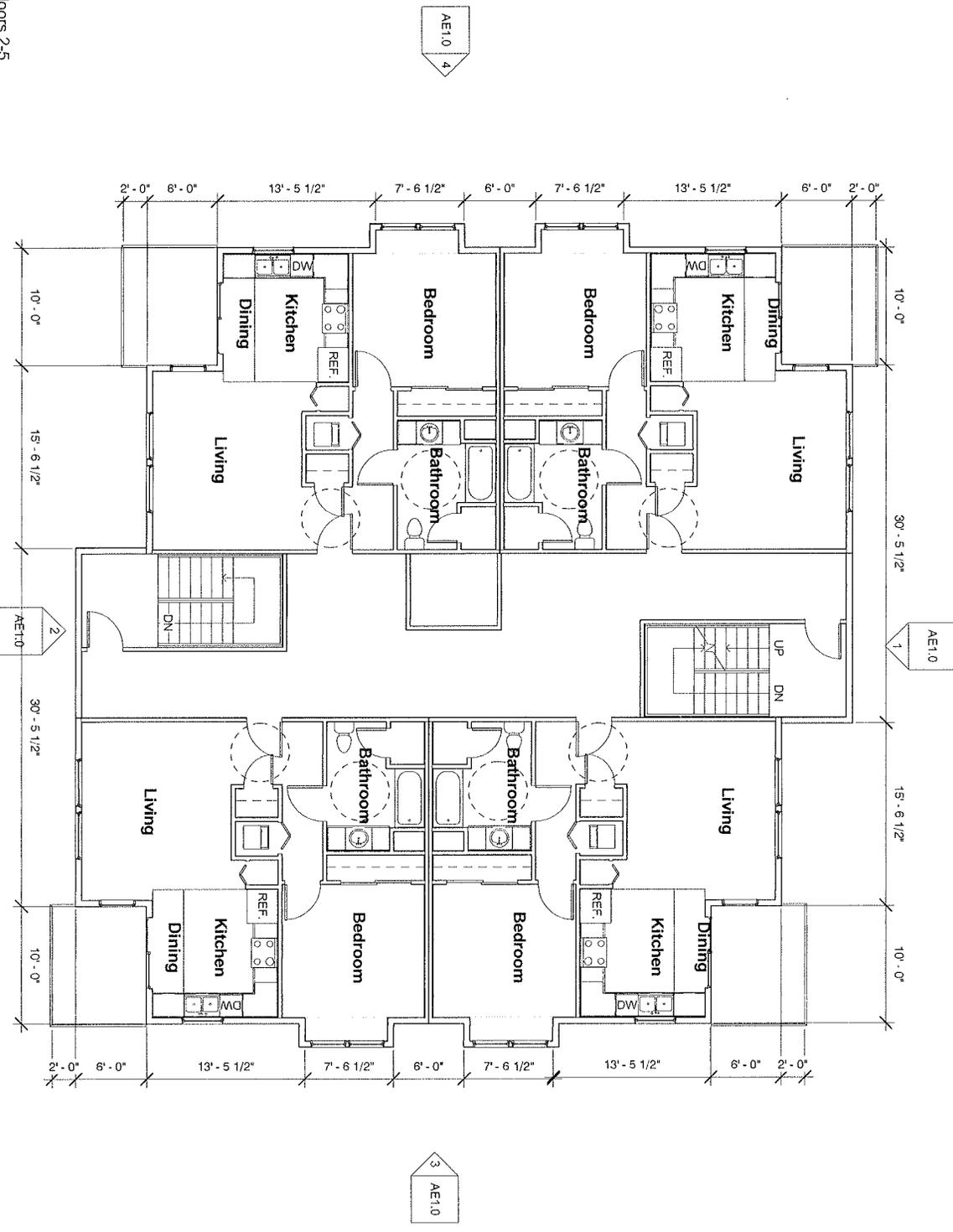
A1.0

Floor 1
Cedarhaven Senior Center
Harborlands

Scale:	1/8" = 1'-0"
Date:	05/11/07
Job No:	04-0114
Drawn By:	Exp

Revision	By

1 Floors 2-5
1/8" = 1'-0"

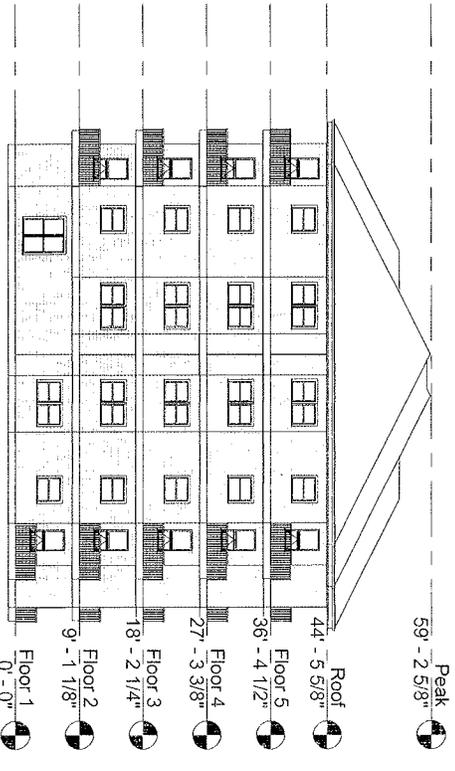
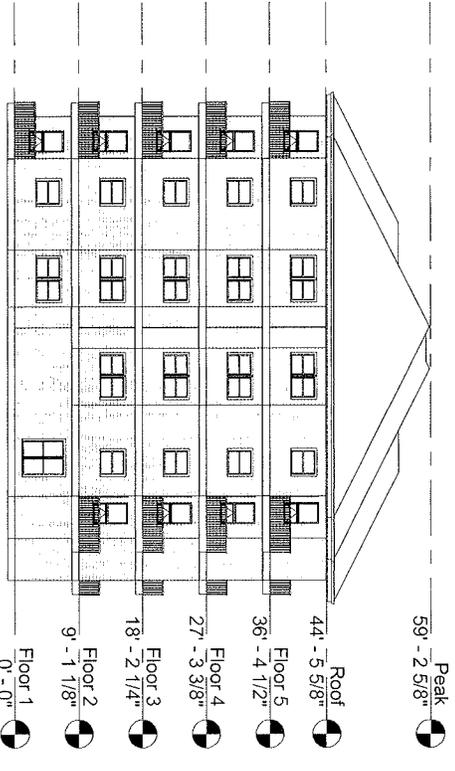
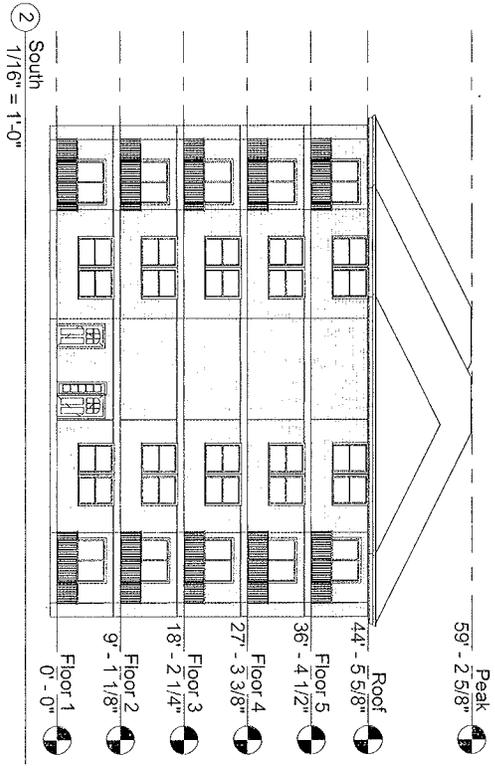
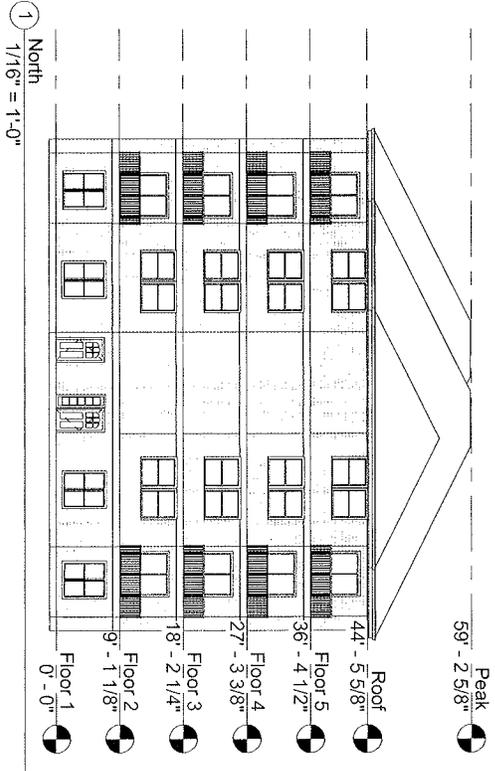


Scale:	1/8" = 1'-0"
Date:	08/11/07
Job No.:	04-0114
Drawn By:	EJP

Floors 2-5
Cedarhaven Senior Center
Harborlands

Revision	By

A2.0



Elevations
Cedarhaven Senior Center
Harborlands

AE1.0

Scale:	1/16" = 1'-0"
Date:	08/11/07
Job No.:	04-0114
Drawn By:	EGP

Revision	By