

## Support for application to vacate right-of-way

The following discussion points are offered in support of the proposed street vacation.

[There seems to be some concern that the proposed street vacation would violate several of the Shoreline Community Design policies (summarized):

- CD16. preserve significant trees and mature vegetation.
- CD17. prohibit use of invasive species; encourage native species
- CD18. promote open spaces
- CD19. preserve and enhance views
- CD20. provide public spaces]

As described in the application to vacate, the portion of land under consideration is a 30' x 120' strip of the 60' x 120' undeveloped street ROW. This half of the ROW is located the farthest from the Richmond Reserve Park. It is arguably the least desirable for use by the neighborhood, whether people or wildlife, due to both the terrain grade (critical steepness), and vegetation (predominately noxious Himalayan blackberry).

We support the opinion expressed by others that the overall ROW contributes to slope stabilization, wildlife corridors, and terrific open spaces. Indeed, we believe that support for the ROW vacation will enhance slope stabilization by aligning the grade of the abutting property to the ROW. The design proposal is projected to mitigate roughly 1000 sf of surface classified as Very High Landslide Area associated with the SW portion of the ROW property. Mitigating this risk, and capturing the economic benefits derived from both the sale of and addition to the City's property tax base, are highly quantifiable benefits to the City and the neighborhood.

Furthermore, the total planned intrusion into the ROW has been minimized to less than 20% of the subject property, and that being a driveway hugging the SW property line. The remaining 80% will remain undeveloped. This is certain based on conversations with the City Planning department warranting that any improvements outside of this envelope would face impossible approval given the limitations of total impervious surfaces.

[There is also a concern that the sale of the ROW for private use and construction is not in accordance with the City Council PROS plan, Resolution 412. The staff report includes an analysis of the PROS plan, and includes the PROS plan as an attachment (#5) in support of their recommendation to approve the requested street vacation application. Washington courts have long held that the fact that one private party may benefit directly or indirectly from a street vacation does not mean the vacation will not also serve a required element of public use. *Banchero v. City of Seattle*, 2 Wash. App. 519 (1970).]

[This vacation is not necessary for but would enhance the construction of a new, single

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family home on the abutting parcel. It is a requirement that the ROW vacation and subsequent acquisition not be necessary for the initial design to be acceptable and complete. As such arguments that attempt to connect potential view obstruction resulting from said home construction and improvements on the adjacent property and that of this ROW application are empty and without merit.]

[This application will directly support design efforts addressing SMC 20.50.370 Tree Protection Standards. There are several large trees nearby. It is with the concurrence of a risk credentialed and City approved arborist that securing this portion of the ROW will allow mitigation of all potential damage to these trees by shifting the entire house structure 5'-0" to the NE. Should trees be protected or should views, or can we achieve both?]

Regarding the Parks PROS plan – approved by the Shoreline City Council, does it state that they want the ROW to add to the Richmond Reserve park space adjacent to it? This is almost true but has been taken out of context (see PROS pg 75). In context the addition of undeveloped ROW's (like the subject one) is suggested as a means to increasing the overall total acreage of Shoreline parks. However, the Parks PROS plan also states that this must be done consistent with park design and maintenance practices that will accommodate more intense use of smaller park spaces. As a participant of and in conjunction with the staff report recommending the approval of the application to vacate, the Shoreline Parks department has apparently determined that this subset of the ROW adjacent to the Richmond Reserve Park is not a good fit, and that they have no current or future plans regarding it.

[The complete set of Municipal Codes, Community Design policies, Economic Develop goals, etc display our values and document how we as a community, and as a collection of neighborhoods will operate. Indeed, there may even be some tension at play when two bodies of instruction appear to be in conflict. This forum tonight provides each of us with the opportunity to express their opinion. However, it is the public servants of our City who must ensure that every person receives fair and equitable treatment, whether one voice or many.]

The City staff representing all invested agencies and authorities doing the work of our City government has vetted and weighed the questions surrounding this application to vacate and has prepared a conclusive report in support of the decision to vacate this portion of the ROW. We have confidence that the City staff applied due diligence in preparing their report. [Again, no department or public agency within or supporting the City of Shoreline has expressed an objection to this street vacation request.] We agree with the recommendation of the City staff that this street vacation should be approved for the reasons set forth in their report.

Thank you.

A handwritten signature in black ink, appearing to be "M. D. L.", written in a cursive style.