

Attachment J

Supplemental Narrative for proposed Douglas Avenue Street Vacation

In the matter of the proposed vacation of the full width of Douglas Avenue, between 21st Street and an alley to the west, the applicants petition came before City Council on December 7th, 2020, and was remanded back to the Hearing Examiner for further consideration of public comment and Happy Valley Neighborhood Plan policies. This supplemental narrative and attached aerial represent the petitioner's response to the Council Remand.

As identified in the initial petition request, and in the subsequent Hearing conducted with the Hearing Examiner, the purpose of the street vacation is two-fold. The addition of the right of way to the adjacent property will increase the density available to the property, allowing more units to be constructed on the site. Also, the area of the vacated right of way will facilitate access ramping to required parking, and additional space to meet other development regulations applicable to the proposed development, such as useable open space, lot coverage, etc... Without ramping into the site, parking can only be provided directly off the alley west of the property, which significantly limits how much parking can be provided for a future project (10 or fewer stalls). If ramping is provided to the site within the vacated right of way, then additional parking can be provided in a lower level parking facility, facilitating the additional density that is proposed and a broader unit mix. Due to topography, the site dimensions and other design factors, it is necessary to place this ramping at least partially within the right of way, so that the area on the lot can be preserved for the parking facility. Each foot that the ramping moves north onto the site and out of the right of way eliminates space available for parking stalls. Useable open space is required at a rate of 250 square feet per unit. Land area for this useable open space is limited on site, however useable open space can be provided in the northern half of the right of way, while avoiding impacts to the proposed trail and mature vegetation.

The initial civil engineering design work for the project anticipated the need to begin ramping approximately 45' south of the property within the right of way, leaving approximately 15' along the south side of the vacated right of way for trail improvements to the existing trail. Due to the limited width available the trail improvements that were contemplated were a set of stairs running directly from 21st Street through to the alley. The public comment at and after the prior Hearing expressed concern about this trail improvement and ramping, as they would result in impacts to existing mature trees that were planted within the right of way and remove/eliminate most of the vegetation in this area.

As a result of these comments the petitioner engaged in more detailed analysis of the access ramping and trail improvements, including several site visits, and several meetings with Happy Valley Neighborhood Association representatives. These meetings helped to clarify the neighborhood concerns and potential changes to the proposal that can address these concerns. Through this follow up planning effort, the petitioner has determined that they can shift the ramping north within the right of way approximately 15', so that the ramping improvements would begin within the northern 30' of the right of way. While exact design has not been completed and is not appropriate to complete prior to approval of the street vacation, it appears that ramping improvements can be limited to approximately the northwest corner of the vacated right of way, in an area approximately 30' x 40'. Any additional shift to the north would eliminate too much area on site that is needed for parking. Even with this shift, up to 6 stalls that were planned on site will be eliminated, the result of which is that a parking waiver for

the future project will likely be necessary. During discussions with the Neighborhood Association representative, they indicated they were in favor of, and City Staff indicated general support for, a parking waiver if it would facilitate the reduction in impacts within the right of way.

The general location within the vacated right of way where ramping would occur is predominantly vegetated with blackberries and other invasive species and has limited mature trees within it. Based on measurements taken on site it is anticipated that with the proposed shift to the north, only 3-4 mature trees would require removal for this ramping improvement. One of these trees is a tree that has been topped to eliminate interference with the existing power lines in the right of way. Another of these trees is a large deciduous tree that is located immediately on the edge of the asphalt alley improvement and appears to be damaged/dying because of its proximity to the alley. If improvements for ramping are limited to this general area, then mature vegetation/tree removal will be mostly avoided within the right of way. Those limited trees that will require removal can be replanted as a part of the useable open space improvements proposed in the northern half of the right of way. This approach also allows preservation of significant portions of the existing trail system. This trail currently zigzags across the full right of way due to the steep topography. Based on additional review of the site, the petitioner and City staff believe that trail improvements can be made to the existing trail, with the addition of only a few stair sections where the topography is steep. This is as opposed to a straight stair section running the entire length of the right of way. This approach will allow for the retention of most if not all the existing mature trees planted within the south half of the vacated right of way, while also providing space in the north half of the right of way for private useable open space improvements.

With the proposed changes to the ramping location and the proposed changes to the trail improvements, the concerns raised by the public can be adequately addressed. Essentially, if the vacation is approved, the neighborhood can benefit from an improved trail, which is safer for residents to use, year-round, maintained by the City, while retaining mature vegetation in the right of way, AND, the property owner can benefit from additional density, space to build infrastructure to support parking, and space to provide required useable open space, to the benefit of the future residents.

The public comments on this proposal, and the Council Remand, make specific reference to the Happy Valley Neighborhood Plan, and policy language that speaks to undeveloped rights of way. The petitioner has reviewed this policy language and believes that the proposed vacation of right of way is entirely consistent with the Neighborhood Plan policies and in certain regard will help to achieve the goals that the policies prioritize.

The specific Happy Valley Neighborhood Plan language that is applicable to this proposal is provided below, with petitioner comment:

HV GOAL-1: Provide, maintain, and enhance natural open space in the neighborhood.

Comment: As amended, the proposed ramping, useable open space, and trail improvements within the vacated right of way will act to maintain and enhance existing natural open space. The majority of the right of way itself will be retained in natural vegetation, including the majority of mature trees. The proposed trail improvements will enhance pedestrian access through the open space area while limiting vegetation removal. Useable open space improved within the vacated right of way will add native, healthy, vegetation, including trees to an area of the right of way that is currently overgrown with invasive species and has no trees. The total area of impact for parking access ramping will be limited to

approximately 1,200 square feet of the right of way, which represents less than 18% of the total right of way area. The proposed project and improvements within the right of way will provide for, maintain and enhance the open space in the right of way, relative to the existing conditions, which will be maintained if the vacation does not occur.

HV POLICY-1: Create neighborhood greenbelts and habitat corridors through a variety of means such as planting native plants in undeveloped rights-of-way, connecting open space tracts and natural areas, and establishing a neighborhood tree planting program including street trees.1 (See HVP-8, 32)

Comment: The proposed vacation, as discussed above, does not eliminate the greenbelt corridor in this area, and to the contrary will enhance the green belt corridor, with limited impacts. This enhancement will include pedestrian improvements that will extend off site to the west (the west side of the alley is also proposed for trail improvements). As well, new trees will be planted as a part of this project proposal, within the right of way.

HV POLICY-7: Work with the City Parks and Recreation Department and neighborhood to identify areas for trails and trail links that allow people to walk and bicycle safely from residential areas to the Connolly Creek Nature Area, commercial areas in Fairhaven, WWU, and Sehome High School.

The neighborhood has identified undeveloped rights-of-way as potential locations for trails and greenways. Because much of the western portion of the neighborhood has no trails or open space, developing rights-of-way for such uses could provide these needed amenities.

HV POLICY-8: Develop a plan for using undeveloped rights-of-way as trail corridors and natural areas. (See HVP-1, 32)

Comment: The proposed vacation will facilitate significant improvements to the existing trail within the right of way area, including safety, accessibility, and year-round use improvements. The project will facilitate trail improvements. If the vacation is not approved, then no work will occur to improve the right of way area and existing conditions will be maintained.

HV POLICY-25: The cross section of the extra wide right-of-way within Douglas Avenue between 21st and 25th Streets should be aligned to include a greenway on the south side. (See HVP-8) Stormwater facilities should be included and designed as natural features with associated native plantings.

Comment: This policy is not directly applicable to the street vacation, which is occurring over a portion of right of way that is west of 21st Street. However, as proposed, a greenway would be preserved along the south side of this section of right of way, including trail improvements AND mature vegetation retention.

E. Unimproved Rights-of-Way Vacating undeveloped rights-of-way should only be considered after carefully evaluating the request to determine if the vacation is in the public interest. These areas can serve a multi-purpose role as pedestrian/bicycle/view corridors, stormwater treatment facilities, and open space. Happy Valley Neighborhood Plan [29] HV POLICY-32: Unimproved rights-of-way should not be vacated, unless in the public interest. (See HVP-1, 8)

Comment: The proposed vacation is in the public interest. It will facilitate additional density on an infill parcel within the Happy Valley Neighborhood. The City's Comprehensive Plan identifies infill, density bonuses, and other similar strategies, as critical components of our efforts to address urban sprawl,

housing affordability, environmental preservation, efficient use of public infrastructure, and other related goals. The City Council has indicated that we should “leave no stone unturned” in our effort to find innovative ways to accommodate density, infill and to provide housing options. This proposal is entirely consistent with these goals and it is in the public interest to implement our Comprehensive Plan. In addition, with the proposed trail improvements and potential for vegetation enhancement, the immediate neighborhood will realize a direct benefit. Pedestrian travel will be improved, will be safer, and will be available year-round. This benefits the public. If the vacation is not approved, then none of these benefits will accrue to the public.

The proposed changes to the project address community concerns and provide community benefit, specifically the reduction in area of right of way necessary for ramping. These are only made possible by approval of a parking waiver to offset the reduction in onsite parking, and the use of the northern half of the vacated right of way for useable open space. If these two components of the design cannot be attained for a future project, then the ramping design and proposed impacts in the right of way will have to increase to accommodate the project. It is also important to acknowledge that site and project design is not finalized and that the proposed resolution may be necessary to change to address unknown site conditions.

The proposed vacation will facilitate a situation whereby the public benefits from trail improvements as well as retention and enhancement of significant vegetation within the right of way, and the property owner benefits from the ability to provide additional density and facilitate compliance with development regulations such as parking, useable open space, etc... As proposed, the vacation will address community concerns and be consistent with applicable Neighborhood Plan policies and should be supported by the Hearing Examiner and City Council.