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November 4, 2008

Mr. Andrew W. Maron
SEPA Responsible Official
Port of Bellingham
1801 Roeder Avenue
P.O. Box 1677
Bellingham, WA 98227-1677

RE: Supplement to the Draft EIS – New Whatcom Redevelopment

Dear Mr. Maron:

The purpose of this letter is to provide comments to you regarding the Supplement to the Draft Environmental Impact Statement (SDEIS) for the New Whatcom Redevelopment Project (NWRP) you released on October 15, 2008. This SDEIS covers a wide range of issues and I would like to thank you and your consultant team for the hard work and effort in reaching this very important point in the evolution of the NWRP.

For the purpose of this letter, the “traditional grid” is as defined as that submitted to Blumen in August 2008, and further defined in Tim Stewart’s 8/25/08 memorandum, titled “Proposed SEIS Assumptions August 18, 2008.”

I offer the following comments, questions and observations for your consideration as you prepare the Final Environmental Impact Statement (FEIS):

Off-site traffic impacts and proposed mitigation measures are unacceptable

Comment:

The full development of 6 Million Square Feet (MSF), in either the rotated grid or the traditional grid, would have serious and unacceptable traffic impacts in downtown, Old Town, and other neighborhoods. The proposed mitigation for these impacts would require any number of street widening projects, with the taking of private property and the removal of parking on existing streets. Some of the needed private property would involve the acquisition and demolition of buildings.

The removal of parking from existing streets, the taking of private property and the demolition of buildings, in order to accommodate waterfront redevelopment, would tear at the fabric of the downtown, Old Town and our neighborhoods and is not acceptable.

Recommendation:

I suggest that other mitigation measures be included, which would reduce the automobile-dependence of this development, and therefore reduce auto use and associated traffic impacts. These measures should include a much more aggressive expansion of transit, bicycle, and pedestrian facilities. I also suggest adopting a strategy to place significant constraints on parking. It is likely this plan will build out over the next 50 years. If we plan for cars, we will get cars. If we plan for people, we will get a livable place, without significant adverse impacts on our community.

The rotated grid and the traditional grid were not fairly studied**Comment:**

The Port and the City agreed to “equally study” both the rotated grid and the traditional grid in the SDEIS. We believe the SDEIS does not meet this agreement. One example of this inequity is the issue of fill.

The SDEIS summary statement fails to distinguish between the different amounts of fill that would be needed under each alternative, concluding that the impacts upon soils, air quality, noise, land use, aesthetics, historic and cultural resources are not significant. Moreover, you conclude that the impacts “would be similar” between the rotated and traditional grids. The fact is that the rotated grid will require much more fill than the traditional grid, due to elevated road ways.

More fill will result in more noise pollution, certainly more air pollution and increased greenhouse gas emissions, not to mention detrimental effects on pedestrian safety and quality of life, as the additional fill is hauled to the site. You estimate that the rotated grid will require “up to approximately 700,000 cubic yards” (CY) of fill. If this fill were all hauled onto the site in 10 CY trucks, 140,000 trips over city streets would be required. If the fill and grading activity spanned five years, more than 100 truck trips every working day, running along city streets, would be required. If the fill activity were completed in 2 years, more than 30 truck trips every hour of every working day would grind through the city.

The traditional grid would require significantly less fill to address the issues of grade transition from downtown to the site, the provision for underground utilities and sea level rise. By virtue of this fact, there will be far fewer impacts to the downtown, Old Town and the neighborhoods. The conclusion that these two alternatives are “similar” is unfounded.

Recommendation:

I propose that a full and fair analysis of both alternatives must be conducted. For the traditional grid, we believe that significantly less fill material will be required.

The analysis of historic and cultural resources is disingenuous**Comment:**

Statements in the SDEIS directly conflict with the Port’s own actions. For example, the SDEIS states, as a Historic and Cultural Resources Mitigation Measure, that the “the Port would explore opportunities for adaptive reuse of existing onsite industrial buildings with consideration of structural, economic, market, and land-use factors” (SDEIS, 6.2.10).

This statement is undermined by a Mitigated Determination of Non-Significance (MDNS), submitted by the Port independent of the EIS process, and before the publication of this SDEIS, to demolish three historic buildings that were previously identified as contributing buildings in a potential historic district.

This proposed mitigation is also undermined by the rotated grid alternative which would require the demolition of virtually all of the onsite industrial buildings. These false assertions raise serious doubts about the integrity of this entire environmental review process.

Recommendation:

One of our continuing responsibilities under SEPA is “to preserve important historic, cultural and natural aspects of our national heritage.” I request that an independent historic preservation consultant, experienced with successful historic preservation and restoration projects, including the use of historic tax credits, be retained to fairly assess the site’s historic resources and the potential for redevelopment. It would be fair and appropriate to reopen a 30-day comment period for public comment on the objective historic assessment.

The images depicting density, massing and views are distorted and misleading

Comment:

As the Port fully understands from the recent litigation surrounding the Bellwether Gate development, density, massing and views, from and to the Bay and the Islands, will be one of the most important environmental impacts of this proposal.

The viewpoints for the density and massing illustrations (Figure 3.10-1A through 3.10-1D) and the Visualization Analysis (Appendix L) mislead the reader by elevating the viewpoint hundreds or perhaps thousands of feet in the air. View analyses must be conducted from reasonable human viewpoints, at street level or from other carefully defined points.

Additionally, the viewpoints selected in the SDEIS have been altered from the viewpoints used in the original DEIS (which are illustrated in Appendix L). Especially troubling are the new viewpoints 6, A, and 9. Regarding new viewpoint 6, for example:

- The new viewpoint #6 has been rotated to align with the rotated grid, thereby showing the beneficial views for the Port’s proposal. The same rotated viewpoint (#6) is then applied to the traditional grid, obviously illustrating a blocked view. The view along the street, a fairer representation of the traditional grid, is buried back in Appendix L, not shown side by side with the Port’s alternative.

As the Port’s lawyers and expert witnesses stated in the Bellwether case, views are panoramic. Failure to apply the same rigor that was applied during the Port’s defense of the Bellwether Gate Project to this proposal is misleading and will seriously impugn the objectivity of this environmental analysis.

Recommendation:

I suggest that an independent third party be retained to develop and compare the panoramic views from each of the standardized viewpoints identified in the DEIS, for each of the two alternatives, and that this analysis also be subject to an additional public comment period.

The expectation that this SDEIS provides sufficient project level detail to support a broadly based Planned Action Ordinance is unfounded and without merit

Comment:

As we stated in our first EIS comment letter in March 2008, this document does not provide sufficient project level detail to support a Planned Action Ordinance. For example, the preliminary plans for stormwater mitigation provided in the SDEIS are not a substitute for in-depth studies required for the development of individual sites or basins. In another example, the SDEIS acknowledges that the geo-technical work is insufficient at a project level, concluding that "Additional site-specific geotechnical engineering analysis and design studies would be conducted as part of the future design and permitting process for future buildings and infrastructure elements" (SDEIS, 3.1.3 Conclusions).

Recommendation:

As we also indicated to you in our letter last March 2008, we believe a phased approach to both project development and environmental review is much more reasonable than continuing to pursue the unsupported expectation that a single Planned Action Ordinance can cover this entire area at full build-out. I suggest that we identify those early action projects we agree can be completed in the near term, for example the Central to Cornwall Road connection, and conduct project level review which may be appropriate for a Planned Action Ordinance.

I have attached a number of technical comments from City staff, which I request be addressed, along with the comments in this letter, in your Final Environmental Impact Statement.

Sincerely,



Dan Pike, Mayor
City of Bellingham

Enclosure

cc: Bellingham City Council
Tim Stewart, Planning Director, City of Bellingham
Dick McKinley, Public Works Director, City of Bellingham
Paul Leuthold, Parks Director, City of Bellingham
Joan Hoisington, City Attorney, City of Bellingham
Jim Darling, Executive Director, Port of Bellingham
Port of Bellingham Commission
Waterfront Advisory Group

Index – Technical Comments

New Whatcom Supplemental DEIS

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Steve Sundin, Planner	Planning	21-24
Tom Rosenberg, Asst. Director, SP	Executive	25

Tim M Stewart/planning/cob
10/27/2008 05:03 PM

To Sati Mookherjee/mayor/cob@cob, Dick
McKinley/pw/cob@cob, Paul A Leuthold/parks/cob@cob,
Joan E Hoisington/legal/cob@cob, David R
cc Shannon V Taysi/planning/cob@cob

bcc

Subject

fyi

----- Forwarded by Tim M Stewart/planning/cob on 10/27/2008 05:02 PM -----

William J Boyd/fire/cob
10/27/2008 03:28 PM

To Tim M Stewart/planning/cob@cob
cc Jason F Napier/fire/cob@cob

Subject

Tim, Jason and I reviewed the draft updated EIS for the waterfront project. I think we need to add replacement/upgrade of the fireboat and boathouse as one of the mitigating measures needed as part of development. The relevant section appears to be 6.1.13

Let me know if you have questions. Thanks!

Bill Boyd, Fire Chief

BELLINGHAM FIRE DEPARTMENT

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bboyd@cob.org

MEMO

Date: October 24, 2008

To: Dick McKinley, Director
From: Chris Comeau, AICP, Transportation Planner

RE: Transportation Concurrency Concerns of Supplemental Draft Environmental Impact Statement (SDEIS) for New Whatcom Redevelopment Project

Transportation Concurrency

According to the Transportation Discipline Report (Appendix M) in the SDEIS, transportation mitigation would be required at several locations for the proposed level of redevelopment in order to add capacity to meet the City's adopted Level of Service (LOS) standards for arterial streets. However, mitigating measures do not appear to be included for several of the identified transportation impacts from both the "Preferred Alternative" and the "Straight Street Grid Option." Therefore, Certificates of Transportation Concurrency could not be issued for portions of the New Whatcom District where the level of p.m. peak hour traffic congestion would exceed existing Level of Service (LOS) standards on arterial streets. There also appear to be significant impacts to City intersections that may create unacceptably long queues and public safety issues.

Table 15. Transportation Impacts and Mitigation Measures (Transportation Discipline Report, Appendix M, pp 41-43), lists several mitigating measures that raise significant questions regarding feasibility due to constraints of physical space, public right-of-way, adopted plans for adjacent Urban Villages, and demolition of existing buildings. Of particular concern are the mitigating measures listed for the streets in the vicinity of the Marine Trades Area, including Roeder, Holly, F, C, and Central, as well as Cornwall.

Staff concerns regarding specific mitigating measures listed in Table 15. Transportation Impacts and Mitigation Measures (Transportation Discipline Report, Appendix M, pp 41-43) are included below. **NOTE: Lack of mitigation for identified transportation impacts will not allow the City of Bellingham to issue Certificates of Transportation Concurrency or accept development applications for portions of the proposed Waterfront District redevelopment project. Without additional capacity mitigation, options include:**

- **Scaling back the development proposal;**
- **Adopting a lower LOS standard through City Council legislative action; or**
- **Employing proven demand management strategies to reduce the p.m. peak hour impacts.**

1. Roeder Ave/Chestnut St from Hilton to Cornwall: Widen to 4 lanes with center turn lanes

Concerns: **No commitment for mitigation in development proposal.** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. There may not be sufficient right-of-way available, there are major physical space and environmental constraints with the presence of the BNSF railroad tracks and the Whatcom Waterway, and there would be significant cost for this mitigating measure.

2. Roeder Ave/ Hilton: Signalized intersection with turn lanes

Concerns: **No commitment for mitigation in development proposal.** Lack of mitigation would shift traffic impacts to other arterial streets and intersections.

3. F St between Roeder and Holly: New southbound left turn lane on F St

Concerns: **No commitment for mitigation in development proposal.** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. F St measures 160 feet from the BNSF RR track crossing signal to the stop bar at F/Holly. There is not sufficient distance or right-of-way available to add a southbound (or northbound: See #13, below) left turn lane on F St. without impact to or demolition of existing buildings (AGAPE Shelter and new Lighthouse Mission bldg) on either side of F St.

4. C St between Roeder and Holly: Traffic signal and southbound left turn lane on C St to Roeder.

Concerns: **Mitigation proposed may not be feasible.** Like F St., C St. measures 160 feet from the proposed BNSF RR track crossing signal to the stop bar at C/Holly. There is not sufficient distance or right-of-way available to add a southbound left turn lane on C St. without removal of on-street parking and impact to or demolition of existing buildings (Restaurant, motorcycle sales, and boat repair/storage) on either side of C St.

5. Central Ave between Roeder and Holly: New southbound left turn lane on Central

Concerns: **The proposed closure of Central to vehicles in favor of a pedestrian corridor does not mitigate the vehicle impact identified in the transportation analysis.** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. Like F and C Streets, Central measures 160 feet from the BNSF RR tracks to the stop bar at Central/Holly. There is not sufficient distance or right-of-way available to add a southbound (or northbound: See #15, below) left turn lane on Central without removal of on-street parking and impact to or demolition of buildings (Restaurant, kayak manufacturer, and work studios) on either side of Central.

6. Chestnut St/Bay St intersection (Straight Grid Only): Signalized intersection and left turn lanes.

Concerns: **Proposed intersection improvements depend on scope of improvements to Roeder-Chestnut.**

7. Cornwall/Chestnut intersection (Straight Grid Only): Northbound left turn lane Cornwall to Chestnut.

Concerns: **Mitigation proposed may not be feasible.** There is not sufficient right-of-way available to add a northbound left turn lane onto Chestnut without removal of on-street parking and impact to or demolition of buildings (Bicycle sales/repair, photography sales, proposed multi-story bldg on SW corner) on either side of Cornwall. Proposed intersection improvements depend on scope of improvements to Roeder-Chestnut.

8. C St : New BNSF railroad crossing signal and gates at C St/Roeder intersection (and left turn lane).

Concerns: **Mitigation proposed may not be feasible (See #4, above).** C St. measures 160 feet from the proposed BNSF RR track crossing signal to the stop bar at C/Holly. There is not sufficient distance or right-of-way available to add a southbound left turn lane on C St. without impact to or demolition of buildings on either side of C St.

9. Laurel St intersection: Eliminate 5-legs in favor of 4-leg intersection, street reconfiguration .

Concerns: Physically and financially challenging.

10. Cornwall Ave between Wharf and Chestnut: Add bicycle lanes.

Concerns: **Mitigation proposed may not be feasible.** This would require removal of on-street parking from Wharf to Maple and additional right-of-way from Maple to Chestnut to construct 2 bicycle lanes, 4 travel lanes (See #11, below), plus the northbound left turn lane at Chestnut (See #7, above). There is not sufficient right-of-way available for all of these improvements without impact to or demolition of buildings on either side of Cornwall between Maple and Chestnut.

11. Cornwall Ave between Wharf and Chestnut: Widen to 4 lanes.

Concerns: **Mitigation proposed may not be feasible (See #10, above).** This would require removal of on-street parking from Wharf to Maple and additional right-of-way from Maple to Chestnut to construct 4 lanes, plus the northbound left turn lane at Chestnut (See #7, above). There is not sufficient right-of-way available without impact to or demolition of buildings on either side of Cornwall between Maple and Chestnut.

12. Holly Street between Champion and Broadway: Widen to 3 lanes; 1-lane southbound, 2-lanes northbound.

Concerns: **No commitment for mitigation in development proposal.** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. This would require removal of the on-street parking and the center turn lane between Champion and Whatcom Creek; removal of on-street parking and possibly additional right-of-way with impact to or demolition of buildings from Whatcom Creek to Broadway, which is the heart of the newly adopted Old Town Urban Village Master Plan area.

13. F St between Holly and Roeder: New northbound turn lane on F St to Holly.

Concerns: **No commitment for mitigation in development proposal.** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. (See #3, above) F St measures 160 feet from the BNSF RR track crossing signal to the stop bar at F/Holly. There is not sufficient distance or right-of-way available to add a southbound turn lane on F St. without impact to or demolition of existing buildings (AGAPE Shelter and new Lighthouse Mission bldg) on either side of F St. Lack of mitigation would shift traffic impacts to other arterial streets and intersections.

14. C St between Holly and Roeder: Traffic signal and northbound left turn lane on C St.

Concerns: ***Mitigation proposed may not be feasible.*** (See #4 and #8, above) C St. measures 160 feet from the proposed BNSF RR track crossing signal to the stop bar at C/Holly. There is not sufficient distance or right-of-way available to add a northbound left turn lane on C St. without impact to or demolition of existing buildings (Restaurant, motorcycle sales, and boat repair/storage) on either side of C St.

15. Central Ave between Holly and Roeder: Traffic signal and northbound left turn lane on Central.

Concerns: ***The proposed closure of Central to vehicles in favor of a pedestrian corridor does not mitigate the vehicle impact identified in the transportation analysis.*** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. Like F and C Streets, Central measures 160 feet from the BNSF RR tracks to the stop bar at Central/Holly. There is not sufficient distance or right-of-way available to add a northbound (or southbound: See #5, above) left turn lane on Central without impact to or demolition of existing buildings (Restaurant, kayak manufacturer, and work studios) on either side of Central.

16. Chestnut St/Railroad Ave intersection: Signalized intersection.

Concerns: ***No commitment for mitigation in development proposal.*** Lack of mitigation would shift traffic impacts to other arterial streets and intersections.

17. State St/Laurel St intersection: Signalized intersection and turn lanes on Laurel

Concerns: None - SDEIS states no impact in 2016 or 2026. State Street is a southbound one-way street. These improvements would require the removal of on-street parking on Laurel to fit a southbound right-turn lane from Laurel onto State and removal of on-street parking and perhaps relocation of curbs with street widening to fit a southbound left-turn lane from Laurel onto State.

18. State/Wharf/Forest/Blvd intersection: Signalized intersection or roundabout

Concerns: None, but there may be challenges with alignment and right-of-way.

19. Forrest St/Laurel St intersection: Signalized intersection and turn lanes.

Concerns: ***No commitment for mitigation in development proposal.*** Lack of mitigation would shift traffic impacts to other arterial streets and intersections. Forrest Street is a northbound one-way street and is scheduled for a road diet from 3-lanes to 2-lanes with a northbound bicycle lane. These improvements would require the removal of on-street parking, relocation of curbs, and street widening on Laurel to fit a northbound right-turn lane from Laurel onto Forrest. Creating a northbound right-turn lane from Laurel onto Forest would require the removal of on-street parking, relocation of curbs, and street widening.

20. Bay St between Champion and Chestnut: Add bicycle lanes and enhance sidewalks.

Concerns: ***Mitigation proposed may not be feasible.*** This would require removal of on-street parking along Bay St and additional right-of-way in conjunction with intersection improvements at Bay

St/Chestnut St (see #6, above) and construction of 4 lanes along Roeder-Chestnut (see #1, above). There is not sufficient right-of-way available for all of these improvements without removal of on-street parking or impact to or demolition of existing buildings on either side of Bay between Champion and Chestnut.

21. Central Ave between Chestnut-Roeder and Holly: New bicycle lanes on Central

Concerns: ***The proposed closure of Central to vehicles in favor of a pedestrian corridor does not mitigate the vehicle impact identified in the transportation analysis of the development proposal. Lack of mitigation would shift traffic impacts to other arterial streets and intersections.***

22. Wharf St between Cornwall and State: Add bicycle lanes and sidewalks to Wharf.

Concerns: ***No commitment for mitigation in development proposal. Lack of mitigation would limit bicycle and pedestrian access from bluff to redevelopment site to a few connections on the northeast side. An alternative might be a bike lane only on uphill side with 12' or 14' shared lane on downhill side. Sidewalks both sides. There may be challenges due to steep slopes and expense due to need for cut and fill and retaining walls to allow construction of sidewalks, bicycle lane, and street widening.***

23. Laurel St between Cornwall and Garden: Bicycle lanes and enhanced sidewalks on Laurel St.

Concerns: None – SDEIS states no impact in 2016 or 2026. These measures would require a bridge to be constructed over the re-located BNSF RR tracks against the bluff between Cornwall and Laurel. Removal of on-street parking would be required and possibly additional right-of-way for all suggested items.

24. Maple St between Cornwall and Forrest: Add bicycle lanes, enhance sidewalks, add turn lanes at intersections.

Concerns: ***Mitigation proposed may not be feasible.*** This would require removal of on-street parking along Maple St and additional right-of-way for turn lanes at intersections. There is not sufficient right-of-way available for all of these improvements without removal of on-street parking or impact to or demolition of existing buildings (Private school, condominiums, brewery, Depot Market Square) on either side of Maple between Cornwall and Forrest.

NA. Off-Site Construction Truck Routing.

Concerns: ***No commitment for mitigation in development proposal.***

Existing vs. Proposed Transportation Concurrency Methodology

The City of Bellingham is in the process of adopting new methodology for measuring Transportation Concurrency, but the proposed development has not been analyzed under the new methodology and it is not clear that the level of redevelopment proposed would be permitted under the new requirements or what forms of mitigation might be required under the new requirements. It is also important to understand that measuring the traffic impacts in a different manner does not mean that there will be less traffic congestion on arterials or traffic safety concerns at intersections produced by the proposed redevelopment. In all cases, there will be more people and thus more conflicts between vehicles, pedestrians, and bicyclists.

MEMORANDUM

Date: November 3rd, 2008

To: Tim Stewart, Director of Planning and Community Development

From: Katie Franks, Development Specialist II

RE: Comment on the New Whatcom Redevelopment Project Supplemental Draft EIS

The Supplemental Draft EIS (SDEIS) analyzes environmental elements that may be impacted with the redevelopment of Bellingham's Waterfront area. Both the Port of Bellingham's preferred plan, the "Proposal" and the City's Waterfront Connections Plan, "WCP" were considered in this review of the SDEIS. The following is a summary of my review of the adequacy of the analysis of impacts to aesthetics and historic and cultural resources.

Chapter 1: Executive Summary & Introduction

Page 1-8 Aesthetics The SDEIS identifies on page 1-8: "*View corridors would generally be provided as a result of the angled street grid and uninterrupted roadway rights-of-ways through the site to the water, variable limitations on building heights and/or upper level building setbacks, and/or proposed community green/open space features.*"

Comment: The above statement is inaccurate. The rotated grid does not protect or extend views from the Central Business District (CBD), but instead visually blocks views into the Waterfront District and on to the bay from the downtown area. Under the Proposal's rotated street grid, primary views into the Waterfront District from the CBD at Cornwall Ave., and Bay and Commercial Streets from the intersections of Chestnut and Holly Streets would be blocked by up to 200' tall buildings. Similarly, views into the redevelopment area from Laurel Street at the Forest and State Street intersections would be blocked by up to 200' tall buildings, whereas under the traditional street grid option these views would remain open.

Additionally, the SDEIS fails to measure impacts from viewpoints in the CBD and instead studies views from the extraneous points of the 7th floor roof of the Parkade and the edge of the waterfront redevelopment area at Roeder Avenue. Analysis from these viewpoints provides no meaningful information about visual and aesthetic impacts.

Page 1-9 / Table 1 - 1 Historic & Cultural Resources The SDEIS identifies on page 1-9 that "*Ten historic structures that are over 40 years of age (5 structures listed in the DEIS and 5 additional structures) are identified that could be retained or reused in some capacity under the Preferred Alternative (including potential reuse of building materials or relocation of industrial equipment or features); therefore, the potential for impacts to historic resources could be lower than under DEIS Alternatives 1 - 3.*"

Comment: The above statement is inaccurate. The Proposal makes no allowance, through plan, design or intent, to retain any of the historic buildings or structures on the site other than the two High Density Tanks and several industrial artifacts. The statement that the Port "*will consider retaining or reusing existing building,*" is undermined by the Proposal's rotated street grid, which disallows any buildings in its path -- which is all of them -- to remain. By omission of any substantive effort made in the Proposal to accommodate adaptable buildings, it is impossible not to infer that all

buildings would be demolished under the Proposal, therefore making the potential impacts to the historic resources much higher than under DEIS Alternatives 1 - 3.

Page 1-9 / Table 1 – 1 *Historic & Cultural Resources* identifies that *"The viability of retention, reuse (of buildings and/or materials) or other potential methods of preservation would be subject to additional analysis of a range of factors, including structural integrity, need for seismic upgrade, economic considerations, sea level rise, and view opportunities"*

Comment: The above statement is disingenuous, its validity being undermined by the Proposal's assumption that existing historic buildings would be removed to accommodate the rotated street grid plan, as well as by the Port's attempt, prior to study and public comment under the SDEIS, to demolish three historic buildings that had been identified as contributing to a potential historic district and having "reuse potential" (2004 Due Diligence Report).

The SDEIS also fails to study the Proposal's impact on the historic buildings and structures *collectively*, as an historic district. Impacts to buildings and structures contributing to an historic district are *greater* than those made to buildings evaluated as isolated, stand-alone resources. As such, impacts to the historic district by the loss of the Boiler House, also a contributing resource to the district, must be considered in the SDEIS.

Page 1-13 *Historic & Cultural Resources* identifies that the *"Mitigation measures to address the potential for significant historic and archaeological impacts of Alternatives 1 - 3 were identified in the DEIS. These mitigation measures would also apply to the Preferred Alternative and Straight Street Grid Option and include the following: The Port would explore opportunities for adaptive reuse of existing onsite industrial buildings with consideration of structural, economic, market, and land use factors."*

Comment: The above statement is false. The Port has shown no tangible effort to assess, document, or explore opportunities for adaptive reuse of existing onsite industrial buildings and undermines any real intent to do so by seeking to demolish buildings *prior* to completion of the SDEIS. Furthermore, the SDEIS statement assures that the Port would explore opportunities for adaptive reuse of existing onsite industrial buildings, but fails to provide any accommodation within the rotated grid plan for those buildings that may prove to be adaptable. Operating within this logic one can only assume all buildings would be removed under the Proposal.

Chapter 2: Description of the Preferred Alternative

Page 2-16 / Table 2-3 identifies that under the Preferred Alternative, *"Up to 10 Historic Buildings / Structures could be retained or reused."*

Comment: The above statement is false. The rotated grid assumes the removal of all historic buildings and structures except for the two High Density Tanks and a few industrial artifacts, and makes no provision for alterations to the street grid to accommodate any buildings that may be determined to be candidates for adaptive reuse.

2.3.7 Historic Buildings

Page 2-37 identifies that *"of the 36 existing buildings remaining on the New Whatcom site (includes only those buildings assumed to remain on the site subsequent to the completion of the Georgia-Pacific Demolition Plan), the historic property survey prepared for the DEIS identified 22 buildings and structures that are at least 40 years of age."*

Comment: The DEIS and the SDEIS omitted analysis of impacts to the Boiler House as a contributing resource to a potential historic district. The Boiler House was previously removed from the Georgia-Pacific demolition permit application because it was a historic resource contributing to a potential historic district and would require SEPA review. See [SEP2007-00046 Determination of Non-Significance](#), March 31, 2008 which states that "Structures that are designated as 'potential eligible historic structures' within the New Whatcom Draft EIS in Chapter 3-11 are NOT included in this demolition proposal including the Boiler House - structure #6 - which has been removed from the Phase II DEMO Plan." As a contributing resource to the potential historic district Impacts to the Boiler must be studied under the SDEIS.

Also on page 2-37 the SDEIS identifies that "The DEIS noted that the final decisions on removal or retention/reuse of buildings would be made by the Port and City in conjunction with developers. Since issuance of the DEIS in January 2008, the Port has continued to work with the City and other entities to assess strategies and considerations for mitigating potential impacts on historic resources (see Appendix A and Section 3.11, Historic and Cultural Resources of this SEIS for details)."

This statement is false, since the rotated grid assumes the removal of all historic buildings and structures (except for the two High Density Tanks) and makes no provision for alterations to the street grid to accommodate historic buildings that may be determined to be appropriate for adaptive reuse. Additionally, the Port has made decisions to demolish four of the contributing historic buildings independent of any conversation with the City, the public or potential developers.

2.3.7 Historic Buildings

Page 2-38 identifies that "Under the Preferred Alternative the same five buildings noted above that are 40 years of age or older could potentially be retained or reused in some capacity with redevelopment of the site. An additional five buildings have been identified that could potentially be retained, reused, or relocated / preserved in some manner under the Preferred Alternative (in some cases this could include relocation or reuse of building materials or industrial equipment/features); these are listed below (see Appendix L to the DEIS for further descriptions of these buildings). Additional analysis would determine the viability of reuse/relocation, with consideration of structural, economic, environmental and locational factors.

- Old Granary (7, eligible)
- Barking/Chipping Plan (8, eligible)
- Boardmill (12, eligible)
- Digester (13, eligible)
- High Density Tanks (49, eligible)

"In addition since issuance of the DEIS, the Port has identified three buildings that are at least 40 years of age for potential demolition in the near-term, subject to applicable permits. The Port issued a Mitigated Determination of Non-Significance (MDNS) for this demolition on October 1, 2008. Mitigation requirements specific to these buildings include: inventorying of GP archives, building documentation and recordation, a salvage and reuse plan, and an interpretation plan. Demolition is intended to occur in conjunction with near-term GP demolition activities. These buildings include:

- Screen Room (14, eligible)
- Bleach Plant (15, eligible)
- Pulp Storage Building (37, eligible)"

Comment: The Mitigated Determination of Non-Significance (MDNS) for the above mentioned buildings has been challenged by the City of Bellingham. On October 13th, 2008 the City of Bellingham filed a "Notice of Assumption of Lead Agency Status" asserting that completion of the Final New Whatcom Environmental Impact Statement or a separate environmental Impact statement would be required on the demolition proposal, and that the demolition of the three potentially historic buildings would have a probable adverse impact on the environment. The MDNS issued by the Port failed to adequately consider the environmental impacts of the demolition of these buildings, and failed to mitigate the environmental impacts of the proposed demolitions. These recent actions by the Port undermine the validity of the SDEIS statement on Pg. 1-9 / Historic & Cultural Resources in which it is alleged that the *"The viability of retention, reuse (of buildings and/or materials) or other potential methods of preservation would be subject to additional analysis of a range of factors, including structural integrity, need for seismic upgrade, economic considerations, sea level rise, and view opportunities."*

Additionally, to adequately evaluate the impacts the buildings must be studied collectively as a district, rather than as individual buildings. The Intent of the EIS under State law is to assess the impact on historic and cultural resources – the SDEIS evaluation of the Port's Proposal fails to do this.

Chapter 3: Affected Environment, Impacts, Mitigation Measures and Significant Unavoidable Adverse Impacts

3.8 Relationship to Plans and Policies

3.8.2 Preferred Alternative / Historic Structures

On page 3.8-4 the SDEIS identifies that: *"under the Preferred Alternative, the same five buildings noted in the DEIS could potentially be retained or reused in some capacity as part of redevelopment of the site.*

Additional analysis would determine the viability of reuse/relocation, with consideration of structural, economic, environmental and locational factors.

The potential retention, reuse, or relocation/preservation of historic structures under the Preferred Alternative would be consistent with policies FLU-2 and LU-69 from the Land Use Element of the city Bellingham Comprehensive Plan...These policies encourage the development of a unique, attractive and economically viable city center that reflects Bellingham's history and natural setting, and maintains Bellingham's sense of community."

Comment: This statement is incorrect. The Proposal is *inconsistent* with a number of City policies, as well as with Goal 13: Historic Preservation of the Growth Management Act. The rotated grid assumes the removal of all historic buildings and structures except perhaps the two High Density Tanks and several industrial artifacts and makes no provision for alterations to the street grid to accommodate historic buildings that may be determined to be appropriate for adaptive reuse. Specifically, the Proposal does not comply with the following City policies:

Comprehensive Plan LU-69: *Encourage the ongoing development of a unique, attractive and economically viable city center that reflects Bellingham's history and natural setting.*

Comprehensive Plan VB 9: *Downtown Bellingham retains its role as the community's center through preservation and increased use of its fine historic*

buildings. Cross Reference Note: The statements in VB 9 were modified and updated in the adopted 2002 City Center Master Plan, which reads as follows:

"City of Bellingham Historic Preservation Policy: The City Center should preserve its historic landmarks to maintain a link with the community's heritage and to help contribute to the economic development and vitality of the City."

Visions for Bellingham Goal Statements, Section 7 – Downtown and Waterfront: VB 49 – Height restrictions for downtown address the relationship of new development to historic structures and to retaining view corridors.

Additionally, the Proposal is not consistent with the following Waterfront Futures Guiding Principles:

WFGP 1 – REINFORCE THE INHERENT QUALITIES OF EACH PLACE ON THE WATERFRONT:

- *Make the waterfront a regular part of the lives of more people.*
- *Respect history, cultures and the art*
- *Reinforce a unique "sense of place" at different waterfront locations.*
- *Complement adjacent uses.*

Restore the Health of Land & Water

- *Require sustainable practices in all development.*

Improve Waterfront Access

- *Help people find their way.*

Promote a Healthy & Dynamic Waterfront Economy

- *Encourage reuse and renovation of existing buildings*
- *Complement existing downtown area with waterfront redevelopment*

Retaining historic buildings creates a sense of place and gives Bellingham a competitive market advantage, not to mention that adaptive reuse of existing buildings is one of the *primary elements of sustainable development*. And retaining historic buildings provides a continuity through time and space in the landscape which helps people find their way.

The last guiding principle, to "*Promote a Healthy and Dynamic Waterfront Economy – Encourage reuse and renovation of existing buildings*" directly cites Washington State's Growth Management Act (GMA) Policy, which identifies among its fourteen planning goals the following goal for Historic Preservation: "*Identify and encourage the preservation of lands, sites, and structures that have historical, cultural, and archaeological significance*" RCW 36.70A.020(13). Although the GMA does not require an historic preservation or cultural resources element in a comprehensive plan, cities and counties planning under the GMA must consider and incorporate the historic preservation goal. Planning for the achievement of all fourteen goals simultaneously, through comprehensive planning, can build and maintain thriving communities.

Finally, the Proposal is inconsistent with the City of Bellingham's Historic Preservation Ordinance [2005-12-094], which outlines the following purposes: "to provide for the identification, evaluation, designation, and protection of designated historic resources within the boundaries of the City of Bellingham, and to provide for the preservation and rehabilitation of eligible historic properties within the City of Bellingham for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW, and the allowance of adaptive uses in order to:

- A. Safeguard the heritage of the City of Bellingham as represented by those buildings, districts, objects, sites, and structures which reflect significant elements of the City's history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and instill a sense of identity based on the City of Bellingham's history;
- C. Stabilize or improve the aesthetic and economic vitality and values of such sites, buildings, and objects;
- D. Assist, encourage, and provide Incentives to private owners for the preservation, restoration, redevelopment and use of historic buildings, districts, objects, sites, and structures;
- E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and,
- F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment."

Chapter 6: DEIS Environmental Impacts and Mitigation Measures Summary

6.1.11 HISTORIC AND CULTURAL RESOURCES ENVIRONMENTAL IMPACTS

Page 6-26 addresses the Impacts to Historic and Cultural resources by identifying that *"Redevelopment under Alternatives 1 through 3 is assumed to result in the removal of some buildings and structures that are over 40-years of age and are potentially eligible for listing on federal, state and/or local historic registers."*

- It is possible that some of the buildings assumed to be removed could be retained, resulting in adaptive reuse and rehabilitation of some buildings. Final decisions on the removal or retention of buildings would be made in the future by the Port and City, in conjunction with site developers."

Comment: The above statement is untrue. The rotated grid assumes the removal of historic buildings and structures and makes no provision for alterations to the street grid to accommodate buildings determined to be adaptable. Furthermore, the Port has made decisions about three of the contributing historic buildings independent of any input from the City or potential developers.

Page 6-26 states that *"The planned restoration of a natural shoreline along the southern waterfront of the Whatcom Waterway (also a potentially eligible resource) would modify its character-defining features (such as bulkheads and wharfs) and dismantle sections of its delineating edges, which would diminish the historic configuration and industrial character of the Waterway."*

Comment: The SDEIS has failed to assess or mitigate Impacts to the historic waterway and wharf structures.

Page 6-26 also states that *"Listed historic resources in the New Whatcom Site vicinity could potentially experience indirect impacts from construction activities during redevelopment of the site."*

Comment: The SDEIS does not adequately assess the indirect impacts that may result from construction activities on historic resources in the New Whatcom Site vicinity that are listed or have the potential to be listed on local, state, or national registers.

Page 6-26 of the SDEIS identifies that *"Existing views from certain offsite historic resource in the surrounding area could be altered with redevelopment under Alternatives 1 through 3.*

A majority of the views from these historic resources are currently affected by existing buildings and structures. The historic value of these resources is not dependent upon views to and beyond the new Whatcom site, and no significant impacts would be expected."

Comment: The above statement is unfounded through lack of evaluative evidence provided in the SDEIS, which does not address the economic or aesthetic impacts to historic buildings adjacent to the site.

Page 6-26 of the SDEIS identifies that *"To the extent that buildings, utilities or roadway construction would require below grade excavation, such below-grade excavation could impact potential archaeological resources located beneath the new Whatcom site."*

Comment: As illustrated in the DEIS and technical report Appendices, as well as in the SDEIS (6.1.11), the highest potential for archaeological resources includes Redevelopment Areas 2, 5, and 7 located adjacent to the bluff; former beach and shoreline areas also have potential (Figure 3.11-2 of the DEIS).

Inadvertent discovery plans are always good to have (and often required), but there should be pre-construction efforts to identify areas of archaeological resources. This could be minimally a review by an archaeologist as part of the management plan as suggested at 3.11.4 (pg 3.11-8), or it could be more proactively an actual on-the-ground archaeological survey/assessment.

The Port runs the chance of an inadvertent discovery which may cause costly delays and project overruns, and should invest up front in a pre-construction survey that will reveal much more about potential sub-surface historic/cultural resources.

Page 6-26 also states that *"Redevelopment under the No Action Alternative assumes the retention of all existing buildings (post GP demolition) and no onsite historic resources would be impacted."*

Comment: The above statement is false, being undermined by the MDNS submitted by the Port independent of the EIS process, to demolish three historic buildings that were previously identified as contributing buildings in a potential historic district.

6.2.10 Mitigation of Historic and Cultural Resources

Page 6-50 of the SDEIS identifies that *"the Port would explore opportunities for adaptive reuse of existing onsite industrial buildings with consideration of structural economic, market, and land use factors"*

Comment: The above statement is undermined by the MDNS submitted by the Port, independent of the EIS process, to demolish three historic buildings that were previously identified as contributing buildings in a potential historic district.

Appendix A of the SDEIS: Waterfront District Proposal

Chapter 4 Sustainable Strategies

4.0 Sustainability/Environmental, Economic and Social Sustainability

Pages 21 and 22 of the SDEIS Waterfront District Proposal identify that *"The Triple Bottom Line (TBL or 3BL) captures an expanded spectrum of values and criteria for measuring organizational (and societal) success. TBL has become the dominant approach to public*

sector full cost accounting. The performance framework includes Environmental, Economic and Social Sustainability.

- **Environmental Sustainability:** A TBL endeavor reduces its ecological footprint by, among other things, carefully managing its consumption of energy and non-renewables.
- **Economic Sustainability:** In order to create market incentives for implementation and long-term support, truly sustainable proposals must be efficiently designed and economically viable. The "bottom line" is shared by public and private sector property owners, investors, grant agencies, businesses and tax payers.
- **Social Sustainability:** Pertains to fair and beneficial business or development practices. A TBL company conceives a reciprocal social structure in which the well being of corporate, labor and other stakeholder interests are interdependent."

Comment: The Port's Proposal does not accurately measure Triple Bottom Line and Sustainable Development Strategies. Historic preservation and adaptive reuse of existing buildings are central to sustainable development practices. Consider the following:

1. **The SDEIS fails to study the economic, environmental, and social impacts of the loss of the buildings as a district.** In order to adequately study the impacts of the actions proposed in the Port's Preferred Alternative a holistic assessment of the buildings as a historic district should be conducted. The value of the whole (the remaining buildings and structures currently form a historic district) is greater than the sum of its parts (buildings and structure viewed in isolation, as individual objects).
2. **Wholesale razing of historic buildings is demonstrably flawed public policy.** The razing of structures in the name of urban renewal has proven to have adverse consequences, and is inconsistent with sustainable development practices.
3. **Adaptive reuse is a fiscally responsible reaction to the high cost of landfill, and rehabilitating historic buildings is both cost effective and energy conserving.** There are more than just dollar costs – there are also energy costs that are saved through adaptive reuse. This energy is measured not only by the amount required to tear down and build anew – it is also measured by the "embodied energy" existing in the current facility. It required energy – both human and mechanical – to create the brick in the wall of the building. That embodied energy is being thrown away (even while we exhibit concern about long-term energy shortages) when a building is razed.
4. **Historic preservation is one of the primary factors of the City Center Management Plan's economic development strategies,** creates more jobs than the same amount of new construction and has a greater impact on demand for local labor and supplies. Dollar for dollar, adaptive reuse is one of the highest job-generating economic development options available, and is more labor intensive than most new construction.¹
5. **Adaptive reuse of historic buildings has significant and ongoing economic impact beyond the project itself.** In economics it is the differentiated product

¹With new construction, approximately half of expenditures go for labor and half for materials. Conversely, in a typical historic rehabilitation project between 60 and 70 percent of total costs will go toward labor. Labor – carpenters, electricians, plumbers, sheet metal workers, painters – is almost always hired locally.

that commands a monetary premium, and adaptive reuse of historic buildings is increasingly recognized as a critical component of a comprehensive economic development strategy. Maintaining a community's unique identity and cultural heritage is an essential component in retaining sufficient individuality and differentiation to create an economic premium. If in the long run Bellingham wants to attract capital and investment it must differentiate itself from anywhere else. The former GP mill historic district and the Granary building are historic resources that are exclusive to Bellingham -- no other place can duplicate these historic resources that make our waterfront a specific place.

6. **Adaptive reuse of the waterfront's historic buildings is an important part of the "quality-of-life" equation**, which is becoming the critical ingredient in economic development. Multiple factors contribute to quality of life and different people attach importance to different things. Adaptive reuse of the Waterfront's historic resources and district are important because more than any other man-made element these historic buildings differentiate our community from all others, and the quality of historic buildings and the quality of their preservation says much about Bellingham's self-image and respect for its industrial past.
7. **Adaptive reuse is a cost-competitive alternative to new construction.** Many financial incentives exist for historic buildings that are not available for new construction projects. Since the 1980s, the City of Bellingham has developed financial incentives to encourage and support the redevelopment of historic properties. These include and are not limited to:
 - Special Valuation Tax Relief
 - Adaptive Use Permits
 - Building Code Flexibility
 - Federal Historic Preservation Tax Credit Program for Income-producing Properties
8. **Historic Preservation as Tourism Strategy.** In 2007 Bellingham became a *Preserve America* Community under RESOLUTION NO. 2007-03, which states that *"The City of Bellingham will continue to protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs."*
9. **Cultural tourism – which is reliant on historic preservation practices – is an international growth industry.** Historic resources are among the strongest community assets for attracting visitors, and the Whatcom County Tourism Bureau is working to foster the growing cultural tourism market. Visitors see Bellingham as offering *"authentic, unpretentious and rewarding cultural experiences"* due largely to the community's preservation of that connects us to our natural, cultural and historic heritage.
10. **Historic architecture attracts visitors to cities.** Heritage tourism generated by historic attractions means dollars for local and state economies, and is viewed by economic development professionals as central to economic growth. Cities that have made earnest attempt to save their historic architecture benefit from visitor dollars, and Bellingham's Fairhaven Historic District is an excellent local example. The attraction is not specific to high-style architecture and districts – adaptive reuse of the working waterfront buildings of Granville Island in Vancouver, B.C., the conversion of Portland Oregon's Pearl District warehouses into a mixed-use

residential community and the adaptive reuse of former warehouses in downtown Tacoma, Washington provide just a few of many regional successes.

11. **Adaptive reuse of historic buildings is globally recognized as a socially sustainable practice** which creates a bond between a community and its citizens. Historic preservation fosters community pride resulting in a more involved and informed citizenry, establishes a connection with our past and fosters recognition that we have an obligation to responsibly manage our community for future generations.



BELLINGHAM PARKS AND RECREATION, 3424 Meridian Street, Bellingham, WA 98225
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MEMORANDUM

DT: October 27, 2008
TO: Paul Leuthold, Director of Parks and Recreation
FM: Leslie Bryson, Design and Development Mgr. 
RE: **New Whatcom Redevelopment Project Supplemental Draft EIS**

The Supplemental Draft EIS analyzes environmental elements that may be impacted with the redevelopment of Bellingham's Waterfront area. Both the Port of Bellingham's preferred plan, "The Proposal" and the City's Waterfront Connections Plan (WCP) were considered in this review of the SDEIS. I did not review the January 2008 Draft EIS or the Volume II Technical Reports, including Parks, Recreation and Open Space.

PARKS

The SDEIS indicates (p. 2-5) that the amount of parkland under the preferred alternative is 33 acres. The Waterfront Connections Plan lists a total of 34.3 acres. While this is not a significant difference, the layout of the park space on the site differs in one very distinct way. The Port's Proposal includes street related boulevards as a component of the park acres. While the SDEIS indicates the Commercial Street Green is part of the 33 acres (p2-23), The Proposal conflicts with this statement on p. 88 by stating the total park acres "does not include the Commercial Street Green north of Paper Avenue." These conflicting statements should be resolved.

The Impacts on public services, including parks, are addressed on pps. 6-33 and 6-34. The SDEIS assumes that increases in residents at the site will increase demand on local and regional parks and recreation facilities that will be distributed throughout the community and onsite parks and trails will help offset this demand. Under the proposed level of service acres in the City of Bellingham's 2008 Park, Recreation and Open Space Plan update, 3614 people expected under the preferred alternative of development will generate a need for an additional 4 acres of neighborhood parks, over 50 acres of community parks, 9.76 acres of special use areas, and 64.7 acres of open space and trails or a total of 129.4 acres for parks and recreation facilities. Only a portion of this demand will be accommodated on site and the remainder must be added somewhere in the community. This total impact should be more thoroughly addressed in the SDEIS.

TRAILS

On p 2-24 of the SDEIS it states that "linkages to the existing (and developing) regional system of trails would be afforded." In The Proposal, on p. 28 it is stated that the Intent is "to provide a continuous public connection...In the Waterfront District and from the Central Business District to the water with limited interruption by motorized vehicles...as the backbone for pedestrian and bike circulation." Throughout the SDEIS, an interconnecting trail system is touted as mitigation for the development. The Proposal, however, does not clearly show these linkages, with the only direct link to an existing trail being the proposed overwater boardwalk connecting to Boulevard Park. Finally on p. 3.12-11 it is stated that "future enhancements to offsite facilities would be necessary to facilitate walking and biking between the site and downtown" but does not indicate when these enhancements will occur.

P. 3.12-20 indicates the Straight Street Grid Option (WCP) is assumed to provide similar pedestrian and bicycle network. However, the WCP proposes a continuation of the Coast Millennium Trail through the site adjacent to the BNSF right of way. The WCP also presents a more integrated, connective non-motorized network.

Memorandum
Department of Public Works
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To: Tim Stewart, Planning Director
CC: Dick Mckinley, Public Works Director
From: William M. Reilly, Storm and Surface Water Utility Manager
Date: October 27, 2008
Subject: Comments on Waterfront Redevelopment SEIS

I have reviewed pertinent sections of the SEIS related to stormwater issues. Below is a list of comments on the document.

- There are comments regarding the need to locate stormwater outfalls higher in order to account for sea level rise or storm surge. To the extent that this minimizes the depth of excavation to avoid dealing with contaminated soils is fine. There is no need seen, however, to raise pipes purely for hydraulic purposes. The calculation of system capacities and pipe sizes, however, should be based on a conservative tailwater elevation that does account for sea level rise.
- There are comments regarding concern for contaminated materials being disturbed as a part of this development. Comments regarding grading activities and erosion controls, however, do not seem to capture that concern. Special erosion controls should be provided whenever there is possibility of contaminated soils being open and present on the site. Monitoring of sediments within erosion controls systems should be a part of the plan.
- Discussion of taking the ASB offline and replacing it with temporary stormwater controls lacks detail. While the ASB was primarily for the treatment of industrial waste it also served to treat existing stormwater from the GP site. Both temporary and permanent stormwater treatment facilities that are designed to supplant the ASB should be designed to meet or exceed the existing treatment capabilities of the ASB. This would be necessary to meet the anti-degradation requirements of the Phase II NPDES permit.

- Discussion is provided regarding the use of Low Impact Development (LID) on this site. Extreme caution should be used before using any LID technique that involves infiltration. The use of infiltration is generally most important in basins that drain into a stream system in order to maintain stream hydrology. While some infiltration may be possible on a contaminated site such as this, the benefit of doing so is not likely to outweigh the risk. If infiltration does become a part of the mitigation plan it should be only after extensive monitoring of groundwater pathways or potential pathways.
- Other LID elements such as water reuse, maximization of building height, covered parking structures, green roofs, drought tolerant landscaping, etc, should be used to the maximum extent practicable.
- There is a statement on page 10 of Section 3 Proposed Improvements regarding the needs for temporary erosion controls during construction. The statement seems to convey that only minimally developed or undeveloped properties must meet the requirements for construction sediment controls. All portions of development will be required to comply with requirements for construction found within the 2005 Stormwater Management Manual for Western Washington at a minimum. Further requirements may be dictated based on the terms of Ecology orders or controls determined necessary by Ecology or the City for dealing with contaminated soils.
- Stormwater treatment alternatives indicated for use may meet "basic" treatment requirements. The use of a conditionally approved stormwater system such as the Filterra would be a concern. Until such time as this device has received full approval from Ecology it should not be a recommended BMP to be used extensively on the site. The use of engineered systems such as sand filters should be explored as an alternative to proprietary systems. Costs for a sand filter are similar to proprietary media treatment systems and removal rates for metals are often higher.
- It should be noted that under the City option for street alignments that the Laurel Street drainage system would not need to be relocated as it is suggested in the Preferred Alternative. This would eliminate a large excavation into subsurface soils of questionable quality.
- It should be noted that the preliminary plans for stormwater mitigation provided in the DEIS and Supplemental DEIS are not a substitute for in depth studies required for the development of individual sites or basins. Additional information needs include but are not limited to: detailed information on the handling of contaminated materials during construction, the effect of individual discharge points on shoreline mitigation efforts, specific sizing and selection of stormwater treatment systems, pollutant avoidance/source control measures to be undertaken, etc.

Comments on SDEIS – October 2008 – Steven Sundin, Planning Department

2.3.2: Page 2-17 and 2-18 Proposed location and alignment of Central Avenue is not consistent with the DRAFT SMP. (By contrast, Cornwall Avenue beyond Wharf Street has been proposed for realignment to be further from shoreline and is consistent with DRAFT SMP – Section 22.09.170.)

In addition, this road alignment at Central Avenue is not consistent with the Historical, Cultural and Educational Shoreline Objectives in Section 22.02.20 G. because it assumes that the Granary Building will be demolished to construct this road.

TABLE 2-3: Page 2-16 This table is misleading. It specifies that if the Preferred Alternative (PA) is built out that up to 10 historic buildings / structures could potentially be retained / reused per Footnote #3. Whereas in the other DEIS Alternatives – in Footnote #2 – it specifically states that up to 17 of the 22 buildings could potentially be removed. The footnotes should be stated in the same manner.

2.3.4: Page 2-23 Parks and Shoreline Habitat Plan still does not adequately break out parks, trails and habitat acreages. All I see is total acres devoted to parks, trails, habitat for each of the five sub-areas. (I have not been involved for some time in discussions so maybe this will be detailed in the WDMP) When 33 acres is consistently broadcast – the public would probably want to know what the breakout of acreages are for each type of 'open space.'

2.3.4: Page 2-24 Under the Shoreline Master Program heading, the sentence that begins with "Features of the New Whatcom project within the shoreline jurisdiction under the Preferred Alternative..." should be revised to read, "... would be consistent with the *Planning Commission recommendations for the DRAFT SMP pursuant to adoption of a Master Plan for the Waterfront District.*"

Figure 2-7 Perimeter of marina should be yellow to portray marina breakwater habitat. (The shoreline area at the foot of the ASB along the Roeder 'peninsula' is not *marina breakwater.*)

Figure 2-9 & Figure 2-11 Footnotes #3 and #2 respectively should be removed as these DO NOT apply. The City Council recommended implementation of the Planning Commission recommendations which DID NOT include the 2:1 setback to height ratio for shoreline mixed uses.

2.3.5: Page 2-34 Under the "Restoration of a Natural Shoreline..." heading it should read "Restoration of a heavily impacted shoreline....." or "Restoration of the Whatcom Waterway to a more naturalized shoreline..." It's a minor detail but the Port is not restoring a NATURAL shoreline.

2.3.6: Page 2-36 Question: IS the City participating with the Port in LEED ND planning? As far as I know – the Port is tackling this on their own at the moment:

Page 2-38: Section on MDNS for the three eligible buildings (Screen Room, Bleach Plant and Pulp Storage) is not current per the City's Assumption of Lead Agency Status, appeal, etc. of the subject MDNS and subsequent revised MDNS issued by the Port.

Page 2-46: Last paragraph above 2.4.4: The Port has identified that *only* building #37 to be demolished as part of the PA but in Section 2.3.7 buildings # 14, 15 AND 37 are proposed to be demolished under the already issued MDNS. This seems to be inconsistent.

3.1: EARTH: Generally: CAO standards / requirements for seismic and landslide hazards in APPENDIX D (DEIS) and APPENDIX E (SEIS) have at least been acknowledged but, there is not enough detail on the proposed project elements within the PA nor the specific mitigation measures. It is mostly conceptual. Critical Area standards would still have to be met and Critical Area Permits issued for construction of buildings, roads, storm water facilities, fill placement, etc. as specified in 'Conclusions' on page 3.1-11.

Both the DEIS and SDEIS seem to infer that GEO / SEISMIC reports (per the CAO for GEO HAZARDS) would be necessary for each Individual development action. *That* Inference should be understood by both PORT and CITY so that at time of building permit submittal that GEO / SEISMIC report is automatically submitted with each application.

3.1.2: Page 3.1-10 While the Straight Street Grld (SSG) option *could* require up to the same amount of fill as the PA, it seems that one of the benefits of the SSG option is that it *may not*. There is not a design figure that would show the differences between the two alternatives. (Figure 3.1-2 is fairly detailed with necessary cross slopes and elevations but there is not same for SSG option.)

3.2: AIR QUALITY No speak about potential impacts to air quality from demolition of buildings associated with PA.

3.3 WATER RESOURCES This section only deals with storm water management. There is minimal reference to the Marina and the CLEANUP ACTION PLAN issued by DOE in terms of potential short-term / long-term impacts to water-resources.

3.4 PLANTS / ANIMALS 3.4.2: Page 3.4-3 Shoreline restoration (removal of pilings, wharf, bulkhead, shoreline re-sloping, etc.) along south shore of Whatcom Waterway is part of the issued Department of Ecology Agreed Order / Consent Decree / Cleanup Action Plan NOT the WDMP. Or is it?

3.5: ENV HEALTH Table 3.5-1: Page 3.5-2 It would be helpful if there was information that coincided the release dates of the draft RI/FS's with phasing plan for infrastructure and available building sites. (Some of the site RI/FS's aren't scheduled for release until 2010 – at best – and that means that Decree's / Orders aren't Issued for at least another year later followed by design & permitting etc which can equal another two years.) How does timing of these cleanup actions Interface with overall development phasing?

Table 3.7-1: Page 3.7-2 Still no breakout of anticipated parks, trails, habitat areas. (Maybe this occurs in FEIS?)

3.8: Page 3.8-4 Top of page - there is reference to compliance with 'staff recommended' updated to the 2008 SMP. As of 9/15/2008 the City Council has directed staff to prepare the FINAL DRAFT SMP with the Planning Commission recommended regulations for buffers, setbacks, height conditioned upon approval of the WDMP. (ALL OTHER REFERENCES TO 'STAFF

RECOMMENDATIONS' FOR SHORELINE BUFFERS / SETBACKS / HEIGHT SHOULD BE REVISED SAME AS ABOVE.)

Page 3.8-4: Under the Sustainable Green Design section; should also include references to 'LEED ND' and LID (Low Impact Development).

3.10: Aesthetics / Light – Glare Generally speaking, the PA essentially walls off views of the water from the existing bluff along the northern and eastern perimeter of the site. The PA forces public down to GP shoreline area (log pond, south side of Whatcom Waterway) to have view of distant shorelines and land masses that are otherwise still available from the surrounding bluff / street ends via the SSG option.

The SSG maintains most / all of the existing view corridors from surrounding bluff areas down through the site to the water. According to the view analysis in the SEIS the SSG height limit of 75-feet retains the important horizontal sliver of view where distant water and upland meet -the shorelines of Lummi, Eliza and Portage Islands, etc. from the surrounding bluff viewpoints.

Generally speaking, the SSG option results in a traditional grid-block system which could be more attractive to potential developers.

Figure 3.10 1C: Buildings on that density and massing oblique should not be located in areas where the boat launch, trailer parking and marina parking are proposed – since the marina is apparently going to be built regardless of master planning efforts.

Figure 3.10-2: Additional viewpoints *could* be added at; Central and Roeder Avenue, top of Maritime Heritage Amphitheater at Central Avenue (both directly out the Whatcom Waterway) and end of C Street directly across Whatcom Waterway.

3.11: HIST / CULT RESOURCES Page 3.11-3; How can buildings #7, #12, #13 be retained / reused when the PA includes streets running right through these structures? In addition, why doesn't the SEIS just add these to the other 3 'eligible' structures (#14, #15, #37) that have been identified for near-term removal since the DEIS was issued.

3.12 TRANSPORTATION Page 3.12-29; second bullet; perhaps they mean 'southbound'?

APPENDIX A: Page 2; 'Shoreline Setback' should be revised to read 'Per Planning Commission Recommendations conditioned upon approval of the Waterfront District Master Plan.' (ALL OTHER REFERENCES TO 'STAFF RECOMMENDATIONS' FOR SHORELINE BUFFERS / SETBACKS / HEIGHT SHOULD BE REVISED SAME AS ABOVE.)

Page 96; The schematics need to be revised to reflect the 'Planning Commission Recommendations'

APPENDIX D: I understand that these are PRELIMINARY. However, under 'Building Height; Notes #2; if building heights are measured from avg. of finished grade and there is expected to be some amount of fill to support some of the streets – was the view, height, bulk analysis based upon the raised 'finished' grades for both the PA and SSG? Although there could be as little as 3-feet in some areas and as much as 10-feet or more closer to the bluff this should be accounted for.

Under 'General Standards' #2; (for all sub-areas) should be revised to read, "Shoreline regulations for buffers, setbacks, height etc. shall be as allowed conditioned in the adopted WDMP.

OVERALL: I don't feel like the DEIS or the SDEIS provides enough detailed environmental information that will allow individual buildings / developments to proceed right to building permit without additional environmental review; most notably Critical Area Ordinance review for construction within geologic and seismic hazard areas. Same concept applies for construction of the marina.

OVERALL: After reviewing the Waterfront District DEIS, SDEIS and the Department of Ecology issued Agreed Order / Consent Decree / Cleanup Action Plan (issued in September, 2007) I'm not certain whether the shoreline restoration and habitat enhancements within the Whatcom Waterway are a part of the PA / SSG options or a part of the Agreed Order / Consent Decree / Cleanup Action Plan. These habitat and shoreline enhancements are awesome but they should be couched appropriately and it isn't as clear as it could be – especially to the general public.

Rosenberg

New Whatcom Redevelopment Project – Supplemental Draft EIS

Comments:

Transportation Mitigation Measures Appendix M pages 41 – 43

The column titled “Challenges” should be noted. Many of the identified mitigating measures are “challenging” from a physical, financial and social perspective. Although, from a traffic engineering perspective these measures are solutions to mitigate failing levels of service, from a feasibility perspective, many of the identified solutions may not be doable. In the event identified mitigating measure are not able to be implemented, severe traffic congestion and travel time delays will occur.

Page 1-15 1st paragraph last sentence

Modify to state “... ..improvements would not provide such capacity “ due to the lack of a 5th access point connecting to the surrounding transportation system.

Page 2-17 2nd paragraph “.....and cost effective engineering solutions for bridging the bluff and the BNSF railroad corridor.”

The statement is false and should only apply to bridging the *existing active RXR tracks with the Commercial bridge connection*. The statement does not apply to “bridging the bluff” because there is no difference in cost, between the two grid proposals, for installing a ramp or bridge from the bluff to grade.

Page 2-18 Table 2-4 6th bullet from top of page, road improvements for 2016

There should not be a signal installed at Roeder / Central because Central is closed to vehicle traffic at Roeder. The signal should be installed at Roeder and the new location for the access point (the alignment has not been decided).

Page 2-21 second bullet

There should be some explanation for why the inverts of storm water outfalls should be raised to accommodate / offset impacts from sea level rise. Raising the inverts will not change the performance of the outfall unless they are prone to be clogged by silt.

Page 2-45 Table 2-5

5th bullet from top, road improvements for 2016

Same comment for Page 2-18 (above).

Add – convert Central, between Holly and Roeder to pedestrian access only.

3rd bullet from top, road improvements for 2026

The WCP does not rebuild the Bay Bridge it only constructs a ramp from the existing bridge.

5th bullet from top, road improvements for 2026

Develop Maple Street (not Oak).