



September 17, 2010

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

**Subject: Petition of Seattle Public Utilities for the vacation of a portion of 2nd Avenue S and South Chicago Street in the South Park neighborhood
Clerk File 310784**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of Seattle Public Utilities (hereafter SPU or Petitioner) for the vacation of a portion of 2nd Avenue S and South Chicago Street in the South Park neighborhood, described as:

- **2nd Avenue South, from the north margin of South Kenyon Street to the southwest margin of State Route 99 also known as West Marginal Way South; and**
- **South Chicago Street, from the east margin of 2nd Avenue South to the southwest margin of State Route 99.**

The area proposed for vacation includes approximately 20,000 square feet of right-of-way.

BACKGROUND

The project address is 130 S Kenyon Street. The block where the project is located is defined by S Kenyon Street to the south, State Route 99 (SR 99) to the north and east, and the on-ramp to SR 509 to the west. The project is located in the South Park neighborhood and is located within the South Park Neighborhood Planning Area.

The property is zoned for general industrial purposes, (IG2 U/65).

REASON FOR VACATION

The vacation supports the development of the new SPU South Transfer Station project. SPU has acquired four parcels in the South Park area for the construction of a new solid waste facility to replace the existing transfer station. The right-of-way proposed for vacation separates two of these parcels. The vacation allows the consolidation of the four parcels as needed for the development of the new replacement transfer station.



PROJECT DESCRIPTION

The existing South Recycling and Disposal Station is located on an 11.5 acre site at S Kenyon Street and 5th Avenue S and is on the block across the street and to the south of the site of the new proposed facility and proposed vacations. The existing facility is over 45 years old and is becoming more unreliable as it ages. SPU has reported that facilities break down frequently and crowding during peak time creates long lines for customers. SPU reports that even brief delays in collection service can generate a large volume of calls and complaints. The station is needed to transfer solid waste and recyclables from collection trucks and self-haul customers into shipping containers and transfer trailers in order to deliver the waste to recycling, composting, and disposal facilities. A functioning transfer station is necessary to provide for the safe and sanitary disposal of solid waste. SPU provides collection and transfer service 360 days per year.

As the existing facility began to age, SPU considered a number of alternatives which included both repair and replacement of the transfer station. After completing a detailed analysis of alternatives and obtaining public input, SPU published the Solid Waste Facilities Master Plan in 2003. After review of the Plan and additional studies, the City Council approved the proposal to construct a new transfer station to replace the existing outdated station. The new site across the street to the north was found to be the most suitable location for the new transfer station.

The new site was most recently in use as a bus parking lot with maintenance facilities. The nine-and-a-half-acre site was occupied by First Student (a school bus service) and Starline Luxury Coaches (a charter bus service); the site is generally referred to as the "bus yard site." Following SPU's purchase of the site, the site has been cleared of structures and prepared for the construction of the new transfer station.

The property acquired for the new transfer station is adjacent to two street segments which form a "T" shaped street at the eastern portion of the site adjacent to SR 99. The 2nd Avenue S right-of-way runs north/south through the block between SR 99 and S Kenyon Street. A segment of S Chicago Street extends from SR 99 about 30 feet into the site but it terminates at 2nd Avenue S, these two street segments are proposed for vacation. SPU owns all of the property on both sides of both streets.

The new facility would include a transfer station building, access roads, scales, fueling station, parking area, and employee facilities. Vehicular access to the site is currently from S Kenyon Street and SPU proposes all vehicle access remain from S Kenyon Street. The major structure on the site would be the transfer station building, which is a large scale facility estimated to have a surface footprint of about 110,000 square feet. The height of the building would be about 72 feet tall from the base of the building to the highest peak. Smaller facilities will include a building for administrative offices, public viewing area, and smaller scale houses for weighing material to be disposed of and paying fees. The site is designed to provide sufficient space for all trucks and vehicles to load/unload, park and queue on-site. Bus drop-off and about 38 parking spaces are provided. The public benefit proposal includes a public viewing room for educational purposes, landscaping beyond code requirements, and pedestrian enhancements around the site including sidewalks or pathways.

SPU proposes to incorporate sustainable design elements in the project as much as practicable including energy conservation and material reuse. SPU is incorporating sustainable features in the design, construction materials, and landscaping design. SPU is seeking a Gold LEED rating (a program measuring sustainability) for the project.

The existing transfer station would remain open during the construction of the new Transfer Station. After the new facility is completed, the existing transfer station and facilities will be demolished and replaced with recycling facilities, a reuse store, household hazardous waste facility, administrative offices, and other utility functions. This second phase of work will not proceed until the new transfer station is completed.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

The proposed vacation was circulated to various City departments, outside agencies and community groups for comment. The purpose of the broad review of the petition is to identify issues that need to be addressed. The comments, closely reproduced below, reflect the statements made by the reviewers and any issues identified during the initial portion of the review process. The comments reflect a “snapshot in time” when the comments were received and do not reflect any project revisions, updates or responses to comments. All the comments received are a part of the record and are not revised or amended by Seattle Department of Transportation.

The comment section does not reflect the resolution of the issue or subsequent design changes or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address any issues or concerns.

The following comments were received:

City Departments

Seattle Police Department (SPD): it was determined that the vacation of this area would not significantly hinder public safety efforts provided by the Seattle Police Department.

Seattle Department of Parks and Recreation (Parks): there are no parks or parks facilities affected by the proposed vacation and as a result Parks has no comments.

Seattle Department of Transportation (SDOT) Capital Projects and Roadway Structures (CPRS): has no concerns.

SDOT Street Use: has no issues with the proposed vacation.

SDOT Policy and Planning Division: it is great to see the two new sidewalks incorporated into the project as both sidewalks are identified in the Pedestrian Master Plan (PMP) as tier 1 projects. The sidewalks will need to have ADA accessible curb ramps to ensure that people with disabilities are able to utilize the sidewalks. Sidewalks should be built to code. Any green stormwater infrastructure should be incorporated into the design as well.

SDOT Traffic Management Division: has the following comments;

- Removing the streets proposed for vacation from the street system does not appear to create any concerns for the traffic operations in the area.
- We support the installation of new sidewalks. Sidewalks and other improvements required by code should not be considered as public benefit.
- The site is near a shared use trail and we encourage the Petitioner to consider providing facilities for employees who commute by bicycle.

Department of Planning and Development (DPD) Planning Division: As proposed, this street vacation would be beneficial with no negative consequences identified. Rather, positive outcomes would be to eliminate platted but unneeded rights-of-way, and to accommodate an improved solid waste transfer station site plan.

This location is northwest of the South Park neighborhood in General Industrial 2 zone. State Routes 99 and 509 are nearby, immediately east and west of the vicinity, meeting just north of the site along West Marginal Way SW. Given these road conjunctions, the area is relatively hemmed in and separated from other nearby vicinities. Dominant land uses nearby are industrial, heavy commercial, and utility in nature, with warehouses and/or open yards. Residential uses are present a few blocks away, primarily east of SR 99 at the edge of the South Park neighborhood. An existing transfer station is present just south of the site vicinity; also to the south is a closed landfill.

The vicinity is accessed from the north by an exit from SR 99 directly to S Kenyon Street. 5th Avenue S also connects northward from S Cloverdale Street, and Occidental Avenue S runs approximately north/south near SR 509.

East of 2nd Avenue S, the original platting pattern was for single-family residential development with numerous narrow lots and streets arranged in gridiron pattern. With the subsequent overlaying of an SR 99 right-of-way corridor oriented northwest to southeast, a remnant fragment of the gridiron's lot and street pattern west of SR 99 was created, including the proposed 2nd Avenue S and S Chicago Street rights-of-way that are proposed for vacation.

Given the division in land use and platting patterns caused by the nearby highway corridors that bound the subject property, its zoning and current physical conditions (e.g. exposure to heavily traveled highways), there is no practical future use matching the original platted lot pattern. Similarly, there is no practical need for the street rights-of-way proposed to be vacated because they terminate at the SR 99 right-of-way. Access to the area is well provided by the exit route from SR 99 to S Kenyon Street and other available streets and highways. It is clear that the proposed vacation would help to accommodate a site plan that would be functional and have good internal circulation on the site. Without the vacation, such site plans might be more constricted or less effectively arranged.

As described, the proposed public benefit elements of sidewalks provided on S Kenyon Street and 5th Avenue S during two project phases, plus a viewing room within the transfer station

would be beneficial to public safety, comfort and educational purposes. The extent of such sidewalks would provide a tangible improvement to this area for those who might want to reach the area on foot. These appear to be sufficient public benefits in relation to the vacation proposal.

DPD has no problems, and recommends the vacation occur along with the proposed public benefit elements.

DPD Land Use Division: Vacation of two streets is proposed by SPU to facilitate development of a new solid waste facility. Currently the two streets are not used for vehicle or pedestrian access to other sites and are not visibly discernable as public streets; they appear as private property with no surface improvements to indicate public right-of-way. SPU desires the vacations to allow use of the area for pay and scale houses as well as vehicle queuing to support the transfer station programming needs.

The streets in question are located between SR 99 and SR 509, south of S Holden Street off/on ramp and north of S Kenyon Street. S Kenyon Street is the only physical connection to both streets and the overall street grid. 2nd Avenue S is 35' wide (substandard width) and extends approximately 380' north from S Kenyon Street where it dead ends at SR 99 (south off ramp location). S Chicago Street orients east/west and extends west approximately 90' from its intersection with 2nd Avenue S, is 60' in width (compliant width) and also dead ends at SR 99. The approximate total area of right-of-way is: 2nd Avenue S: 13,300 sq ft; S Chicago Street: 5,400 sq ft or 18,700 sq ft total. SPU would acquire all the vacated right-of-way as they own all of the property abutting the streets proposed for vacation.

Proposed development would be slightly different if the proposed vacation was not approved. SPU holds approximately 400,000 square feet of property without the vacation.

Vehicle access to the site is currently from S Kenyon Street and SPU proposes that this remain the access point for the site. SPU is pursuing LEED Gold certification for the project. The proposed development is consistent with the scale of development anticipated in the General Industrial (IG 2) zoning which surrounds the site by a minimum of 1,000 feet in all directions. The proposed use has no maximum size limit under the Land Use Code and the maximum allowable floor area ratio (FAR) is 2.5. Without including the area of the requested vacation area, the proposal has a FAR of approximately .35, well under the allowable development potential. The site design intends on using the vacation area for vehicle queuing (in and out), pay booths, and scale houses for users of the transfer Station.

The IG2 zoning allows for a wide variety of industrial and limited size non-industrial uses. The Transfer Station site and area of the proposed vacation are located in two environmentally critical areas; liquefaction zone and the site is within 10,000 feet of a methane producing landfill. These ECA's do not limit development potential but do require additional construction techniques to mitigate likely methane gas accumulation and structure stability.

Light and air functions would not be significantly adversely affected by the vacation. Low scale buildings and vehicle queuing are the proposed uses within the dedicated areas, so light and air

in not a concern of DPD. There are existing utilities that cross the rights-of-way in question. SPU should execute the proper easement for portions of those lines that are within the vacation areas to ensure these lines are accessible to the proper agencies.

With the construction and alignment of SR 99, the two rights-of-way were in affect dead-ended, disconnecting them from the overall street grid. The granting of the vacation would not result in a change to circulation or change in access. Neither residential nor commercial development would be intruded upon with approval, as Industrial zoning surround the site in all directions. The size of the site would not be substantially raised when compared to the existing site. The vacation area makes up approximately 5% of the current site's square footage. Also, the existing South Recycling and Disposal Station and Landfill sites are of equal or greater size and scale to the proposed post vacation site. A traffic study and SEPA checklist was submitted for review to DPD with Master Use Permit, which is currently under review.

DPD recognizes that SPU has offered public benefits for the vacation, summarized as follows:

- Provide full sidewalks, curbs on the north side of S Kenyon Street abutting the site.
- Provide a sidewalk on the west side of 5th Avenue S adjacent to the existing SRDS.
- Viewing room for public viewing and education purposes.

DPD supports these elements as proposed and offers further recommendation to include as part of the public benefit the proposed sidewalk/pedestrian path shown in the Design Commission presentation of 5.14.10 and shown in the vacation petition in Figure 7. Beginning at the SE corner of the site and moving north near the east property line where it terminates at the intersection of W Marginal Way (SR 99) and S Holden Street. This intersection is signalized and has crosswalks. Pedestrian connections are important for the future of the site and its permeability as users become familiar with the site. With the proposed improvements to S Kenyon Street and 5th Avenue (2nd phase) it is appropriate to provide further pedestrian amenity and access through the site; not only for future possible pedestrian activity in the area but also for use during educational visits and use by employees. Further, the Land Use Code requires public pedestrian circulation around the site to be provided in the ROW or on private property. Although the State Routes including SR 99, SR 509 and the S Holden on and off ramps are under the purview of WSDOT, DPD and SDOT are hoping to resolve any conflicts during the review process.

DPD recommends that the proposed pedestrian path as described above become part of the public benefit provided by SPU. DPD recommends that proper easements be executed for the utilities located in the streets proposed for vacation.

DPD recommends that the requested street vacation be granted. The streets provide minimal land use related functions for which streets are valuable. Construction of SR 99 limited any possible future connectivity to the street grid. The long term effect of the vacation is minimal as the road is not currently used except for access to the adjacent lots. A visit to the site showed no characteristics of functioning streets. The vacation will allow SPU to use the space for pay scales and vehicle queuing for the transfer station. The pedestrian path will provide for

pedestrian movements north and south through the site where no pedestrian access currently exists.

Seattle City Light (SCL): has reviewed the vacation petition and visited the site. SCL has no problems with the vacation.

Seattle Public Utilities (SPU): has the following comments:

Water Infrastructure: the proposed street vacations will eliminate three paths of partially developed water distribution system gridding. Pipe has already been installed in two of the three legs affected by the proposed vacation in anticipation of connection. The linkages that will be blocked by the street vacation are as follows:

- 12-inch watermain aligned with 2nd Avenue S, linking S Holden Street, S Chicago Street, and S Kenyon Street (275' stub already installed); and
- 8-inch watermain aligned with S Chicago Street, between 2nd Avenue S, and 5th Avenue S (200' stubbed out and 500' in active service).

Drainage Wastewater: the street vacation will affect:

- The proposed street vacation will affect an existing 15" SPU sewer mainline.

The following conditions are necessary:

1. The Petitioner will install approximately 310 feet of 8" ductile pipe through the proposed site, to connect the existing 8" main in S Kenyon Street with the west end of the existing 8" stub in S Chicago Street, to include re-testing and activation of the existing 8" stub in S Chicago Street, installation of a 4-way gated 12" X 8" cross at 2nd Avenue S and S Kenyon Street, and installation of a fire hydrant at 2nd Avenue S and S Kenyon Street, west of the proposed east driveway.
2. Connection of the east end of the 8" stub in S Chicago Street, with the existing 8" dead end main in S Chicago Street will be accomplished at the Petitioner's expense after reactivation of the stub by the Petitioner's project.
3. No structures at all are allowed over the existing 15" sewer. Proposed scales pit need to be moved outside of the zone of influence.
4. Full access to the existing MHs are required for routine maintenance.

SPU recommends that King County Metro secure a utility easement from the Petitioner for the maintenance and operation of their facility as part of the Street Vacation process.

SPU recommends that the vacation be approved provided the conditions and recommendations are met.

Seattle Design Commission: reviewed this project at its regular meetings of May 20, 2010 and June 17, 2010 and took the following actions:

May 20, 2010: the Design Commission thanked the South Transfer Station team for its presentation on the urban design merit of the street vacation of S Chicago Street between SR 509 and W Marginal Way S, at the north end of 2nd Avenue S between W Marginal Way S and S Kenyon Street at the south. The project team laid out a justification for the urban design merit of vacating the street segments based on the fact that the ROWs have never been developed as roadways and are not needed for travel or utilities in this area. The Design Commission unanimously approved the urban design merit of the street vacation.

The Commission thanked the project team for presenting background information and an overview of the community process on the site, the landscape design changes and the building design updates. The Commission applauds how well the schematic design with a vote of four in favor, one abstaining and one dissenting. The following comments were provided:

- The direction of the administration building is positive, but could be further revised to create more integration;
- The scale houses need to be developed more in terms of geometry;
- Continue to explore color possibilities for the roof, thinking about the potential for light and contrast in the site;
- Also reconsider how the roof connects to the ground;
- Integrate the gabian walls even more into the site;
- Consider how the signage might articulate the character of the neighborhood and relate to what is around it.

The dissenting vote was because of the opinion that the schematic design was not far enough along to be reviewed.

June 17, 2010: the Commission thanked the design team for their clear presentation of the South Transfer Station and unanimously approved the street vacation and the project's public benefit package, with the recommendations listed below. The public benefit package consisted of:

- A public viewing room that is 675 square feet with 122 square feet of circulation area to the south, and has a 35 foot wide floor-to-ceiling viewing window to the tipping floor.
- Sidewalks along the north side of S Kenyon Street, which are not otherwise required. This is proposed to keep a more finished edge along the frontage and discourage illegal dumping, as requested by the community.
- Directional signage that is above and beyond what would normally be provided in quality and quantity.
- Contract language requiring outreach and first chance at employment positions at the new facility. Also, when the recycling center is built in a later phase, it would require an effort to create a business alliance to link facility to materials reuse opportunities. Contract language would also provide for additional litter patrols than the minimum

required, and would forbid certain routes and driving on residential streets for trucks serving the facility.

- A public path east of the building, the length of E Marginal Way, that meanders 10 to 40 feet from the edge of the roadway in a vegetated swath.
- Landscaping above and beyond what is required by the land use code. Significantly more trees and other plants than the buffering vegetation required in this zone, as illustrated in the presentation to the Design Commission on June 17th, 2010.

Recommendations for the public benefits:

- Make stronger linkages between the trail along the east side of the site and the viewing room. People should be made aware of the viewing opportunity and drawn into the site.
- Consider programming the viewing room so it is optimally used.
- The strength of the public path on the east side of the site as a public benefit is tied to whether or not it will be continued south in phase 2 of the project. Continuation of the path south in phase 2 should be a condition of the Master Use Permit and/or vacation.
- In the contract language that is proposed as a public benefit, provide for assurance that the increased service levels will be sustained over time in the long term.

The Commission appreciated the improvements made to the design since the schematic design review, especially how well the relationship of the three buildings, of such drastically varying scales, has been improved; they are clearly related but unique. Connectivity has been achieved with scale, materiality, and color. The Commission predominately supports the use of a muted color on the building and a more vibrantly colored landscape in contrast. The folded place concept for the roof also met with agreement, except for its use on the smaller buildings as commented on below. The Commission unanimously approved the project's design development, with the following recommendations:

- Create a "bread crumbs" language that will pull people from the trail to the building public area strengthening links between the trail, niche elements and the viewing room.
- Consider extending the path into the building.
- Extend the use of salvaged/recycled materials employed at the entry to the gabians. Found objects or other reused/recycled materials could be placed within the gabians and interspersed in the wall to create a playful relationship to the other parts of the site.
- Tell the story of waste management in a more integrated way.
- Increase the scale of the public entry to the administration building. To match the strength of the entry treatment and natural lighting in making the space inviting to the public, the inside should be more gracious.
- Reconsider the fenestration of the administration building. It still appears to be caught in the middle and could be distilled down more to create more calmness. The windows are well proportioned on the scale houses and large building but the administration buildings' windows need some differentiation, especially in the public rooms. Especially reconsider how the conference room window is executed.
- Consider whether a different approach to the roof other than the "folded plane" might be better for the smaller and medium scale buildings.

- Provide the highest solar reflective index possible when weighing the choice of building color.
- Provide signage images that are more related to the transfer station and location. Consider moving toward more abstraction, and tying the signage into the story of recycling concepts.

Outside Agencies:

King County Department of Transportation/Transit Services: Metro Transit has reviewed the vacation and has no objection to the vacation.

King County Department of Natural Resources & Parks, Wastewater Treatment Division (WTD): a portion of WTD's Renton Effluent Transfer System, a 96-inch sewer force main, is located within the street vacation area. In addition to the subterranean pipe, WTD has a manhole and a corrosion monitoring station within the street vacation area.

WTD requests a permanent utility easement for this infrastructure and will participate in the street vacation process for that purpose. WTD has provided SPU drawings showing its facilities in the right-of-way and a template of easement language that WTD has used in previous street vacations.

Qwest Communications: Qwest does not have existing facilities in the proposed vacation area and does not object nor will an easement be necessary.

Puget Sound Energy (PSE): has conducted a review of its existing facilities within the subject portion of S Chicago Street and 2nd Avenue S. We have confirmed there is an existing 2" STW/PE intermediate pressure natural gas main located within the entire length of 2nd Avenue S. The main extends north beneath SR 99 and the on/off ramps to SR 509, connecting to existing mains in S Holden Street and West Marginal Way S. PSE has operated a natural gas main in 2nd Avenue S since 1957 and upgrades to the main were made as recently as 2008. Current standards prohibit the building of structure on top of the gas main, such as those described in the proposed project.

The gas main is an important looped feed to our customers in the south Seattle neighborhoods. Please do not proceed with the vacation until SPU has made the necessary arrangements with PSE to protect and preserve this gas main.

Community Comments:

Deborah McNeil: I am in favor of this action to allow construction of the new South Transfer Station.

POLICY FRAMEWORK

Street vacation decisions are City Council decisions as provided by State statute 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 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 first adopted Street Vacation Policies in 1986 in Resolution 27527. A few sections of the policies were revised in 1991 in Resolution 28387, 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 impacts pedestrians, bicyclists, vehicular movements, emergency services, and commercial activity.

Transportation Impacts:

The two street segments proposed for vacation were platted as part of a larger grid pattern of streets. S Chicago Street is also platted to the east of the project site and 2nd Avenue S is platted both to the north and the south of the project site. However, because of the development of SR 99, the streets no longer connect to the east or to the north. The 2nd Avenue S right-of-way does continue south of the site and is open and in use for approximately two blocks.

With the development of SR 99, these streets are no longer a part of a larger transportation network and instead only serve to provide access to the adjacent parcels. The street vacations would allow SPU, as the owner of all of the property abutting the streets, to design access to the site in the way that best served the development of its new facility, without being limited by the platted location of the streets. The vacations would not affect the larger circulation pattern in the area.

Since the streets do serve as access points for the adjacent properties it was important in the review process to make certain that the new facility provided for adequate access to the site and provided adequate space for the public to line up to wait for service at the scale house. Adequate parking is also needed to provide for the public using the site as well as anticipated groups and school trips visiting the public viewing area.

SPU has designed the facility to manage all traffic onsite and to prevent vehicle lines from backing up onto the public streets. The proposal includes space for vehicles around the edges of the site to provide for the longest queuing space before reaching the scale house or the transfer station. There is sufficient queuing space and an adequate number of scales to accommodate anticipated future traffic at least through 2030. The Transportation Technical Report prepared in 2008 did not find adverse transportation impacts and did not recommend transportation mitigation measures.

After a review of SPU's proposal, and the Street Vacation Policies, SDOT does not find transportation impacts related to the vacation. The vacation should be conditioned to require that SDOT review the proposed driveways, sidewalks, pedestrian path, landscaping, and other elements of the street improvements.

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; 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.

The utility issues identified with this proposal proved to be quite complicated. SPU, King County Wastewater Division, and PSE all identified rather significant impacts to utility facilities located in the area proposed for vacation. After the initial review of the vacation petition, SPU began to work with the individual utilities to determine how to protect the utility infrastructure. The vacation is able to proceed as SPU has reached agreements with each of the impacted utilities. The work includes some design changes such as moving the scale houses so the scale houses will not be over a utility line, as well as easement agreements.

A summary of the work to resolve utility issues includes:

- PSE: SPU has coordinated with PSE to protect and preserve the existing gas main. SPU has redesigned the vehicle scale location so that it is not located above the existing gas main. SPU will grant PSE a 10' wide easement for access and maintenance of the PSE gas main. SPU will establish an agreement to cut and cap the gas main during construction and replace the gas main after the site has been developed.
- SPU Water: SPU will provide the 310' of 8" ductile iron water main to be installed through the proposed site to connect the existing 8" main in S Kenyon Street with the west end of the existing 8" stub in S Chicago Street, to include re-testing and activation of the existing 8" stub in S Chicago Street, installation of a 4-way gated 12" x 8" cross at 2nd Avenue S and S Kenyon Street, and installation of a fire hydrant at 2nd Avenue S and S Kenyon Street, west of the proposed east driveway.
- SPU Wastewater: SPU has moved the proposed vehicle scales to make sure there are no structures over the existing 15" sewer. SPU will ensure that the existing maintenance holes remain accessible for maintenance activities.
- King County Wastewater Division: SPU has reached an agreement with King County to provide an easement for the 96" sewer main, manhole, and corrosion monitoring station.

SPU has been able to address the utility issues related to the vacation. The vacation should be conditioned to require that SPU complete the work to the satisfaction of the impacted utility.

Light, air, open space and views: Because street right-of-way is open and undeveloped, streets and alleys can have value as open space and can be important view corridors. Streets can provide important breathing space in dense urban areas. These particular streets are substandard in width and do not connect to the north or south as part of a larger street grid. There are no views provided by the streets of any natural features or community icons. While the streets are undeveloped space, the streets are not useable for any public purpose other than as access to the adjacent properties. These two street segments do not provide for public views and do not provide for important open space in the area.

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.

The SPU project site is in an area zoned for industrial purposes. Industrial zones are intended to support existing industrial activity and related businesses and to provide for new industrial development. The zoning designation is Industrial General 2 (IG 2/65); this zoning designation is intended for areas that support a broad mix of uses from industrial to a wide variety of heavy commercial uses. The SPU solid waste transfer station is appropriately sited in this location. The facility will see a wide variety of trucks and vehicles bringing materials into the site where the materials will be sorted. The waste will then be delivered to composting, recycling, and disposal facilities. A very large scale, warehouse type building is necessary to accommodate this activity. The size of the site allows SPU to develop a structure that is approximately 110,000 square feet in size.

It is also important to assess whether the loss of the streets creates a building site that allows for a project that is out of scale or character with the area. While a vacation could alter the scale of a project significantly, that is not the case with this vacation. The two streets are at the eastern edge of the site and SPU could likely develop the site without the vacation. The vacation is important because it allows for flexibility in how the site is organized and used. The vacation allows for sufficient space for the public to access the site and wait for weighing and service on SPU property rather than blocking a public street and impacting other commercial or industrial uses. The development of the Transfer Station following the street vacation is not larger than what could be developed without the vacation. The vacation supports SPU's organization of the site in ways that best serve its programmatic needs.

The large scale of the facility is anticipated and is accommodated in industrial areas. The area is characterized by large scale warehouses and commercial structures. SPU has identified that its new facility will be similar in bulk and scale to the buildings in the nearby Kenyon Business Park.

The City Council did review this location in 2007. In Ordinance 122445, the City Council concluded that the existing solid waste facility was inadequate "to deliver cost-effective and environmentally beneficial solid waste reuse, recycling, collection and disposal services" and determined that bus yard properties "are suitable for expansion and improvement of the SRDS and that it is in the public interest to acquire the same..." The Council authorization of the property acquisition was an early step in the development of the new proposed facility.

The acquisition of this property seems ideal. The property is zoned appropriately, the property is sufficient in size to accommodate all access, parking and queuing on site, and it will be across the street from SPU's planned recycling facility and reuse store to be developed at the former transfer station site.

After a review of the zoning designation for the area and the Seattle Comprehensive Plan, SDOT does not find adverse land use impacts associated with the vacation.

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 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. While significant issues were not identified during the review, it is recognized that the vacation is an important element of the proposed development. While the public benefit here need not be significant, it still must be clearly defined as exceeding regulatory standards and be something that is of use and value to the general public.

The Policies also recognize that the public nature of a project should be considered as a part of the balancing test. In Policy 5-B the Policies list elements that do NOT constitute a public benefit including specifically “Providing a public, governmental or educational service” but the Policies go on to state “while the nature of the project is a factor in determining the adequacy of a public benefit proposal, it does not in and of itself constitute an adequate public benefit.”

SPU worked with its stakeholder committee as it was considering its public benefit proposal. During its community work SPU identified community concerns about truck traffic in the neighborhood, illegal dumping and litter, and job opportunities at the new facility. In its original public benefit proposal, SPU included items such as a weekly litter patrol. Ongoing operational items such as litter pick up routes and schedule, truck haul routes, and community programs are difficult to include as vacation conditions. These types of items are much more difficult to track and monitor over the life of a project. Decisions around the operation of a facility more closely relate to operational needs and budget constraints rather than to vacation impacts. The Design Commission also identified that such commitments relate more to community mitigation than to the public benefit. However, because SPU made commitments to the community and included these items as a part of its public benefit package, the broader community items are included in the public benefits list. It is feasible for the vacation conditions to include commitments that will occur at the construction or initial operation stage of the facility.

The review of the vacation, which includes SDOT and other City staff and Design Commission review, has focused on more tangible elements around the site such as landscaping, signage, and public viewing area. The physical improvements around the site and the proposed public viewing area combine to provide an adequate public benefit for the vacations.

The public benefit proposal includes:

- Public viewing area: a viewing room shall be developed to provide the public with an opportunity to view the solid waste transfer operations, the viewing room shall be

approximately 675 square feet with a 35-foot wide floor to ceiling viewing window to the tipping floor. A circulation area of approximately 122 square feet supports access to the viewing area. SPU will provide education signage and materials, tours, or programs to support public education of waste impacts and opportunities for reducing or recycling waste.

- Directional signage to the facility and within the facility: such signage shall be beyond code standards in quantity and material and design quality.
- Sidewalks on the north side of S Kenyon Street: this sidewalk is not required by code but shall be provided to support pedestrian use and provide a finished edge to the site. A pedestrian path may be provided, as determined by SDOT, if a sidewalk cannot be practically installed due to drainage issues.
- Public path along W Marginal Way: a path shall be developed east of the building site, the length of W Marginal Way that meanders 10 to 40 feet from the edge of the roadway in a vegetated swath. In addition, the pathway will be extended during the second phase of development. A sidewalk or path shall be developed along the west side of 5th Avenue along the perimeter of the solid waste facility when the second phase of work occurs at the site of the current facility.
- Landscaping beyond code: significantly more trees and other plants than the buffering vegetation required in the zone shall be provided. The landscaping plan shall be provided consistent with the presentation made to the Design Commission on June 17, 2010.
- Perimeter design: SPU shall design the perimeter of the station in such a way so as to discourage the opportunities for illegal dumping on the site. Fencing, access controls, pathways and landscaping may be utilized.

SPU has also voluntarily proposes the following additions to its construction contracts and initial operations based on its community commitments:

- Outreach and employment: SPU shall include in its construction contracts language requiring outreach and providing that the South Park community has the first opportunity for construction positions at the new facility.
- Business opportunities: SPU will pursue the development of a business alliance to link the facility to material reuse opportunities that supports local businesses and encourages commerce around the facility to the extent that it is consistent with SPU's core mission.
- Minimize garbage truck traffic: SPU will prohibit haulers in garbage trucks under contract with SPU from using non-arterial streets unless they are collecting on those streets.
- Litter patrols: SPU will provide weekly foot patrols in areas to be identified and weekly drive-by patrols in areas to be identified to clean up litter and illegal dumping. Monthly sweeping routes will also be identified.

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	Industrial (IG 2 U/65)
Street classification	Access street
Assessed value of adjacent property	\$16.00/square foot (2008 King County assessed value for the property adjacent to the streets)
Lease rates in the vicinity for similar projects	\$0.099/square foot/month
Size of project, in square feet	Total size of the project is 392,859 square feet. The size of the new transfer station building is about 110,000 square feet.
Size of area to be vacated, in square feet	2 nd Avenue S is about 13,000 square feet and S Chicago Street is about 7,000 square foot for a total to be vacated of about: 20,000 square feet
Contribution of vacated area to development potential	The vacated area is approximately 5% of the total area to be developed.

The element of public education proposed by providing a room with a view of the transfer station activities is consistent with SPU’s goals to educate the public about the waste stream and opportunities to reduce waste or reuse it. The sidewalk or pathways and the landscaping will enhance both pedestrian safety and character of the area. The proposal to focus on the public street environment and character seems appropriate as the location does not have any sidewalks or pedestrian pathways currently. The heavy landscaping proposed will make a significant change in the area. The public benefit proposal meets the criteria established by the City Council and can be supported.

RECOMMENDATION

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 September of 2010.

2. All street improvements shall be designed to City standards 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:
 - Driveway access on S Kenyon Street;
 - Signage, lighting and landscaping around the site;
 - Sidewalk or pathway on S Kenyon Street; and
 - Pathway long West Marginal Way S and 5th Avenue S.
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;
 - King County Wastewater Division; and
 - Puget Sound Energy.
4. It is expected that development activity will commence within 18 months of this approval and the development activity will be completed within five years. If the vacation cannot be completed within five years, the Petitioner must request an extension of time from the Transportation Committee. 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 and SDOT may request additional review by the Design Commission, if necessary. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

The public benefit proposal includes:

- Public viewing area: a viewing room shall be developed to provide the public with an opportunity to view the solid waste transfer operations, the viewing room shall be approximately 675 square feet with a 35-foot wide floor to ceiling viewing window to the tipping floor. A circulation area of approximately 122 square feet supports access to the viewing area. SPU will provide education signage and materials, tours, or programs to support the public understanding of waste impacts and opportunities to reducing or recycling waste.
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Honorable Tom Rasmussen

09/17/10

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Sincerely,



Peter E. Hahn, Director
Seattle Department of Transportation

PH:bb

Enclosures