



Planning and Community Development Department City of Bellingham

July 7, 2021

Carrie Veldman, The RJ Group
222 Grand Avenue
Bellingham, WA 98225

RE: Street Vacation Petition for a westerly portion of 10th Street and a portion of Fillmore Avenue west of 10th Street between Taylor and Douglas Avenues

Ms. Veldman:

On May 6, 2021, the City's Technical Review Committee (TRC) reviewed your street vacation petition to vacate the westerly 10-foot of 10th Street abutting parcel # 370201-062248. (Two tracts separated by Fillmore Avenue)

The TRC is comprised of representatives from the Planning, Parks, Public Works, Fire, Police and Legal Departments. The TRC reviewed the materials you submitted. The TRC understands that the vacation petition includes a proposed exchange of properties. Other elements that are related to future shoreline permitting such as the proposed trail linkage between Douglas and the Taylor Avenue Dock Plaza space and "buffer impact mitigation" have also been provided but are not necessarily tied to the proposed vacation petition.

The TRC recommended denial of the portion of the vacation petition specific to Fillmore Avenue. RCW 35.79.035 includes specific limitations on vacating streets abutting bodies of water. Subsection (1) specifies, "A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

"(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley **and** that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, **park, public view**, recreation, or education..."

Fillmore Avenue does have the opportunity to provide public view opportunity. Staff acknowledges that additional design would be necessary for providing such a feature if Fillmore is developed with a minimum standard street / driveway. However, without a private project on the abutting parcels, the City could exercise its rights to develop a public view overlook within that right-of-way.

In reviewing the portion of the petition relating to the westerly 10-foot of 10th Street, the TRC makes the following recommendations:

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1. The proposed vacation of the westerly 10-feet of 10th Street may result in required street improvements shifting further to the east. A future development project on the “Reid” site would require ¾ street improvements; 8–10-foot sidewalks, curb / gutter, approximately 17 feet for either head in or angle in parking and a minimum of 22 feet for the two driving lanes, 26-feet maximum. Please demonstrate how these improvements would fit into the existing improved portions of the 10th Street right-of-way and within the right-of-way regardless of other existing private improvements. (driveways / landscaping / etc.)
2. Assuming that the entrance to under-building parking remains at the southern portion of the property, please demonstrate / provide the interface between the public trail coming from the south (Hertz project), improvements to 10th Street and the design for the entrance into the under-building garage. The “proposed driveway” is actually part of and within the 10th Street right-of-way, so a clearer depiction of those intermingling elements is necessary.

Should the two elements above be adequately addressed and you determine to proceed with the vacation petition please be mindful of the following elements:

1. The petition should be revised to include the westerly 10-foot width along the ENTIRE frontage of the subject parcels. This would alleviate unnecessary jogs in street improvements and driveway entrances into / underneath a proposed structure at the southern end of the subject property.
2. Property owners that have frontage on the east side of 10th Street are also required to sign the vacation petition. (909 10th Street; Geri / 911 10th Street; Porter / 917 10th Street; Fairhaven Flats, LLC / P# 370201-079248; Pac-Six, Inc.)
3. An appraisal shall be conducted on all the parcels / tidelands and right-of-way involved in a vacation petition / land exchange. The appraisal will be required in order to determine the fair market value of the subject right-of-way. The City arranges the appraisal from an on-call appraisers list. The petitioner is responsible for paying the appraisal FEE for the appraisal itself.

A completed appraisal is submitted to the PCDD, and it specifies the fair market value for the portion of 10th Street and the tidelands and buffer areas on private property you are proposing to exchange for the right-of-way. The petitioner is responsible for paying the appraised value of the right-of-way minus the appraised value of the ‘exchange’ areas. Compensation is required to be remitted to the City prior to the City Council’s closed record hearing on the vacation ordinance.

4. The Hearing Examiner will hold a public hearing on the vacation petition. Property owners within 500-feet of the right-of-way are notified as are representatives from the Mayor’s Neighborhood Advisory Committee and the individual neighborhood associations. The Hearing Examiner issues a recommendation based upon the record established in the public hearing. This complete record is forwarded to the City Council for their review during a closed record hearing.
5. The City Council holds the closed record hearing and performs first and second reading of the vacation ordinance if they agree on the Hearing Examiner’s recommendation and the

established record. Third and final reading of the vacation ordinance is automatically scheduled. The ordinance is routed for signatures and then recorded with the Whatcom County Auditor.

Please follow up with me directly if you have any questions about the specifics in this letter.

Sincerely,



Steven Sundin, PCDD

- C Alan Marriner, City Attorney
- Laine Potter, Interim Design and Development Manager, Parks and Recreation Department
- Chad Schulhauser, City Engineer, Public Works Department
- Ron Richard, Fire Marshall

Sincerely,



Steven Sundin, Planning Department