

Bowker, Kristina J.

From: Carrie Veldman <carrie@therjgroup.com>
Sent: Monday, June 19, 2023 12:14 PM
To: Bowker, Kristina J.
Cc: Sundin, Steven C.
Subject: VAC2022-0002
Attachments: 10-Street Vacation Compliance Narrative VAC2022-0002.pdf

Good afternoon,

Attached is a compliance narrative for the upcoming public hearing regarding the street vacation petition of 10th Street. Please let me know if you have any questions.

Best,

Carrie Veldman



Mobile: 360-510-3904
222 Grand Ave, Suite F
Bellingham, WA 98225
www.therjgroup.com



June 16, 2023

Steve Sundin, Planning & Community Development
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

RE: VAC2022-0002

Mr. Sundin,

This letter is intended to serve as a narrative in favor of the street vacation petition for 10th Street between the south line of Taylor Avenue and the north line of Douglas Avenue except for that portion of 10th Street that intersects at Fillmore Avenue. The vacation includes the westerly 10-feet of 10th Street adjacent to parcel 370201062248.

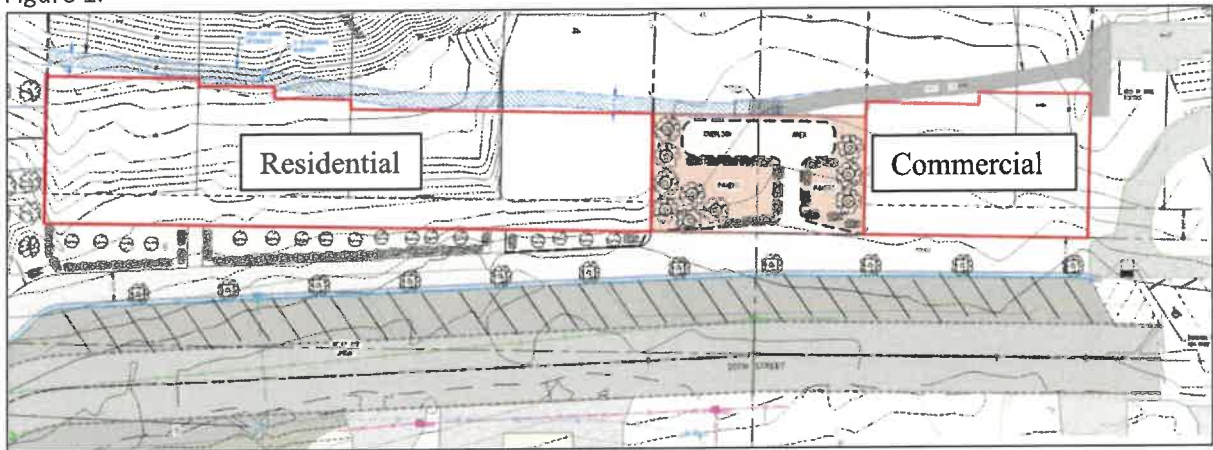
The original petition included all of the Fillmore right of way and a portion of 10th Street but was denied by the City's Technical Review Committee citing noncompliance with RCW 35.79.035. We have removed that portion of the petition and revised the development concept to allow a public viewing area of Bellingham Bay within the Fillmore right of way.

Previous iterations of the development proposals that did not include a vacation petition included developing along the steep slope to allow for underground parking. This concept design would need variances to develop within the shoreline setbacks and on a slope greater than City code allowed. Other site concepts that avoided variances did not meet city design standards or blocked water views of adjacent properties.

With the vacation of the adjacent 10-feet of 10th Street, the development proposal will allow the following:

- 8 additional residential units, commercial space and associated underground parking while following shoreline setbacks and steep slope requirements.
- Public diagonal parking for the frequent trail users,
- Public widened sidewalk to increase pedestrian access and safety issues
- Public overlook area within the Fillmore right-of-way
- Sufficient area for 10th Street to function at City standards.

Figure 1.



Compliance with Bellingham City Council Adopted Street Vacation Policies:

1. The proposed vacation should be determined to be necessary to the public good either in terms of needed development or when such vacation will result in a better or more desirable situation. In some instances, a more desirable situation may be a better road pattern in terms of safety, or when an exorbitant amount of land is devoted to unneeded right of way.



Figure 2.

Currently, 10th Street right of way is 100 feet wide with approximately 40' of paving towards the easterly section. (Figure 1.) This area is heavily frequented by trail users making their way to and from Fairhaven and Boulevard Park via the existing trail system. This section of 10th Street does not provide a safe linkage route for pedestrians, forcing them to walk in the middle of the narrow street next to haphazardly parked cars.

The result of the vacation would allow the development and associated street improvements to increase pedestrian access and safety with designated public parking and a designated pedestrian trail connection.

Additionally, 8 residential units on the southern portion would be developed and approximately 15,000 square feet of commercial on the north. Residential housing is in high demand with vacancies at their lowest level in decades.

2. The right of way must be determined to be of no value to the circulation plan of the City either now or in the foreseeable future. The circulation plan is assumed to include vehicular, pedestrian, or other modes of transportation.

The petition for the westerly 10 feet will still allow 10th Street to function with the same circulation as it is being used today. The vacation will increase the circulation for improved vehicular & pedestrian transportation with proper street and sidewalk improvements as a public benefit.

3. No vacation will be allowed if such action land locks any existing parcel, lot of record, or tract. Access to a right of way of less than 30 feet in width does not constitute adequate access. One ownership of all the lots on a right of way does not circumvent this policy and in this it will be necessary to vacate lots prior or together with vacation actions.

This vacation petition will not land lock any existing parcel, lot of record or tract. Access to all adjacent lots will be maintained.

4. State law (R.C.W. 35.79.035) "(1) 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: (a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses; (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; or (c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline to which the street or alleys sought to be vacated abut, had the properties included in the plan not been vacated. ...".

This vacation petition is compliant with R.C.W. 35.79.035 as it does not include the westerly 10-feet of abutting Fillmore Avenue which runs perpendicular to 10th Street.

5. Right of way adjacent or leading to any park, open space, view, natural area, or any other natural or man-made attraction should not be vacated.

This vacation petition does not include the westerly 10-feet of abutting Fillmore Avenue which runs perpendicular to 10th Street.

In conclusion, this street vacation petition will allow the construction of residential units and commercial space while increasing the safety of a popular trail network and avoiding impacts to shoreline setbacks and steep slopes. Thank you for your consideration of this request.

Regards,

Carrie Veldman

Managing Director