City of Seattle
Seattle Department of Transportation
Goran Sparrman, Interim Director

March 11, 2014

Honorable Tom Rasmussen, Chair
Transportation Committee
Seattle City Council
600 Fourth Avenue
Seattle, Washington 98104

Subject: **Petition of West Seattle Project X, LLC for the vacation of the northern portion of the Alley in Block 3, Norris Addition to West Seattle, in the West Seattle Junction Urban Village neighborhood of Seattle**
Clerk File 312783

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the vacation petition from West Seattle Project X, LLC, a Joint Venture between Lennar Multifamily and Weingarten Realty, developing a project named the Whittaker (hereafter Whittaker or Petitioner) for the vacation of the northern portion of the alley in Block 3, Norris Addition to West Seattle in the block bounded by SW Alaska Street, Fauntleroy Way SW, SW Edmunds Street, and 40th Avenue SW in the West Seattle Junction Urban Village neighborhood of Seattle, described as:

> **Those portions of the public alleys, lying within Block 3, Norris Addition to West Seattle, according to the plat thereof recorded in Volume 14 of Plats, Page 93, Records of King County;**
> **Together with that property conveyed to the City of Seattle for street purposes as recorded under Recording Number 6689470 and 6689471, Records of King County, Washington;**
> **Lying northerly of the southerly boundary, and its easterly and westerly extension thereof, of Lot 39, in said Block 3, Norris Addition to West Seattle.**
> **Excepting therefrom, any portion of said public alleys lying within said Block 3, Norris Addition to West Seattle, previously vacated by City of Seattle Ordinance Number 99278;**
> **Said portion to be vacated contains 6,597 square feet, or 0.151 acres of land, more or less.**

The alley proposed for vacation includes approximately 6,597 square feet.

BACKGROUND

The Whittaker owns most of the property on the block bounded by SW Alaska Street to the north, Fauntleroy Way SW to the east, Edmunds Street to the south, and 40th Avenue SW to the west. The block currently has a "T" shaped alley; the top of the "T" bisects the northern portion of the alley and runs east/west between 40th Avenue SW and Fauntleroy Way SW. The stem of the "T" extends south and connects to Edmunds Street. The Whittaker owns the property fronting on SW Alaska Street north of the alley; all of the property fronting along Fauntleroy Way SW east of the alley, and a parcel fronting on 40th Avenue SW to the west of the alley. About ¼ of the block at 40th Avenue SW and Edmunds Street and to the west of the alley is separately-owned private property that is outside of the project boundaries and not a part of this proposed development. That property is currently occupied by a Masonic Temple building and surface parking, these uses will remain.

The northern portion of the "T" shaped alley is proposed for vacation. This includes the top of the "T" running east/west between 40th Avenue SW and Fauntleroy Way SW. This segment of alley is approximately 258 feet in length and the width varies from 10 to 16 feet. This portion of the alley is currently paved with asphalt and provides for access to the adjacent properties on the block. Also proposed for vacation is the northern portion of the stem of the "T". The proposed vacation extends south from the top of the "T" for approximately 200 feet. This portion of the alley is also paved with asphalt and provides access to the adjacent parcels. There is no physical north/south connection for the length of the block due to the grade of the alley. A retaining wall blocks the alley at approximately 280 feet north of Edmunds Street.

The southern portion of the stem of the "T" is not proposed for vacation. The portion of the alley adjacent to the separately-owned private properties on the block will remain as public right-of-way. This portion of the alley will remain as public right-of-way but will be widened to meet current alley standards as the project is constructed. The development plan for the block provides that after the vacation of the northern portion of the existing "T" shaped alley, a new private alley will be developed. The new private alley will also be in a "T" shape with an east/west connection between 40th Avenue SW and Fauntleroy Way SW and a new stem extending south to connect to the remaining public alley and then to SW Edmunds Street. The approximate 275 feet of remaining public right-of-way will connect to the proposed private alley when the project is completed.

Following the vacation a shift in location will place the proposed private alley more towards the middle of the block creating a larger parcel fronting along SW Alaska Street. The new private alley is generally identified by the Petitioner as a "mid-block connector or connection." The use of this term is intended to indicate that the new mid-block connection is proposed to be a private

alley, not dedicated as public right-of-way, and also that the connection not only replaces the functions of the vacated alley (access to services and parking) but also provides a pedestrian walkway through the block with landscaping and lighting.

The site is zoned as Neighborhood Commercial 3 with an 85' height limit (NC3 85). The northern portion of the site has a Pedestrian classification overlay (NC3P 85). The site lies within the West Seattle Junction Urban Village.

NC3 85 extends eastward to the alley between Fauntleroy Way SW and 38th Avenue SW where the zoning changes to Lowrise 2 (LR 2) and NC3 with a 40 foot height limit. South of SW Edmunds Street the zoning shifts to NC3 40 and to LR2 and LR3. To the west, the zoning transitions to NC3 65. The total lot area of the development is approximately 115,223 square feet. The DPD project number is 3013803.

REASON FOR VACATION

The existing east/west segment of the alley is not located in the middle of the block but rather is located closer to the northern edge of the block. This creates parcels fronting on SW Alaska Street that are shallow and more difficult to develop. Vacating the alley will allow the Whittaker to combine the parcels now separated by the east/west alley to create a more efficient development site. The project can include two buildings rather than four buildings. The space fronting along SW Alaska Street will be of sufficient size following the vacation to provide space for the grocery proposed as the anchor tenant for the development. The Petitioner has also indicated that the inclusion of a large anchor tenant in the development allows the project to be built to a lower height than allowed by the zoning designation. The Whittaker is proposed to be one story lower at 70 feet even though 85 feet is allowed by zoning.

The vacation also provides for a more efficient shared below-grade parking structure. A continuous below-grade parking structure can provide for all of the parking for both buildings proposed on the site. In addition, the consolidated development of the combined parcels allows for the various elements of the project to share utilities and services such as elevators, stairs, and mechanical, electrical, and fire suppression systems that would need to be duplicated in separate structures.

The proposed vacation is not being requested to increase the development potential of the site or the overall project. Rather, the alley vacation is being requested to create a larger and more efficient building site along SW Alaska Street and provide for service use and pedestrian access more in the middle of the block; to allow flexibility in building placement, and to accommodate a single below-grade parking structure.

PROJECT DESCRIPTION

The site currently is occupied by a large vacant auto dealership building, the former Huling Brothers auto dealership, vacant associated out-buildings, a Shell gas station, a funeral home,

and associated large surface parking lots. All of these uses will be demolished to accommodate the new development.

The project is proposed to consist of two buildings separated by the mid-block connector that provides for private alley uses and a pedestrian walk way. The two buildings will be 7-stories tall and 70 feet in height. A total of approximately 370 residential units will be developed and the ground floor of the development will include approximately 62,750 square feet of retail space. Parking is provided below-grade in a garage that serves the entire site and is shared by both buildings. The garage will provide spaces for approximately 598 vehicles and 102 bicycles. Parking for 44 bikes will be provided at street level near the building entries.

The mid-block connector will include a 20 to 25-foot wide drive lane for cars and service and delivery vehicles. In addition, the mid-block connector will provide a weather-protected, grade-separated eight foot wide pedestrian zone. This pedestrian zone will be developed as a sidewalk and will be separated from vehicles by a curb and a three-foot planting strip. The alley being vacated includes approximately 6,597 square feet while the mid-block connector includes approximately 13,000 square feet to provide sufficient space for both vehicles and pedestrians.

The north building is proposed to include a Whole Foods Grocery store that will have two street-facing entries. One of the Whole Foods entries will be located on SW Alaska Street and the second entry will be located on 40th Avenue SW. The north building will also include residential uses above the grocery. The north building provides for a grocery store loading and service area which will be accessed from the mid-block connector. One of the entrance points to the below-grade parking garage is also provided from the mid-block connector.

The south building will provide space for several small retail or other small businesses fronting on Fauntleroy Way SW. A retail space is also planned for the south building. This retail space was proposed at one time to include a drugstore with drive-up window service. That element of the project has been changed and a drive-up window is no longer a part of the proposal, the retail space may be broken up into smaller spaces to accommodate smaller businesses. The south building also includes residential uses above the retail area and will include a second access to the below grade garage. This second garage entry will be from the north/south alley.

The public benefit proposal includes voluntary building setbacks to create wider pedestrian spaces, plazas around the project site, overhead weather protection, art pieces, streetscape enhancements such as landscaping and street furniture, and a contribution to the new City park across from the project site.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

The first step in the review of any vacation is to circulate the proposal widely to various City departments, outside agencies and community groups for comment. The purpose of the review of the petition is to identify issues, questions, or concerns. Once the issues have been identified the SDOT staff work with the Petitioner to find ways to resolve issues. After completing the review process the City may ultimately determine that the issues identified cannot be resolved

and the vacation petition should not be recommended. The main goal of the review is to identify and resolve issues but this step also identifies portions of the proposal that may be working well and should be retained or enhanced.

As issues are identified, a series of meeting would be set up to work on specific concerns. This project required a number of meetings with Seattle Public Utility (SPU) to review the drainage plan for the block before reaching agreement on how drainage would be managed. Separate meetings were required to design the proposed undergrounding of the City Light facilities. In addition to a number of meetings with SDOT staff, SDOT held two design workshops on March 22, 2013 and April 5, 2013 with the Petitioner and their traffic consultants to review the design for the proposed mid-block connector and address whether the design was adequate for the proposed uses and whether it was safe to add a pedestrian walkway as proposed.

The project was reviewed four times by the Design Review Board on September 27, 2012, November 8, 2012, March 28, 2013, and July 11, 2013 as part of the Master Use Permit process and four times by the Seattle Design Commission on March 7, 2013, April 18, 2013, May 16, 2013, and June 20, 2013 as part of the vacation petition review. As the process continues, the design is refined as necessary to reflect the resolution of issues and input from various reviewers. The drawings and project drawings attached to this recommendation reflect the final outcome of the vacation review.

With most vacation recommendations SDOT will provide a summary of the comments and a response from the Petitioner in the body of the recommendation for ease of review. The comments provided on this vacation were so extensive that the comments could not be easily summarized. Rather a chart prepared by the Petitioner summarizing the comments and the response from the Petitioner is included as Attachment A to this recommendation. A complete copy of all of the comments is included as a part of the record forwarded in the Clerk File.

POLICY FRAMEWORK

Street vacation decisions are City Council decisions as provided by State statute (Chapter 35.79 RCW) and have not been delegated to any City department. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. Vacation of public right-of-way requires discretionary legislative approval that must be obtained from the City Council, and the Council may not vacate a public right-of-way unless it determines that to do so is in the public interest. The decisions must assure that potential development and use of the vacated right-of-way is in the public interest. The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

Rights-of-way are dedicated in perpetuity for use by the residents of Seattle for purposes of public travel and transportation of goods. The dedication carries with it certain public rights to circulation, access, utilities, light, air, open space, and views. City government acts as the public's trustee in administering streets and alleys.

The City Council adopted comprehensive, citywide Street Vacation Policies in 1986 in Resolution 27527. The purpose of the Street Vacation Policies is to provide consistency, equity, and predictability in determining what action on each petition would best serve and protect the public interest. The Policies provide procedural guidance for the City and Petitioners, and also express the City's values related to street rights-of-way and street vacations. A few sections of the policies were revised in 1991 in Resolution 28387, in 1993 in Resolution 28605 and in again in 2001 in Resolution 30297. Significant revisions were made to the Vacation Policies in 2004 in Resolution 30702. The Policies were again amended in 2009 in Resolution 31142 and the Policies are currently contained in Clerk File 310078.

ANALYSIS

The City's Street Vacation Policies provide that vacation requests may be approved only when they significantly serve the public interest. The Street Vacation Policies provide for a three-step review of any vacation petition in order to determine if the vacation is in the public interest.

The Policies define the components of public interest as:

1. Protection of the public trust;
2. Protection from adverse land use impacts; and
3. Provision of public benefit.

The Street Vacation Policies provide that during the review of the petition, the public trust and land use effects of a vacation should be weighed against the mitigating measures and the public benefits provided by the vacation to determine whether the vacation is in the public interest. In balancing these elements of the public interest, primary importance should be placed upon protecting the public trust in rights-of-way.

Protection of Public Trust: The Policies define the public trust functions of rights-of-way as being circulation, access, utilities, light, air, open space, and views. Policy 1 of the Street Vacation Policies addresses the basic purpose of streets. Streets are created to provide for the free movement of people and goods throughout the City, to provide access to individual properties, and to provide space for utility services.

Through the vacation process, an adjacent property owner acquires public street right-of-way for private use or development purposes. Since the vacation is generally about the loss of some portion of a street, the review process must evaluate the loss of that street segment. The review normally looks at the impact on the grid pattern in the area, the impact on the provision of utility services, how the circulation pattern is altered and how that affects pedestrians, bicyclists, vehicular movements, emergency services, and commercial activity.

Transportation Impacts: Alleys are intended to provide for access to adjacent properties, to provide for service functions such as loading bays and access to parking and to provide space for utility infrastructure. In reviewing alley vacations the critical question is whether the vacation pushes traditional alley functions out onto the street or otherwise impairs the function of the

adjacent streets. This project is unusual because while a portion of the alley is being vacated, the traditional alley functions will continue to be provided with the proposed mid-block connector. The project is being designed so that typical functions of the alley will continue to be provided internal to the site and not on the public street. No additional curb cuts are requested and no service or loading areas are accessed from the adjacent streets. The existing public alley provides three points of entry to the block and after the vacation the mid-block connector and the remaining public alley will provide three points of access to the block. All of the service, loading, and garage entry points are interior to the site. Vehicles and deliveries will exit the street and enter the public/private alley before entering the parking garage or the service bay area.

The block will have a public alley and a private mid-block connector that serves both the new project and the other existing businesses on the site. The mid-block connector is intended to provide a replacement for the vacated alley and will provide for continued use by the remaining private property owners, the public, and provide for the customers, residents and delivery services for the new project. The remaining public alley could not function without access to the new mid-block connection. Two other private parcels abut the north/south segment of the public alley and will continue to need the alley. They will need to use the new private mid-block connector as a means to enter and exit the site as the service functions for the block will now be partially through the remaining public alley and partially through the new private mid-block connector.

Use of the mid-block connector needs to be open and available 24 hours per day to the other adjacent property owners as well as members of the public. It will be important that the adjacent property owners and the public are guaranteed the continued use of the mid-block connector in order to fully utilize the remaining public alley. The vacation should be conditioned to require an easement or other binding mechanism that provides for the use of the mid-block connector for the other property owners on the block as well as the general public.

The proposal to provide a mid-block connector between 40th Avenue SW and Fauntleroy Way SW raised a number of questions about whether the design was adequate and could provide safely for the vehicle functions and the addition of a pedestrian walkway. Alleys can serve to accommodate pedestrians, however, in most circumstances alleys are needed as the "back door" in commercial areas and the use of the alley keeps service and loading functions from spilling out into streets. In many circumstances, a 16 to 20 foot wide alley would be found to not provide sufficient space to safely accommodate pedestrians and vehicles, especially service delivery vehicles. In addition to the normal review of a proposed vacation and the Street Improvement Permit (SIP) process, SDOT held two design workshops to look in depth at the design, safety and functionality of the mid-block connector. The goal of adding pedestrian use to typical alley functions required that the alley be wider than other standard alleys.

The mid-block connector, as revised, can be supported by SDOT provided that the following elements are included as conditions of the vacation and provided for in the SIP and MUP. The mid-block connector shall include the following elements:

- The total width varies from 44 feet in width to 50 feet in width;

- Two-way vehicle traffic is accommodated;
- The drive lane for vehicles is 20 to 25 feet in width;
- An 8-foot wide elevated, pedestrian sidewalk is located on the south side of the mid-block connector;
- The pedestrian sidewalk is separated from the drive lane by a 3-foot landscaping strip;
- The pedestrian sidewalk has continuous overhead weather protection;
- The northwest side of the mid-block connector has landscaping to discourage pedestrians;
- No pedestrian crossing north/south is provided for in the mid-block connector;
- Pedestrian lighting in the mid-block connector;
- The northeast side of the mid-block connector has a sidewalk and landscaping at the residential entry;
- Vehicles may turn right only when exiting at Fauntleroy Way SW;
- Roll-up doors were added to the loading bay area; and
- A drug-store drive-up window was eliminated.

A Transportation Impact Analysis was prepared for this project by the Transpo Group. This project plans to include a Whole Foods grocery store so grocery delivery impacts were studied. While all the deliveries for the grocery store tenants are proposed to be accommodated in the mid-block connection, some retail tenants will use the mid-block connector and retail tenants in the southern building will use the existing north/south alley for access to the parking garage. It is anticipated that truck deliveries for the grocery store will consist of two semi-truck deliveries, one at 5 AM and the other in the evening between 7:30 PM and 9:30 PM. The traffic study also anticipates that an additional 20 to 40 deliveries from smaller trucks (such as small vendors and services such as UPS) will occur throughout the day between 5:30 AM and 2 PM from Monday through Saturday and 5:30 AM to noon on Sunday. Deliveries for smaller retailers around the site would utilize the curb, adjacent to the store fronts.

All trucks entering the site will be directed to exit via the north/south alley through a dock-management plan and signage. Through the design workshops with SDOT, the truck maneuvering was improved so that trucks do not cross over the pedestrian side-walk to enter the site.

The Traffic Impact Analysis concluded that the overall impacts of trucks on-site are anticipated to be minimal, with the majority of the large truck activity occurring during the off-peak hours in the morning and evening.

The Transportation Impact Analysis contained the following conclusions as a summary of the project impacts:

- Proposed project is located on the southwest corner of the Fauntleroy Way SW/SW Alaska Street intersection in West Seattle. The development will replace the existing buildings on-site and construct up to 370 residential units, a 41,000 square foot neighborhood grocery store, and 23,400 square feet of mixed retail. Access to the site would be provided via a midblock alley between Fauntleroy Way SW and 40th Avenue SW and an alley access off of SW Edmunds Street. All access points are proposed to provide full access in/out of the site.

- The proposed project is expected to generate 355 net new trips during the weekday PM peak hour.

- With the addition of project traffic, all of the study intersection and site access points operate at LOS D or better during the weekday PM peak hour, with the exception of SW Alaska Street/California Avenue SW, which operates at LOS E. The increase in delay at this intersection is less than 5 seconds difference from the "without project" conditions.

- An alternative analysis of the site access points along Fauntleroy was conducted to determine the impacts of a full access connection and whether a right-in/right-out only restriction was necessary. The traffic assignment considered the overall distribution patterns and practical capacity of left-turns to/from the access points. The analysis showed that left-turns from Fauntleroy would operate with nominal impacts to Fauntleroy considering the gaps in traffic created by the adjacent signal. Outbound left-turns would be limited in capacity during the peak hour, but alternate egress points exist within the site.

- The Concurrency analysis shows that City of Seattle concurrency standards would be met with the project. This indicates adequate capacity exists to serve the increase in travel demand resulting from the proposed project.

- No specific off-site mitigation measures are required to reduce/offset potential site-generated traffic impacts.

The Traffic Impact Analysis concluded that "with-project" traffic operations at surrounding intersections would remain at acceptable levels and are not anticipated to degrade in Level of Service (LOS), a measure of traffic congestion, from "without project" conditions. The project will now include right-in/right-out only on Fauntleroy Way SW.

No adverse impacts were identified and the proposed mid-block connection can provide a safe and functional private street when designed as outlined above. The vacation should be conditioned to require SDOT's review and approval of the final design and dimensions of the alley. In addition, a Property Use and Development Agreement, an easement or other binding agreement to protect access to the mid-block connector for the public and the other users of the existing alley should be conditions of the vacation.

Utility Impacts: In addition to the transportation purposes, street rights-of-way provide space for utility lines and facilities. The vacation review must consider the impact on any public utilities and both current and future impacts must be assessed. If any utilities are located in the right-of-way, it must be possible for the utility to relocate or terminate those facilities or the vacation is not feasible. The utility should not be negatively impacted in its ability to deliver services, now or in the future, to access its facilities for repair or maintenance, or to update or expand services. Any proposal to relocate or alter utility services must be satisfactory to the utility provider and the costs to accommodate the utility needs are the obligation of the Petitioner.

City Light, SPU, and CenturyLink have all identified that they will be impacted by the vacation. In particular, the issues with SPU required careful review. One of the impacts of a partial vacation and a T-shaped alley configuration is that it creates the possibility of drainage problems at the center of the alley. SPU identifies this potential problem as a "closed contour alley" which means that the water can pond in the alley rather than being channeled into the drainage system. SPU has specified that the Petitioner must agree to an indemnity agreement related to the drainage systems in the alley and that the design cannot create a closed contour situation in the alley. The Petitioner must also install a 12" main in SW Alaska Street from Fauntleroy Was SW to main 3909 and transfer existing service to that drain. The parking lot at the existing Masonic Temple will need to be re-graded to provide for a coordinated drainage system serving the entire block.

City Light has noted that it has facilities including a three-phase overhead electric power line, with poles, transformers, and wire within the area proposed for vacation. City Light has provided conceptual approval to re-route the system underground along the project site noting that the cost of moving the service underground and restoring service is fully born by the Petitioner. The Petitioner must complete an agreement with City Light on the relocation and must provide an easement, deed restriction or other binding mechanism satisfactory to City Light for the location of the services.

CenturyLink also has facilities in the project area. The Petitioner proposes to move the CenturyLink facilities underground in the same location as the City Light facilities. CenturyLink has provided conceptual agreement with this proposal.

The Petitioner and development team have been meeting with staff from the utilities and outside agencies on the plans and have developed designs that appear to address all the concerns that have been identified. The Petitioner has acknowledged the need to address the issues in a way that satisfies the utilities and understands that they must bear the costs from this work.

The Petitioner has a plan to address the issues identified by City Light, SPU, and CenturyLink. The vacations should be conditioned to require that this work continue and the final plans address issues to the satisfaction of the City or other agency impacted by the vacation and provide easements or other agreements as required.

Light, air, open space and views: Because street right-of-way is open and is not developed with structures, streets and alleys can have value as open space and can be view corridors. Streets can provide important breathing space in dense urban areas. The West Seattle Triangle Plan specifically identifies this alley and the goal of the alley providing for a pedestrian walkway through the block. The current alley does not provide any important views and does not provide for useable space for the public. If the block were developed with the alley remaining in place, it is unlikely that the alley would include additional space to provide for a pedestrian walkway.

Following the vacation, the development will include an open east/west alley through the middle of the block that provides a publicly accessible pedestrian walkway and a landscaped buffer between the walkway and the vehicle functions. The project also proposes to provide sidewalks around the perimeter of the project that are wider than that required by code. There will be small plazas adjacent to the project entries and along 40th Avenue SW that provide spaces for the public to sit and enjoy.

No adverse impacts to light, air, open space or views were identified. The project will provide useable open space in an amount that is greater than the amount of alley right-of-way that is being vacated.

Protection from adverse land use impacts: The second step in the review process is to evaluate the land use impacts of the proposed vacation and subsequent development. The land use portion of the Policies, Policy 4, is concerned mainly with ensuring that post-vacation development is consistent with the land use pattern in the area and with City policies and codes. The Policies specifically state that proposed vacations may be approved only when the development potential that is attributable to the vacation would be consistent with the land use policies adopted by the City Council. The vacation decision will be based on the policies applicable for the type of area where the development is proposed.

This project site is zoned as Neighborhood Commercial 3 with an 85' height limit (NC3 85). The northern portion of the site has a Pedestrian classification overlay (NC3P 85). The site lies within the West Seattle Junction Urban Village.

NC3 85 extends eastward to the alley between Fauntleroy Way SW and 38th Avenue SW where the zoning changes to Lowrise 2 (LR 2) and NC3 with a 40 foot height limit. South of SW Edmunds Street the zoning shifts to NC3 40 and to LR2 and LR3. To the west, the zoning transitions to NC3 65. The total lot area of the development is approximately 115,223 square feet. The DPD project number is 3013803.

The zone permits a wide range of uses and promotes density to encourage a mixed-use neighborhood. SMC 23.34.078 states that "the NC3 zone is intended to support or encourage a pedestrian-oriented shopping district that services the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates office, business support services, and residences that are compatible with the retail character of the area." The proposed uses of grocery, retail, residential, and structured parking are all allowed outright within the zone. In addition, the

project proposes to encourage pedestrian activity with widened sidewalks from building setbacks, a mid-block pedestrian connection and other enhancements to the pedestrian environment such as additional landscaping and raingardens, art, and street furniture.

While the proposed uses in the building seem clearly consistent with the zoning, from the very beginning of the review, this project has drawn a great deal of interest and both concern and support from the public. Questions have been raised about the quality of the design, the character and how the project fits into the block and the neighborhood. There have been very differing views as to whether the project complied with the Comprehensive Plan goals and Neighborhood Plan goals. While a lot of community interest has been focused on one of the tenants in the project, the proposed Whole Foods Grocery, questions regarding project scale and quality, and compliance with planning goals don't relate merely to one tenant but relate to the physical impacts of the project as a whole.

This project is designed to be consistent with the zoning and direction for the area. This project at 70 feet will be larger in scale from some of the older buildings in the area. However, this area has seen tremendous growth in recent years and this proposal will be similar in scale to many of the newer buildings which have been recently completed or are planned for the area. The vacation makes a significant contribution to the feasibility of the development by allowing flexibility in the use of the site and makes the parcels fronting along SW Alaska Street easier to develop. The vacation facilitates the use and function of the site but does not make a major contribution to the scale of the project. Similar uses and density could occur without the vacation of the alley. DPD noted in its comments that this type of large scale development was anticipated in the West Seattle Triangle Plan.

The proposal has been very carefully reviewed. The project has been through four Design Review Board (DRB) meetings as part of the regulatory review process administered by the Department of Planning and Development (DPD). While the DRB does not review proposed vacations and does not advise the City Council on these matters, a review of that process and the DPD comments on the vacation can be useful in reviewing Comprehensive Plan and Neighborhood Plan goals. Over the course of its four review meetings the DRB looked at the proposal in considerable depth but the most relevant to the vacation review is the discussion of:

- the safety and functionality of the mid-block connector as both a pedestrian and alley space;
- the quality and character of the pedestrian experience around the project; and
- the importance of the design of the corner of the building at SW Alaska Street and Fauntleroy Way SW.

The mid-block connection has been designed closer to the standards for a street than for an alley. While an alley in this zone would typically be 20 feet in width, this mid-block connector will include, at its widest point at Fauntleroy Way SW, a 5–foot sidewalk on the northern side and a 2-foot wide landscaped buffer on the northern side, a 25- wide drive lane for two-way vehicular traffic, an 8-foot wide sidewalk on the south side and a 3-foot wide landscape buffer on the south side between the vehicle lane and the sidewalk. The drive lanes narrow and are 20-feet in width

at the 40th Avenue SW connection. The loading bay has been reconfigured and the drugstore drive through has been eliminated. The DRB was satisfied with the function of the revised proposal and required that the design work continue and noted that the plan would require SDOT's review and approval. Through the Street Improvement Permit (SIP) review SDOT will have the authority to review and approve the final engineered plans for access to the site and the mid-block connector.

The pedestrian environment around the site had mixed comments from the public. West Seattle has expressed a strong preference for spaces that create more of a small town feel and provide useable spaces that are interesting and reflect the unique character of the community in which the project is located. The DRB noted that a pedestrian-oriented streetscape is perhaps the most important characteristic to be achieved in the new development in mixed-use areas. The DRB reviewed building materials, and the location of windows and residential and retail entries, discussed whether the plazas would be viewed as accessible to the public or private for tenants, and has recommended conditions that will be a part of the Master Use Permit (MUP) for the project.

The discussion of the pedestrian environment echoes the SDOT and Design Commission review of the proposal and the discussion of the public benefits required for the project. Elements that support the goals of the West Seattle community include wide sidewalks with landscaping, street furniture, special paving, and art elements. Small plazas are included to provide spots for the community to stop and take a break. Other amenities include overhead weather protection, a new bike lane and a contribution to the design of the proposed new park on 40th Avenue SW. These types of elements contribute to a vibrant public space but as they are not required elements they are considered as public benefit elements and are outlined in more detail in the public benefit discussion.

One element that has been difficult to reconcile is whether the mid-block connector complies with the neighborhood plan. The plan envisioned a pedestrian connection through the block but did not anticipate a vehicle connection as well. In its comments DPD noted that "[t]he location of the new proposed east-west private alley and pedestrian connection is generally consistent with the concept planning process for the West Seattle Triangle Plan that was conducted in 2010 and 2011 by the City with members of the West Seattle community. There are important differences between the West Seattle Triangle Urban Design Framework and the proposed alley vacation. Notably, the concept plan did not anticipate the need for loading within the east-west portion of the alley. However, such uses are consistent with large-format grocery stores."

In outlining a vision for a pedestrian-only connection in the block, the plan did not consider the need for the alley to provide for services to the block and the fact that the property on the block was in different ownership. The current proposal attempts to provide both for necessary services and to include the pedestrian connection desired by the community.

The corner at SW Alaska Street and Fauntleroy Way SW was also the subject of much discussion. This corner was identified as an important gateway by the community and the DRB spent considerable time discussing the architecture at that corner. The design evolved through

the DRB process and the DRB found that the design was strengthened and approved the proposal. While the design of the building is outside of the vacation review the quality of the pedestrian experience at that iconic corner is equally as important as the building design. The Petitioner moved a residential entry point to the corner and increased the building setback to create a public plaza of approximately 542 square feet. Artwork, benches, a water feature, planters, and special pavers are also added to that corner. The proposal also includes a new crosswalk across SW Alaska Street at this corner to provide for safer crossings for the pedestrians.

SDOT does not find adverse land use impacts associated with the proposed vacations.

Provision of Public Benefit: The Street Vacation Policies note that vacations must provide a long-term public benefit. Vacations will not be approved to achieve short-term public benefits or for the sole benefit of individuals. It is anticipated that the public benefit will include specific and tangible physical elements as the Policies provide that facilitating economic development, meeting code requirements for development or mitigating defined impacts is not a sufficient public benefit.

The public review of this project has initiated an unprecedented discussion of the nature of public benefit. Individual citizens and community organizations, union organizations, and elected officials at the highest level have raised the question: how broadly can public benefit be defined? Can a public benefit required by the vacation process be defined in way that includes addressing economic or social justice issues? Can it include the requirement for affordable housing? Set wages or other working conditions? Address environmental concerns? Every vacation decision is an exercise in legislative discretion. It is clear that before the City Council can support a vacation the Council must find that the vacation serves the public interest and provides a public benefit. The City Council has defined what it will accept as public benefit in the adopted Street Vacation Policies.

Historically, the City Council has required that the public benefit be physical and tangible. The City Council has long supported elements such as plazas, widened sidewalks and building setbacks, added landscaping, street furniture, art, wayfinding, bike or pedestrian paths, and other enhancements to the public realm. The elements had to serve the general public not merely the building tenants and the elements proposed as public benefit had to exceed code or other requirements. The scale of the public benefit had to be proportional to the scale and impacts of the project.

These new policy questions are not addressed in the current adopted Street Vacation Policies and the City Council has not addressed these questions in a way that can provide guidance for SDOT in this recommendation. The question of how broadly public benefit can be defined clearly requires a broader discussion and a review of the goals and limitations of the existing Policies. Following these policy discussions the City Council can determine whether it wishes to revise or update the Policies for future projects.

The current Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large in size or if the project has significant impacts, then the Policies anticipate that the public benefit proposal must also be significant. This alley makes an important contribution to the development of the block. While the vacation of the alley is not being used to increase the development capacity or the scale of the project, by eliminating the public alley, the Petitioner can develop the entire block in a way that best suits its programmatic needs and can consolidate below-grade functions such as parking and loading. By eliminating the alley, and relocating the private mid-block to the middle of the block, the Petitioner's parcels are easier to develop. Since the vacations make an important contribution to the project, the Policies require that a significant public benefit be provided.

In addition to addressing the scale or amount of public benefit that must be provided, the Policies are also clear that the public benefit elements proposed must clearly benefit the general public and not merely the tenants of the project. The Policies are also clear that the public benefit proposed for a vacation must be separate and above amenities provided to meet code or other requirements. In trying to assess the adequacy of a public benefit proposal questions sometimes arise about the cost of elements of the public benefit. It can be tempting to say if the public benefit costs X dollars it can be found to be "enough". Historically, the City Council has focused on whether the public benefit elements meet the goal of providing a long term benefit for the general public that is proportional to the impacts of the project and the vacation. Assigning a dollar cost to an element of the public benefit may not address how well the public benefit element serves the public and whether enough public benefit is proposed for a project. Another difficulty in assigning costs to the public benefit is that cost may be allocated as a "cost" of the public benefit when there should also be an offset for other project costs.

An example with this project is the cost of the undergrounding of the Seattle City Light lines in order to accommodate pedestrian enhancements at the street level. While the costs of the undergrounding are true costs, assigning all the cost to the public benefit category does not adequately reflect that if the Seattle City Light lines remained above ground, the building would need to be set back from the poles and the poles could impact lease rates from apartments where the lines were visible. Assessing the public benefit value of the streetscape enhancements is more critical than reviewing the cost of the undergrounding of utilities that created the space for the enhancements.

The costs of the proposed public benefits are included here in the public benefit chart because this material was presented at the Design Commission and had been presented in numerous public forums. The costs should be considered as a part of the analysis and not as fixed cost of the public benefit elements.

The Policies require that the Petitioner provide some factual information about the project site to assist in the review of the public benefit proposal. The goal of including this information is to help in determining if there is an appropriate balance between what the developer achieves from the vacation and what is provided to the general public.

Public Benefit Matrix

Zoning designation	NC3 85/NC3P 85
Street classification	Alley
Assessed value of adjacent property	Assessed value on the block for land and improvements varies from approximately $125.00 per square foot up to approximately $214 per square foot
Lease rates in the vicinity for similar projects	Approximately $2.50/sf for residential rates Approximately $25-$45/sf for commercial rates depending on size of tenant and tenant improvements
Size of project, in square feet	Approximately: • 404,5000 sq ft
Size of area to be vacated, in square feet	Approximately: • 6,600 sq ft (rounded)
Contribution of vacated area to development potential	The vacation provides flexibility in the design and development of the block • 0 additional square feet is added
Increase in square footage of site due to vacation	The net is less. The project vacates approximately 6,600 square feet and the mid-block connector provides approximately 13,000 square feet.

Assessment of the public benefit proposal has been one of the most challenging elements of this review. In addition to the policy questions raised, there have been questions about the quality and adequacy of the public benefit proposal. SDOT and the Design Commission have worked to expand and enhance the public benefit package. Some of the changes include relocating the retail entry doors at SW Fauntleroy Way and 40th Avenue SW so the plaza does not function as an entry for the retail or residents; an important crosswalk was added across SW Alaska Street; revised the 40th Avenue SW streetscape with additional art, increased the plaza size, added landscaping beyond the project site; and provided a $25,000 contribution to a planned public park across the street from the project.

The original public benefit proposal also included the mid-block connector as an element of the public benefit. The mid-block connector provides for important and necessary elements that keep back door functions away from the street. The mid-block connector is necessary to provide access to services and the garage. SDOT finds that the mid-block connector is an important design element but it is more about function than public amenities and should not be considered as an element of the public benefit. In its review, the Design Commission did not find the mid-block connector was a public benefit but felt that the pedestrian sidewalk was an amenity for the

neighborhood and was appropriate to be considered as an element of the public benefit. This conclusion seems consistent with SDOT concerns and previous direction from the City Council.

In addition to the plaza/mid-block connection other elements are proposed as part of the public benefit package, the chart provided below details the elements of the public benefit. The proposal includes setbacks around each side of the building sites. These setbacks create more sidewalk space and enhance the public realm for pedestrians. The additional space also allows for additional amenities such as more street trees, street furniture, pedestrian lighting, overhead weather protection, and wayfinding.

The Public Benefit Package supported by the Design Commission consists of the following items:

- Voluntary building setbacks;
- Midblock Pedestrian connector;
- Five small plazas;
- Green Street improvements in 40th Ave SW along the project site, and landscaping along the Mason's property and on the north side of the street;
- Enhanced street improvements along the frontages of the development; including art, street furniture, paving treatments, and enhanced landscaping;
- Monetary contribution of $25,000 toward design of park north of 40th Ave SW;
- Improvements to 40th Av SW to facilitate city goal of providing parking at the new park; and
- Planning and installation of bike facility along Fauntleroy.

Additionally, the Design Commission stated that its recommendation of approval of the public benefit package is subject to the following conditions:

1. If any of the public benefit items are later found to be necessary to meet code or mitigation requirements, or are deemed infeasible or for any other reason cannot be provided as proposed today, the proponent shall consult the Design Commission and provide public benefit commensurate to what is no longer being provided.
2. Provide the art plan for administrative review by the Design Commission when it has been developed.
3. Provide drawings of the gateway element for administrative review when the design has been further developed per commission recommendations. Despite the fact that the gateway is at a loud, busy intersection, it must be a well-developed, prominent feature given its central location in the neighborhood.
4. Provide plans for administrative review of the green wall in the through-block connector when they have been refined.

The Commission also has the following recommendations:

1. The Design Commission requests that SDOT reconsider its policy restricting the installation of crosswalks midblock for this project. A crosswalk across 40th midblock would complete the connectivity that is being proposed with the through-block connector. The pedestrian connection was proposed in the West Seattle Urban Design Framework and since then Seattle Parks and Recreation has purchased property for a park just north of 40th. Given this opportunity, and the green street nature of the street, please examine whether an exception to the midblock crosswalk policy might be in order at this location.

Given the strong public engagement in this project and the level of controversy associated with a number of elements of the review, SDOT recommends that this project return to the full Commission for its continued review of the project as it moves forward. The public will then have the opportunity to attend the meetings and hear the Design Commission discussion of elements of the project as the design is refined.

While SDOT has found that currently a mid-block crossing at 40th Avenue SW is not necessary, as the project moves forward and other development occurs in the area, SDOT can review the proposal for a mid-block crossing to the new planned park.

The public benefit chart is the public benefit list approved by the Design Commission (data and costs provided by the Petitioner).

Description	Existing	Required	Quantity	Cost
1. Voluntary Street Level Building Setback	No	No	5,134 s.f.	n/a
2. Gateway Plaza at Fauntleroy & Alaska	No	No	542 s.f.	$37,820
3. Linear Plaza and 40th Ave Streetscape	No	No	1,356 s.f.	$147,140
4. Public "Outdoor Rooms" on Fauntleroy	No	No	1,088 s.f.	$85,120
5. 40th Avenue Off-Site Improvement	No	No	2,550 s.f.	$93,260
6. Pedestrian Crosswalk at Fauntleroy & Alaska	No	No	n/a	$15,000
7. Cash Contribution for Public Outreach and Schematic Design (to 30% complete) for new City Park	No	No	n/a	$25,000
8. Mid-Block pedestrian sidewalk	No	No	1,672 s.f.	$10,030
9. Art: Inclusion of commission art pieces in public plazas and relocation/recreation of existing mural on-site	No	No	27 pieces	$50,000
10. Pedestrian overhead weather protection & new bike lane	No	No	5,666 s.f.	$853,680

11. Expanded public amenities along Fauntleroy & Alaska including widened public sidewalks and landscaping on-street parking and new bus pull out, all made possible removing existing power poles and undergrounding utilities	No	No	1,300 s.f.	$1,100,000
			Total:	**$2,417,050**

As previously noted this project has been unprecedented in the amount of public input both in support of the project and expressing concern. New and important policy questions have been identified that require a fuller and more robust discussion. SDOT finds that the policy questions require additional direction from City Council and does not make a recommendation on the adequacy of the public benefit proposal.

RECOMMENDATION

Should the City Council choose to support the vacation, it is recommended that the vacation be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied and all fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in March of 2014.

2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:

    - The mid-block connector shall include the following elements:
        - The total width shall be no less than 44 feet in width to 50 feet in width;
        - Two-way vehicle traffic is required;
        - The drive lane for vehicles is 20 to 25 feet in width;
        - An 8-foot wide elevated, pedestrian sidewalk shall be located on the south side of the mid-block connector;
        - The pedestrian sidewalk shall be separated from the drive lane by a 3-foot landscaping strip;

- The pedestrian sidewalk shall have continuous overhead weather protection;
- The northwest side of the mid-block connector shall have landscaping to discourage pedestrians;
- No pedestrian crossing north/south may be provided in the mid-block connector;
- Pedestrian lighting shall be provided in the mid-block connector;
- The northeast side of the mid-block connector will provide a sidewalk and landscaping at the residential entry;
- Vehicles may turn right only when exiting at Fauntleroy Way SW;
- Roll-up doors shall be added to the loading bay area; and
- A drive-up window may not be provided.

- Street improvement plan showing sidewalks, street trees, bike racks, street furniture, lighting, art or artist-made elements, paving or special materials, wayfinding and landscaping around the site;
- The design on the new alley segment, including the geometry of the turns and the connection at 40th Avenue SW, SW Edmunds Street, and Fauntleroy Way SW; and
- Agreement between all property owners on the alley that protect use and access for all owners.

3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:

   - Seattle Public Utilities;
   - Seattle City Light; and
   - CenturyLink Communications.

4. It is expected that development activity will commence within 18 months of this approval and that development activity will be completed within 5 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) for the project until SDOT has determined that all conditions have been satisfied and all fees have been paid.

5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.

6. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT will request additional Design Commission review when the design is further developed to the 60% level and 90% level and may request additional review as necessary. The public benefit requirement includes the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

Public benefit chart:

Description	Existing	Required	Quantity	Cost
1. Voluntary Street Level Building Setback	No	No	5,134 s.f.	n/a
2. Gateway Plaza at Fauntleroy & Alaska	No	No	542 s.f.	$37,820
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8. Mid-Block pedestrian sidewalk	No	No	1,672 s.f.	$10,030
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10. Pedestrian overhead weather protection & new bike lane	No	No	5,666 s.f.	$853,680
11. Expanded public amenities along Fauntleroy & Alaska including widened public sidewalks and	No	No	1,300 s.f.	$1,100,000

landscaping on-street parking and new bus pull out, all made possible removing existing power poles and undergrounding utilities				
			Total:	**$2,417,050**

Sincerely,

Goran Sparrman, Acting Director
Seattle Department of Transportation

GS:bb

Enclosures