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IN THE MATTER OF THE PETITION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATIVE SERVICES FOR THE VACATION OF A PORTION OF DELRIDGE WAY SW AND OTHER PORTIONS OF GOVERNMENT LOT 3, IN SECTION 13, TOWNSHIP 24 NORTH, RANGE 3 EAST, W.M., ADJACENT TO FIRE STATION 36 BETWEEN SW SPOKANE STREET, 23RD AVENUE SW AND DELRIDGE WAY SW

CLERK FILE 311504

The City Council hereby grants approval of the petition of the Department of Finance and Administrative Services (FAS or Petitioner) for the vacation of a portion of Delridge Way SW and other portions of Government Lot 3 described as:

> **A portion of Delridge Way SW and other portions of Government Lot 3, in Section 13, Township 24 North, Range 3 East, W.M., adjacent to Fire Station 36 between SW Spokane Street, 23rd Avenue SW and Delridge Way SW.**

The vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied, all utility work including easements is completed, all public benefit elements have been developed, and any other easement or agreements have been recorded, 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 2011.

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 would include any changes to the access or existing street environment that may be proposed in connection with the work at the facility.

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: requests a Partial Transfer of Jurisdiction for its existing infrastructure, an agreement regarding maintenance of drainage facilities, and provision for a 12' line on FAS property; and
- Qwest Communication has facilities that will require protection.

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. 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 the following elements:

- Supporting necessary seismic work and other upgrades and efficiencies at an essential public safety facility.
- Completing work on a project supported by the public in the Levy.
- Providing for approximately 400 square feet of landscaping around the project site, none of which is required.
- Providing green walls in up to four locations to provide visual interest for pedestrians and drivers, to attenuate ambient noise from the railroad and the freeway, and to support natural drainage.

FAS should continue to:

- Explore a green roof for the fire station.
- Choose plant and tree species strategically; they should be able to withstand the site's inhospitable conditions.
- Develop the design to enhance the view and public amenities surrounding the site.

Signed by me in open session this _____day of September, 2011.

_____

President _____of the City Council

City of Seattle
Seattle Department of Transportation
Peter Hahn, Director

September 2, 2011

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

Subject: **Petition of the Department of Finance and Administrative Services for the vacation of a portion of Delridge Way SW and other portions of Government Lot 3, in Section 13, Township 24 North, Range 3 East, W.M., adjacent to Fire Station 36 between SW Spokane Street, 23rd Avenue SW and Delridge Way SW, in the Delridge neighborhood**
Clerk File 311504

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of the Department of Finance and Administrative Services (FAS or the "Petitioner") for the vacation of a portion of Delridge Way SW and other portions of Government Lot 3 described as:

> **A portion of Delridge Way SW and other portions of Government Lot 3, in Section 13, Township 24 North, Range 3 East, W.M., adjacent to Fire Station 36 between SW Spokane Street, 23rd Avenue SW and Delridge Way SW, in the Delridge neighborhood**

The area proposed for vacation includes approximately 4,715 square feet of right-of-way.

BACKGROUND

The right-of-way proposed for vacation is adjacent to the existing Fire Station 36. The fire station is addressed as 3600 23rd Avenue SW and is located on the block bounded by S Spokane Street and the West Seattle Freeway to the north; 23rd Avenue SW on the east; Delridge Avenue SW and 22nd Avenue SW on the east and south. Fire Station 36 is located in the Delridge Neighborhood Planning area.

The site is zoned General Industrial 2 with an 85-foot height limit (IG 2U/85). Fire station use is classified as a public facility and is permitted outright in this zone when the proposal meets development standards. This zone does not require building setbacks from the property line and no screening is required. This zone does not require street trees or other landscaping amenities. The site is within 200 feet of the previous shoreline and lies within an archeological buffer zone

which will require a review of the impacts on the archeological buffer area during the review by the Department of Planning and Development (DPD).

When the first Fire Station 36 was constructed in 1917, the site comprised the north end of a block located between 22nd Avenue SW and 23rd Avenue SW, south of W Spokane Street, plus 12 lots immediately to the south, between the station and Colby Street (now SW Charlestown Street). Over the past 80 years there have been extensive changes to the transportation network in the immediate vicinity, including the improvement of W Spokane Street in 1923 and the establishment of Youngstown Place (now Delridge Way) in 1929. Most recently, the 1980 construction of the West Seattle Freeway high level bridge added elevated ramps on two sides of the fire station with ramps feeding on and off Delridge Way SW. Right-of-way needed for the new bridge ramps was acquired and added to the existing right-of-way. Areas that were not needed for circulation for the street system were retained for landscaping and used by the existing fire station.

These previous changes to the transportation network required taking land from Fire Station 36 through a transfer of jurisdiction process and laying off the property as street right-of-way. This reduced the land area of the fire station available for future expansion, leaving the facility in the position of needing a street vacation to bring the station up to current standards.

The effect of these numerous changes to the transportation networks isolates the station between various ramps and roadways. Delridge Way SW and the ramps connecting that road to the West Seattle Freeway are not at grade with the fire station and don't provide for access to the site. Following the work on the West Seattle Freeway interchange and bridge project, the area east and south of the fire station was graded and paved for use by Fire Station 36.

Since 1917, when land was originally acquired for the Fire Station 36, the City has transferred jurisdiction over approximately 8,200 square feet to SDOT to improve the street system. In 1963, in Ordinance 92423, fire station land was taken to build an access ramp south of the station. In 1980, in Ordinance 109462, land was transferred for construction of the West Seattle Freeway bridge replacement project.

REASON FOR VACATION

The vacation is being requested in order to add sufficient additional property to support necessary improvements and seismic upgrades to the existing Fire Station 36. FAS proposes to build a small addition to the facility and to site an emergency generator on the property. The existing facility is surrounded on each side by right-of-way and without a vacation there is not sufficient additional site area to develop even a small addition to the facility and site the larger generator.

A typical new neighborhood fire station has approximately 9,000 square feet of building area. This station also includes the Marine Specialty Unit and the Tunnel Rescue Unit. The existing building is undersized and irregular in shape and has a total area of 4,676 square feet which is short of the needed program space. The vacation includes approximately 4,715 square feet and provides enough additional land area to meet the development goals of the project.

PROJECT DESCRIPTION

The current Fire Station 36 was built in 1971. The facility houses one engine company (E36), the department's Tunnel Rescue Unit, and because of its proximity to Elliott Bay and surrounding industrial sites, the Marine Specialty Unit designated to serve the south end of Seattle. The Marine Specialty Unit provides specialty equipment and trained personnel to respond to marine fires and emergencies. The equipment for these two specialty units, such as spill containment equipment, is currently stored in the right-of-way. The site has eight surface parking stalls which are used by employees and occasional visitors to the site

FAS notes Fire Station 36 as one of the newer stations in the City and defines the facility as being in generally "fair" condition but has identified that the facility no longer meets current earthquake safety codes. The Fire Facilities & Emergency Response Levy (Levy) includes funding to provide seismic retrofits to Fire Station 36. In addition to seismic bracing, the Levy project provided funds for a small building addition and other upgrades. A building addition of approximately 1,000 square feet and building reconfiguration is needed in order to support additional space for apparatus bay support functions, including decontamination, crew preparation, modern crew quarters, and vehicle maintenance. To meet current regulations, the project will separate the "clean" functions of crew quarters and kitchen from "dirty" functions of equipment decontamination and engine maintenance. The addition will provide the necessary space for this separation. The front façade of the fire station with its distinctive "36" will not be altered.

The station currently has a small internal emergency back-up generator, but it is not capable of full support or a 72-hour run time which is considered necessary in major emergencies. A new emergency generator with increased capacity is proposed to be added at the rear of the existing building, the pad for the expanded generator would be located partially in the adjacent right-of-way proposed for vacation.

Some renovations and updates will occur within the station itself, the existing administrative area will be renovated to support improved operations and security. Elements of the changes and upgrades include:

- A small building addition of approximately 1,000 square feet at the northeast corner of the station to provide additional space for crew quarters close to the existing kitchen and station office;
- A pad adequate in size to accommodate a new 72-hour run time emergency generator;
- Storage space for the Marine Specialty Unit and the Tunnel Rescue Unit, the units currently store necessary equipment in the right-of-way; and
- Reconfiguration of the existing bunkroom, apparatus bay support functions, including decontamination, crew preparation, and vehicle maintenance.

As the public benefit, FAS proposes that the project provides a public benefit in that it is implementing a plan supported by the public and supports a critical public safety function. In

addition, FAS proposes landscaping on the site and green walls in approximately four locations around the facility that are not required to be provided.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

The first phase of review of any vacation includes providing information about the proposed vacation to a wide variety of City reviewers, other government agencies, utility representatives, and community and business groups in the area where a project is located. This circulation is intended to help determine the feasibility of the proposal and to IDENTIFY issues that need to be addressed through design modifications, mitigation measures or public benefit elements. The comments identify issues but do not necessarily reflect the resolution of the issues.

The proposed vacation was circulated to various City departments, outside agencies and community groups for comment. As noted, 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 or updates**. All the comments received are a part of the record and are not revised or amended by the 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 response provided by FAS is in *Italics* following the comment.

The following comments were received:

City Departments

Seattle Police Department (SPD): upon review of the vacation that refers to property located at the existing one story fire station located in the triangular area between SW Spokane Street, 23rd Avenue SW and the Delridge Way ramps to the West Seattle high rise bridge, it was determined that the vacation of this area would not hinder public safety efforts provided by SPD.

Seattle Fire Department (SFD): is fine with the Delridge vacation.

Seattle Department of Parks and Recreation (Parks): we have not identified any impacts to Parks property nor have we identified any issues of concern to this department.

Seattle Department of Transportation (SDOT) Policy and Planning Division: we acknowledge that the fire department currently uses portions of the right-of-way for storage and staging and that they would like to officially vacate the right-of-way to allow for the development of a larger station. Upon analysis of the site and site constraints, we do not foresee any traffic impacts with the vacation, as the site sits up against on and off ramps. We are not

aware of any upcoming transportation projects in the vicinity of the vacation area that would be affected by the requested vacation.

We question whether the public benefits as proposed by the petitioner are sufficient. We suggest that the petitioner consider additional pedestrian-scaled lighting in the project area. We also suggest evaluating whether there is a need for additional lighting leading to and at the nearby bus stop.

SDOT Capital Projects and Roadway Structures (CPRS): the proposed plan shows the Petitioner is planning to expand the property all the way to the wing wall of the existing bridge. It is not clear what the plan will be for the vacated street right-of-way adjacent to the retaining wall. We are concerned we may not have access for inspection and maintenance of the wing wall. In consideration of this, we have two options for the Petitioner:

1. Make the building wall abutting the bridge wall strong enough to make the bridge wall redundant.
2. In lieu of a retaining wall, provide an 8-foot wide maintenance and inspection access for the wing wall of the bridge.

FAS responds that it met with SDOT staff on this issue. FAS will preserve at least 8 feet in width for access for SDOT to have sufficient space to inspect and maintain the bridge.

SDOT Street Use Division: has no comments.

SDOT Signal and Lighting Design: with the vacation being so close to the Delridge Way SW curb line, will there be enough room for utilities to use the remaining area for poles and underground facilities? For example, we may need to install additional lighting which could encroach on their property. We need normally 3' clear from the curb line, this clearance from curb takes about 4+ feet. Also, there may be a need for pedestrian access (sidewalk along Delridge).

FAS met with SDOT staff regarding these concerns. FAS referenced the site survey by True North Surveyors, dated 10/2/2008 which shows existing SDOT maintained street lighting, and the underground power that serves them, crosses the City of Seattle fire station site. FAS further clarified that there would be no impact to the underground power conduits or SDOT light fixtures. FAS further clarified that SDOT can continue to access the paved areas around the fire station to maintain their street utility infrastructure.

FAS further described that there is little need for a sidewalk on the west side of Delridge, as the only property that would be served by the sidewalk is the fire station. For pedestrian access in the neighborhood there is a pedestrian walk along the east side of Delridge and also along 22nd Ave SW. SDOT agreed with this position.

Department of Planning and Development (DPD) Planning Division: the requested vacation is within an area the City's Comprehensive Plan designates as the Duwamish Manufacturing/Industrial Center. The zoning designation for the area encompassing the vacation

request is General Industrial 2 (IG2/U85) with a height limit of 85 feet. The current use of the site is a City fire station, which is classified as a "public facility" in the City's Land Use Code.

The Comprehensive Plan contains the following policy about public facilities:

> **LU14** In recognition of the positive contribution many institutions and public facilities have made to the areas in which they are located, respecting community needs and providing necessary services, allow small institutions and public facilities that are determined to be compatible with the function, character and scale of the area in which they are located.

Within industrial zones, the Land Use Code requires that public facilities be approved through a Council Conditional Use process, as guided by the following Comprehensive Plan policy:

> **LU159** Require conditional use review for certain uses to ensure compatibility with the primary industrial function of the zone. Require mitigation of any impacts on industrial activity, the immediate surroundings, and the environment in general. Because of the nature of industrial uses, classify certain non-industrial uses as conditional uses in order to protect public safety and welfare on non-industrial sites.

The applicable goal from the Duwamish Manufacturing/Industrial Center Plan is:

> **GD-G7** The City and other government bodies recognize the limited industrial land resource and the high demand for that resource by private industrial businesses within the Duwamish Manufacturing/Industrial Center when considering the siting of public uses there.

Given the separation of the project site and the rights-of-way that would be vacated from other properties and in particular from industrial uses, it does not appear that the requested vacation would pose conflicts with existing or potential industrial uses, which are intended to be the primary users of surrounding private property.

We suggest that as a public benefit, the petitioner include landscaping that exceeds the expected standard and follow guidance associated with the "green factor" as described in SMC 23.86.019.

FAS responds that it met with DPD on the necessity of a Council Conditional Use. DPD has determined, following review, that fire stations are a permitted use in industrial zones as long as the fire station proposal meets all the development standards of the zone.

FAS responds that the Seattle Municipal Code development standards for landscaping in the industrial zone does not require landscaping for the amount of work being proposed with this project, thus the amount of landscaping proposed for a public benefit is in excess of the code requirements.

Seattle City Light (SCL): has reviewed the petition and has no comments.

Seattle Public Utilities (SPU): has an active 15 inch reinforced concrete sewer which extends between manholes #055-419 to #-55-421; and a catch basin (CB-id 055-00229NW). SPU conditions:

- The Petitioner will have to provide SPU with a survey and legal description that covers a 12-foot wide area centered over the existing location of the DWW facility.
- SPU shall acquire rights through a Transfer of Partial Jurisdiction for the purpose of accessing, operating and maintaining said facility.
- SPU shall require from the Petitioner that no buildings or structures be built over said facility.
- SPU shall require access to all existing maintenance holes (MHs) #055-419 -#-55-421.
- SPU shall require that FAS take responsibility and ownership of DWW Catch Basin (055-00229NW).

FAS responds that it has a survey which shows the location of the sewer line. It appears the existing 15" sewer line is already on City property managed by FAS. It appears that this line was moved from the 23rd Av SW right-of-way at the time of the West Seattle freeway construction. A meeting with SPU staff on 7/13/11 confirmed that SPU did not have a record of the agreement that located the sewer pipe across the fire station site.

FAS will not object and will assist SPU acquiring rights through a partial transfer of jurisdiction. SPU and FAS will negotiate and sign a Memorandum of Understanding (MOU) that gives SPU the right to access, operate and maintain the drainage facility, and will agree to take over maintenance of one on-site surface water catch basin. The MOU will also include provisions for SPU to have a 12' wide Partial Transfer of Jurisdiction which is centered along the existing sewer line that crosses the existing Fire Station 35 site and across the area of the proposed vacation.

Seattle Design Commission: reviewed this project at its regular meeting of May 19, 2011 took the following actions:

The Design Commission thanked the design team for its presentation of the renovation of fire Station 35 and its request for a street vacation. The Commission believed that vacating the right-of-way did not affect the area's urban design. By a vote of 6-0, the Commission approved the urban design merit portion of the street vacation.

By a vote of 5-0, the Commission recommended SDOT approve the vacation and the public benefit package which included station enhancements, an emergency response generator, an offset of greenhouse gas emission, visual relief for drivers, an attenuation of ambient railroad and freeway noise, and four possible areas for green wall of planting.

Public Benefit Proposal:

- Provide all station enhancements planned in the Fire Levy.
- Provide space for 72-hour emergency response generator.

- Offset greenhouse gas emission of station operations.
- Provide visual relief for drivers.
- Attenuate some of the ambient railroad and freeway noise.
- Propose to design a Landscape Master Plan for the site. Commit to 400 sf of planted area with material height of 8' or more.
- Commit to a review of the final design with the Chair of the Design Commission.

The Commission had the following conditions:

- Explore a green roof for the fire station.
- Choose plant and tree species strategically, they should be able to withstand the site's inhospitable conditions.
- Develop the design to enhance the views and public amenities surrounding the site.

FAS responds: through the final design process, FAS will incorporate landscaping in areas on the site that will provide a visual relief for drivers, attenuate noise, and reduce green house gasses. The request to explore a green roof by the Design Commission was explored, but this is a minor addition, and limited roof work will be done, a new green roof for the fire station would need more funds than that which is currently allocated to the project.

Outside Agencies:

Qwest Communications: has facilities in the area of the vacation and wishes to retain any and all rights to remain in that area and add facilities in the future, as needed. Qwest has no issues with the proposed vacation as long as provisions are made to retain our rights by either PUE or private easement to cover our existing and future facilities.

FAS responds that it will allow Qwest facilities to remain in the area to be vacated. FAS has requested further detail from Qwest on the location of its facilities.

Puget Sound Energy (PSE): has conducted a review of its existing facilities and has concluded there are no existing gas facilities located within the subject vacation area.

Community Comments in Support:

Pigeon Point Neighborhood Council: supports the proposed vacation for Fire Station 36 and feel it's in the public interest to enhance the fire department's ability to provide critical emergency response services to the community.

North Delridge Neighborhood Council: writes in support of the City's plan for the upgrade and expansion of Fire Station 36. As part of our support of the proposed upgrades, we urge the City Council to approve the vacation of the street right-of-way areas that exist between the station property and the ramps and streets adjacent to the station. We support this land transfer to Fire Station 36, thus allowing the needed upgrades to occur.

The North Delridge Neighborhood Council highly values the services the Seattle Fire Department provides to the community and strongly endorses any effort to make our community's fire and medical protection better. Thank you for your facilitation of this endorsement.

Community Comments in Opposition:

None received.

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 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: This vacation is unusual because the proposal involves only moderate changes to an existing public facility. Most vacations are associated with new development proposals, often projects that are significant in scale. However, Fire Station 36 will not significantly increase its size or scale as a result of the vacation, the units assigned to the station remains the same, the number of employees does not increase and no additional vehicles are added to the station. No additional impacts to the streets surrounding the fire station are anticipated so the transportation impacts from the existing facility remain unchanged. The core size and function of the fire station and its impacts on the transportation grid remain the same. The vacation is intended to address seismic upgrades and some efficiency at the station. No growth is anticipated at the fire station as a result of the vacation.

The fire station is surrounded by unimproved right-of-way that was acquired to support development of the adjacent freeway ramps. This right-of-way was originally a part of the fire station property but was transferred to support transportation uses. The vacation will return right-of-way to the fire station site that was not needed for development of the adjacent ramps and is no longer needed for a transportation related purpose.

There were some comments and questions during the review regarding the need for additional pedestrian improvements in the area, either for a public benefit or as a requirement. Site visits to this unusual site make clear that sidewalks on the west side are not feasible because of the elevated ramps. A sidewalk in this location would only serve the fire station and provide very little function. Once away from the ramps, the areas immediately adjacent to the fire station are fully improved with sidewalks, street trees, and signalized crossing points. No additional pedestrian improvements were identified as being necessitated by the project or the development activity.

An additional transportation question identified during the vacation review was the concern that sufficient right-of-way remain to provide access to the ramps and bridge for inspection, repair, and maintenance activity. FAS anticipated this need in its petition and SDOT and FAS have worked together on this issue and have determined that eight feet of right-of-way be retained

adjacent to the ramps to provide space for access for maintenance work.. Retaining eight feet as right-of-way still provides for adequate space for the needs of the fire station.

No transportation issues were identified that require mitigation but the vacation should be conditioned to require that eight feet of right-of-way be retained to provide for access to the ramps adjacent to the fire station.

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.

During the initial review of the petition, SPU identified some utility infrastructure that would require protection. As work continued on the petition it was determined that the existing SPU lines are actually located in property that is already under the jurisdiction of FAS and not in the right-of-way. FAS and SPU have reached an agreement that SPU will acquire rights through a Partial Transfer of Jurisdiction for the purpose of accessing, operation and maintenance of the drainage facility. SPU and FAS will negotiate and sign a Memorandum of Understanding (MOU) that gives SPU the right to access, operate and maintain the drainage facility and will agree to take over maintenance of one on-site surface water catch basin. The MOU will also make provisions for SPU to have a 12' wide Partial Temporary Transfer of Jurisdiction which is centered along the existing sewer line that crosses the existing Fire Station 36 site and the area of the proposed street vacation.

Qwest also have facilities in the area and will require an easement or relocation of its facilities at the site.

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

Light, air, open space and views: Because street right-of-way is open and undeveloped land, streets and alleys can have value as open space and can be important view corridors. Streets can also provide important breathing space in dense urban areas. This site will not be altered significantly by the development proposal. The expansion of the facility is minor and the site will look much the same. There is little impact on the open space provided by the right-of-way but FAS is working to provide more landscaping and greenery which will enhance the public views of 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.

As noted, this vacation petition is unusual because it does not relate to a new development proposal or to significant growth or change at the existing site. The existing uses at the site will continue largely "as is". The existing fire station will see a number of upgrades and the current use of the adjacent right-of-way for storage of equipment for the special units will be made permanent. Much of the work done at the site will be the necessary seismic upgrades. This public safety facility must be upgraded to current seismic standards in order to continue to fulfill its duties during emergencies.

The only new construction in the proposal is the small building addition at the northeast corner of the existing building. The total increase in useable area of the building is approximately 1,000 square feet or 20% of the existing building. This small addition will allow for equipment storage for the specialty units, the Marine Specialty Unit and Tunnel Rescue Unit and provide additional space to accommodate the crew preparation, decontamination, apparatus bay support functions, and vehicle maintenance. After the vacation, the expansion work and upgrades will create a facility that will be safe and more functional, but the fire station is not much larger in scale. No additional units are being added at the site and no additional staff or vehicles are planned. Fire Station 36 will work better but will not be greater in scale. The appearance of Fire Station 36 from the street will remain the same and the red doors and large yellow "36" will continue to be features of the building.

Another consideration in the review of the project is its compliance with the adopted Neighborhood Plan or goals set by the Comprehensive Plan. This project is within the Delridge Neighborhood but is not specifically addressed in the neighborhood plan. A fire station has been located on this site since 1917 and has been a constant feature in the area. The area immediately adjacent to the fire station has changed over the years as property was acquired from the site and used to support changes to the transportation infrastructure and the site is now defined by the transportation uses. The fire station is an island surrounded by ramps. Freeway access ramps define the site and this infrastructure consists of large vertical concrete walls, concrete bridge structures and some limited access freeway landscaping.

DPD noted that the Comprehensive Plan in LU14 states that in recognition of the positive contribution many institutions and public facilities have made to the areas in which they are located, respecting community needs and providing necessary services, allow small institutions and public facilities that are determined to be compatible with the function, character and scale of the area in which they are located. DPD found the project to be compatible with the area based on the separation of the site from other uses in the area

The area is zoned as General Industrial 2 (IG-2) and DPD has determined that this zone permits fire station use outright when the proposal meets development standards. No building setbacks, street trees, screening or landscaping are required in this zone. No zoning overlays or special

review districts apply to this site. A fire station has existed at the site for over 94 years; the existing fire station is being upgraded but only increasing in size by a very small amount. In addition, the facility is isolated by the surrounding transportation infrastructure. The modest changes at this long-term public safety facility will pose no negatives impacts for the neighboring communities and will help the fire station to continue to provide for emergency services to the community.

After a review of the zoning designation for the area, and the Neighborhood Plan and 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. Policy 5 B also specifies that for projects that provide a public or governmental function, the nature of the project is a factor in determining the adequacy of a public benefit proposal, the nature of the public project does not in and of itself constitute an adequate public benefit. This means that even for a public project some public amenities must be included in the proposal.

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. This proposal is very small in scale and the amount of right-of-way proposed to be vacated is relatively small as well. Through the review of the proposal virtually no impacts were identified. The project is located in a very unusual site because it is surrounded by elevated ramps that have no pedestrian access and provide no vehicular access to the site. There is very little space or area to provide any public amenities and very little pedestrian access to the site.

During the review there was discussion of the public benefit proposal and whether it was adequate. Should additional pedestrian amenities be included and if so, where might they be located? However the Policies clearly anticipate that the public benefit requirement must be in proportion to the impacts of the project. There should be a sense of balance and proportion between what the Petitioner acquires and what the public gives up. The small project, the absence of impacts and the critical nature of the public facility all lead to the conclusion that a modest public benefit proposal is appropriate for this petition.

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 Petitioner achieves from the vacation and what is provided to the general public.

Public Benefit Matrix

Zoning designation	General Industrial 2 with an 85' height limit (IG 2 U/85)
Street classification	Street
Assessed value of property	$14.00 per square foot
Assessed value of adjacent property	Port of Seattle $17.85 per sf Seattle Parks $3.5 per sf Nucor $15.00 per sf
Size of existing site, in square feet	14,882 square feet
Size of area to be vacated, in square feet	4,715 square feet
Contribution of vacated area to development potential	Approximately 1,000 square feet of new development
Lot area taken from fire station site for transportation projects	8,208 square feet

FAS appropriately includes information about the nature of the facility in outlining the public benefit. Fire Station 36 is an important public safety facility that does not meet current seismic standards. The facility needs to be upgraded so that the facility is secure and able to withstand an earthquake in order to be able to provide emergency services to the surrounding community. The public has supported the work at this location and other fire stations by their support of the Levy. The vacation is a necessary element for the City to be able to deliver on the work it promised the public in the Levy. The vacation supports the upgrades at Fire Station 36 that will help the station continue its mission to protect the public.

FAS proposes to provide green elements to the site in order to provide a tangible physical public benefit associated with the project. This zone does not require any landscaping and FAS proposes to include approximately 400 square feet of landscaping around the site. The proposal includes taller plantings that will reach a height of approximately eight feet. In addition, FAS proposes to add green walls along the freeway ramps where feasible. The green walls will soften ambient noise from the railroad and freeway. The green walls can help support drainage in an area that is largely an impervious surface and can help to offset greenhouse gases. The greenery will also provide welcome visual relief for both pedestrians and drivers in the area. FAS is still determining the location for the landscaping and greenwalls and the Design Commission, while recommending approval of the public benefits, asked to see the proposal again when the design and plant selection and location are determined.

The proposed public benefit package includes:

- Supporting necessary seismic work and other upgrades and efficiencies at an essential public safety facility.
- Completing work on a project supported by the public in the Levy.
- Providing for approximately 400 square feet of landscaping around the project site, none of which is required.

- Providing green walls in up to four locations to provide visual interest for pedestrians and drivers, to attenuate ambient noise from the railroad and the freeway, and to support natural drainage.

The Design Commission also asked that FAS:

- Explore a green roof for the fire station.
- Choose plant and tree species strategically; they should be able to withstand the site's inhospitable conditions.
- Develop the design to enhance the view and public amenities surrounding the site.

While FAS has indicated that a green roof is not within its current budget, retaining it as an idea to be considered is appropriate should savings be identified in other parts of the development.

Together this package provides an adequate public benefit proposal for this unusual vacation. 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, all utility work including easements is completed, all public benefit elements have been developed, and any other easement or agreements have been recorded, 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 2011.

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 would include any changes to the access or existing street environment that may be proposed in connection with the work at the facility.

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: requests a Partial Transfer of Jurisdiction for its existing infrastructure, an agreement regarding maintenance of drainage facilities, and provision for a 12' line on FAS property; and
- Qwest Communication has facilities that will require protection.

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. 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 the following elements:

- Supporting necessary seismic work and other upgrades and efficiencies at an essential public safety facility.
- Completing work on a project supported by the public in the Levy.
- Providing for approximately 400 square feet of landscaping around the project site, none of which is required.
- Providing green walls in up to four locations to provide visual interest for pedestrians and drivers, to attenuate ambient noise from the railroad and the freeway, and to support natural drainage.

FAS should continue to:

- Explore a green roof for the fire station.

- Choose plant and tree species strategically; they should be able to withstand the site's inhospitable conditions.
- Develop the design to enhance the view and public amenities surrounding the site.

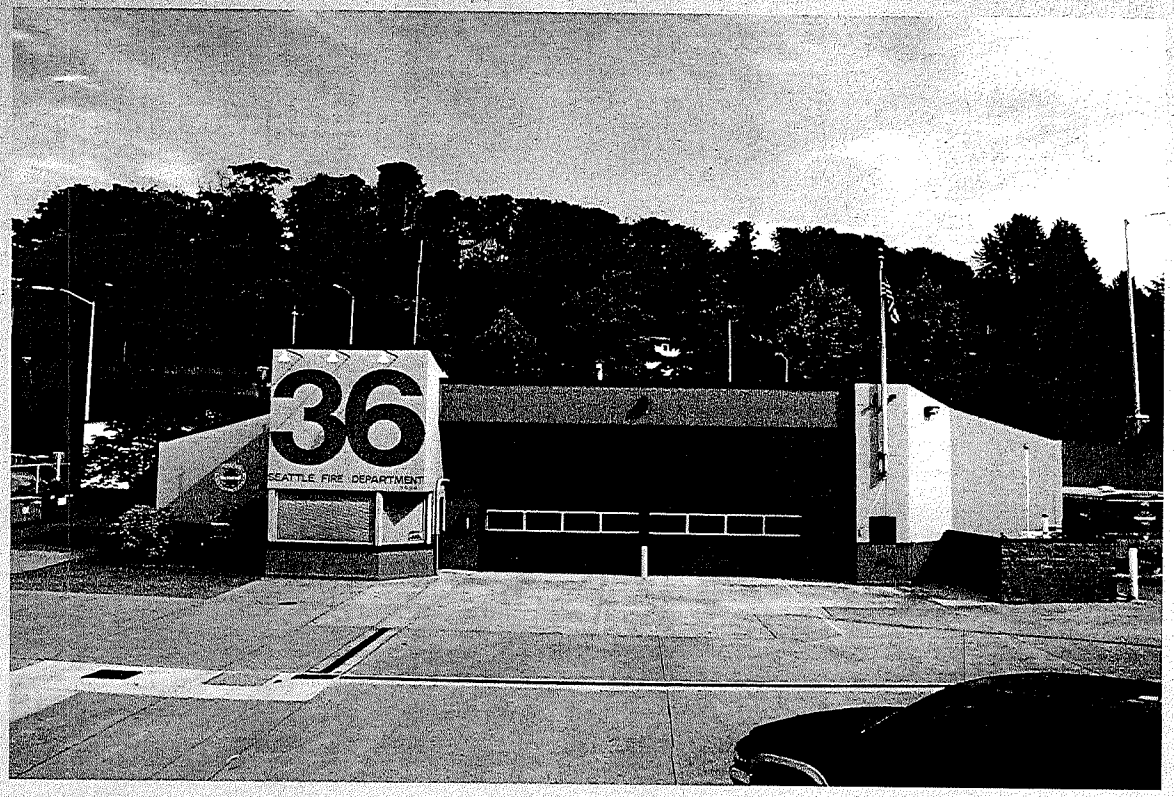
Sincerely,

Peter E. Hahn, Director
Seattle Department of Transportation
PH:bb

Enclosures

Street Vacation of a Portion of Delridge Way SW

Fire Station 36 Addition and Seismic Upgrade



September 13 2011

City of Seattle Council Transportation Committee Presentation and Public Hearing

Street Vacation of a portion of Delridge Way SW

Fire Station 36 Addition and Seismic Upgrade

Project Team

City of Seattle

- FAS Capital Project Division:
  - David Kunselman
  - Teresa Rodriguez
- FAS Real Estate
  - Hillary Hamilton
  - Daniel Bretzke

Architect:

- Ray Johnston

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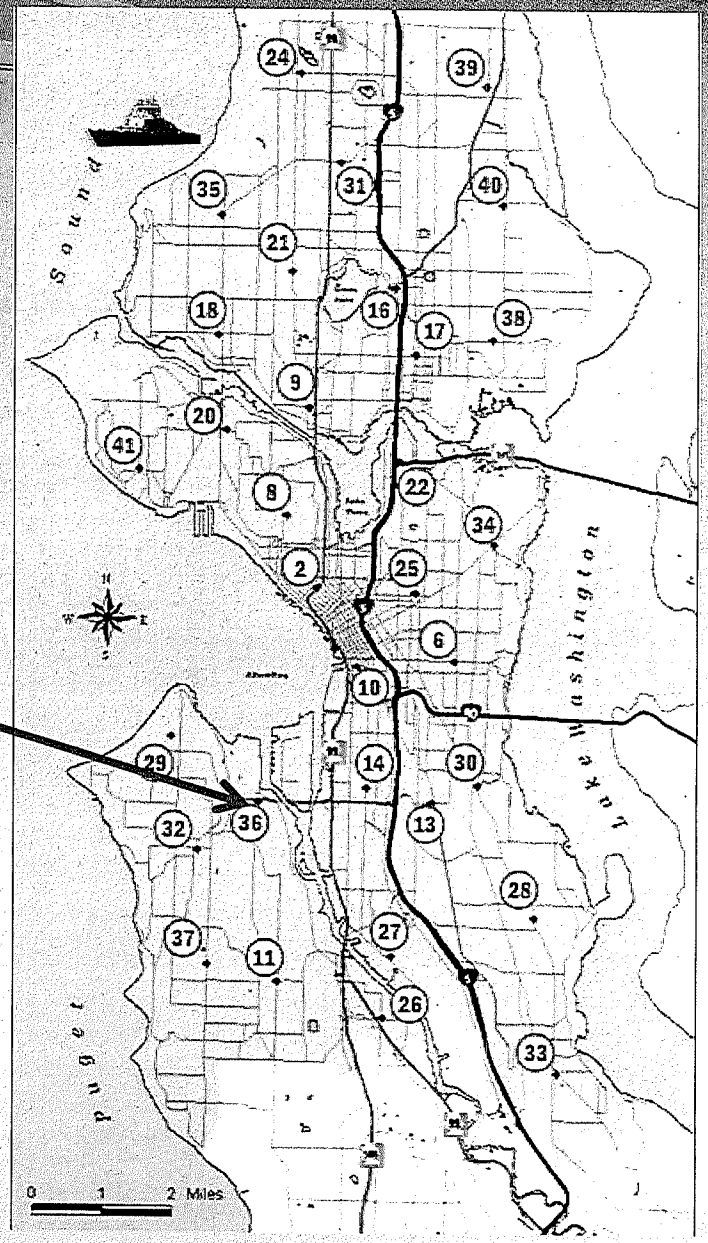
City of Seattle Fire Levy Projects

Fire Station 36



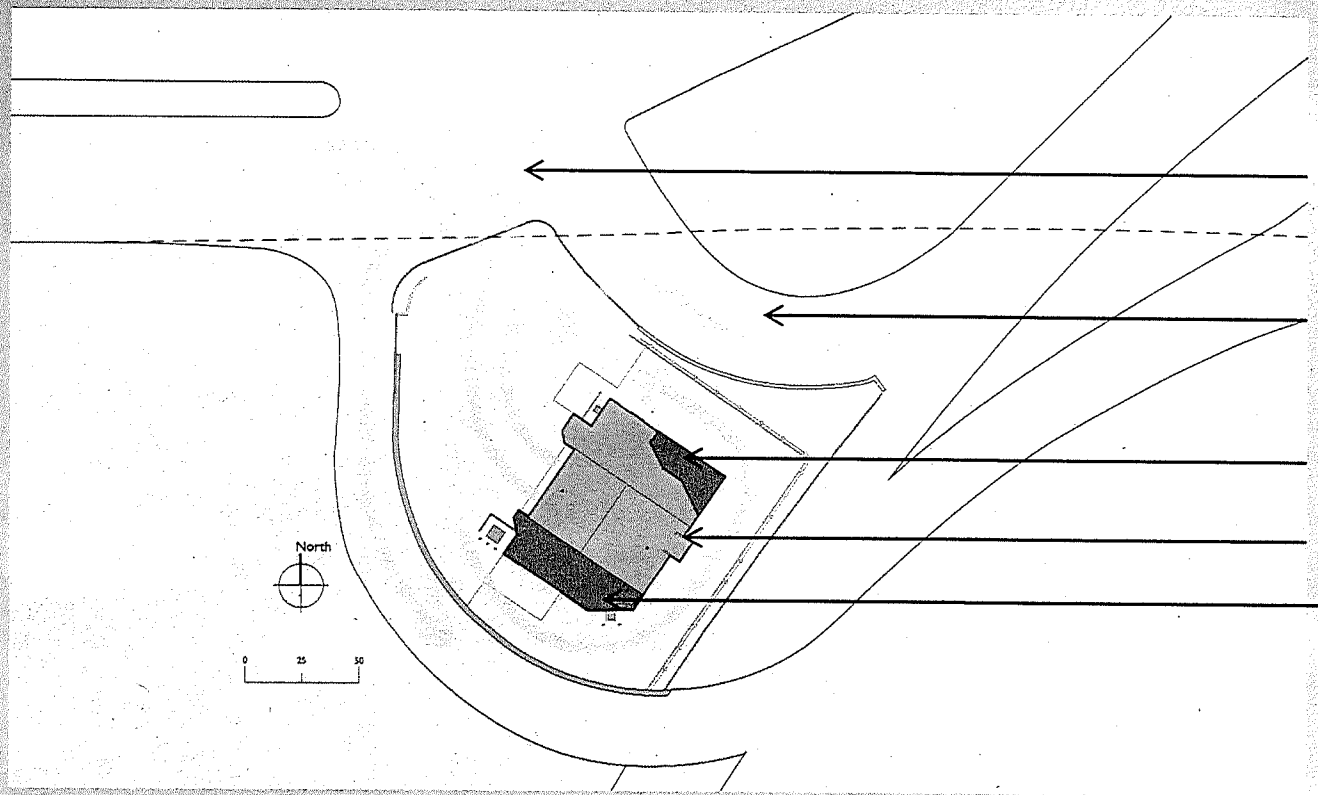
Project Description

The Fire Facilities & Emergency Response Levy Program provided funding for:

- *Seismic retrofits to Fire Station 36.*
- *Small building addition in order to support additional space for apparatus bay support functions, including decontamination, crew preparation and vehicle maintenance.*
- *Provide a 72-hour emergency response generator.*

Small Addition

Initial Space programming shows need to add on to the sides of structure in order to correct deficiencies



Truck mobilization paths

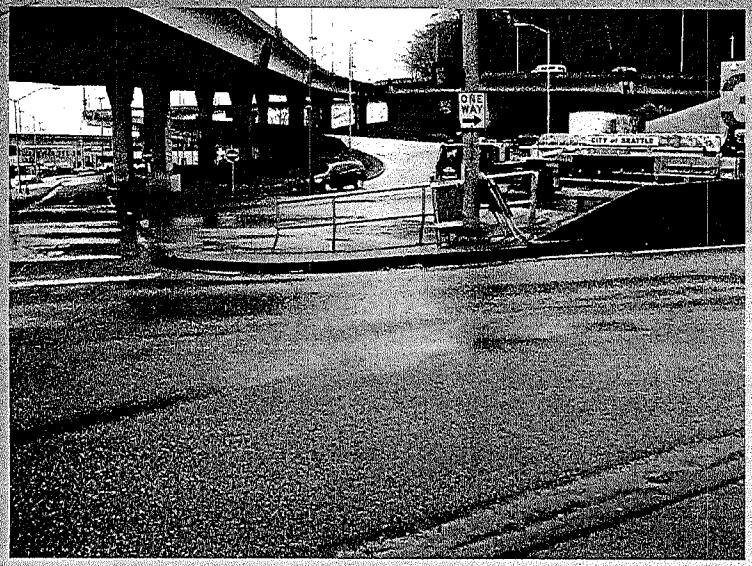
Freeway ramps

Proposed Addition

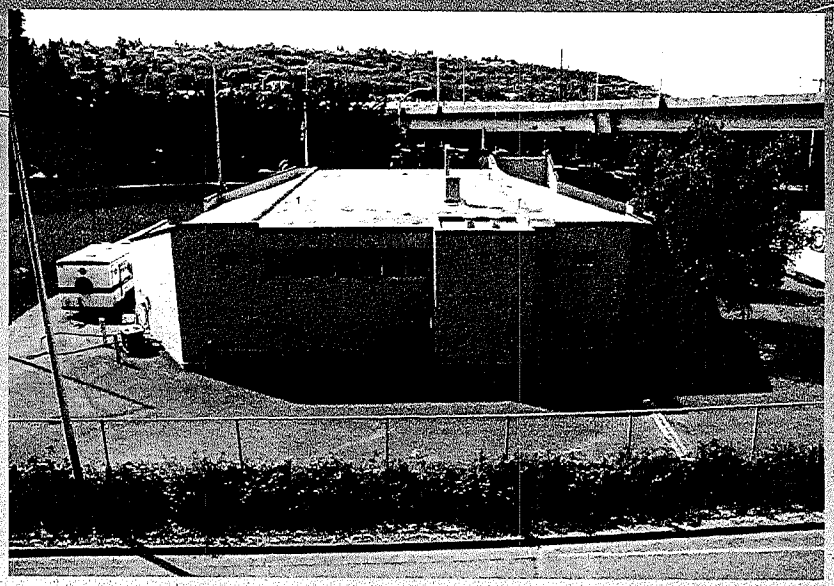
Existing Station

Existing area to be modified internally

Site Perimeter

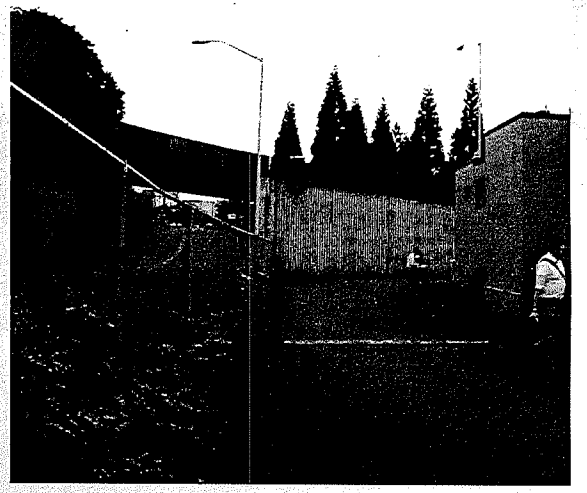


View to the East toward West Seattle Bridge Ramps



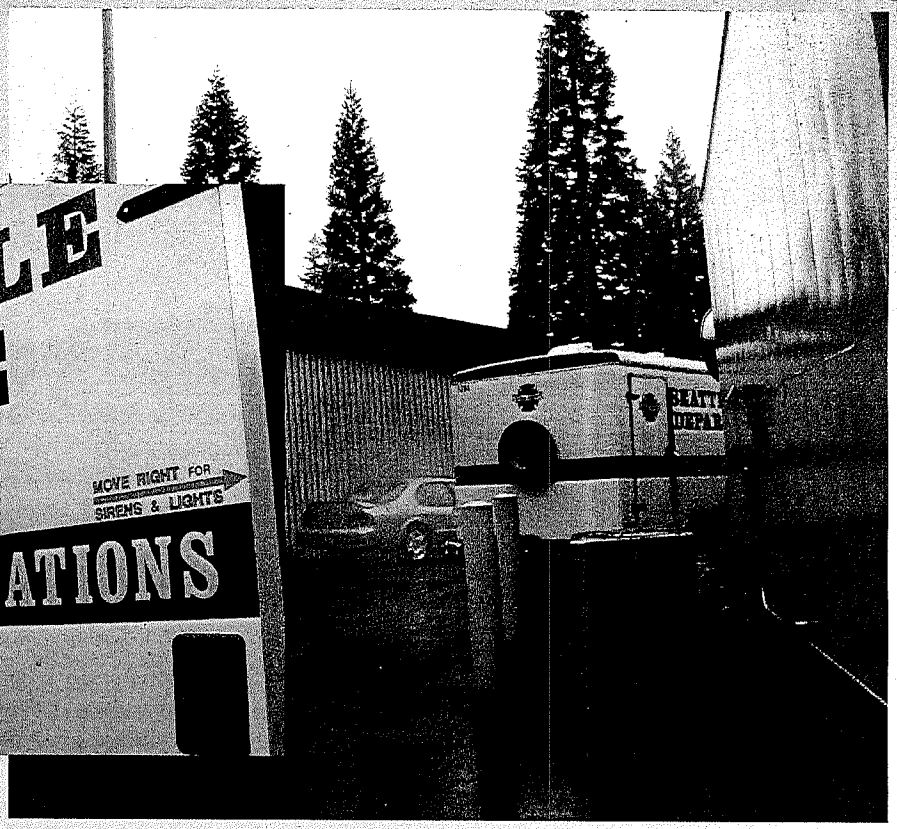
View to the West from the East Ramp

View from Northwest



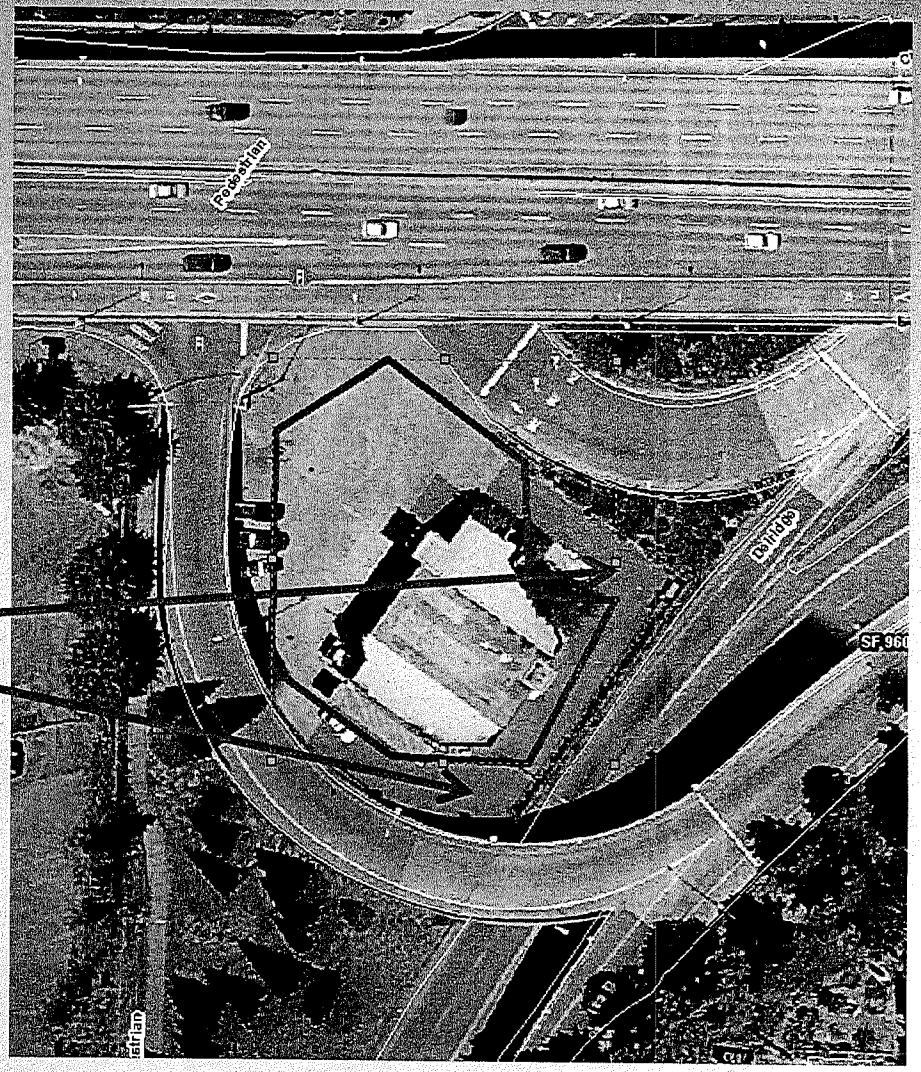
View to the South
at East property line

Emergency response equipment is based at Fire Station 36



Fire Station 36 is surrounded by streets

The station uses area that is right of way.



Street Vacation Time line

- 2/14/2011 North Delridge Neighborhood Council public meeting
- 3/14/2011 Pigeon Point Neighborhood Council public meeting
- 5/19/2011 Seattle Design Commission
- 9/13/2011 Street Vacation Public hearing
- 2011-2012 Fire Station Design development
- 2012 Public Open houses
- 2013- 2014 Fire Station Construction
- 2014 Street Vacation acceptance ordinance

Street Vacation Summary

4,715 square feet of street right of way to be vacated

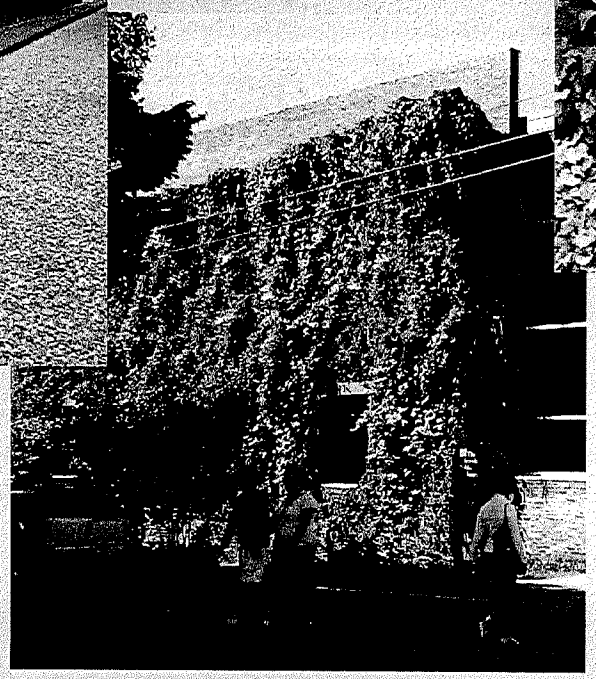
Requirement	Response	Comment
Landscaping	None required	Provide 400 square feet of landscaping with vertical height of 8th feet.
Zoning designation	General Industrial Development capacity could allow up to 85 feet height and 37,205 sf building size.	The fire station provides a less intense use of the property than what the zone allows.
Street Classification	Limited access bus lane to north, limited access freeway to east, west, and south,	Fire Station access is unchanged, provisions are made for maintenance of street and utilities.

Public Benefit: Project Goals

- *Provide all station enhancements planned in the Fire Levy.*
- *Provide space for 72-hour emergency response generator.*
- *Use of Green walls and planting that exceeds the requirement of the code to*
  - *Offset greenhouse gas emissions of station operations.*
  - *Provide visual relief for drivers.*
  - *Attenuate some of the ambient railroad and freeway noise.*

Types of Green walls

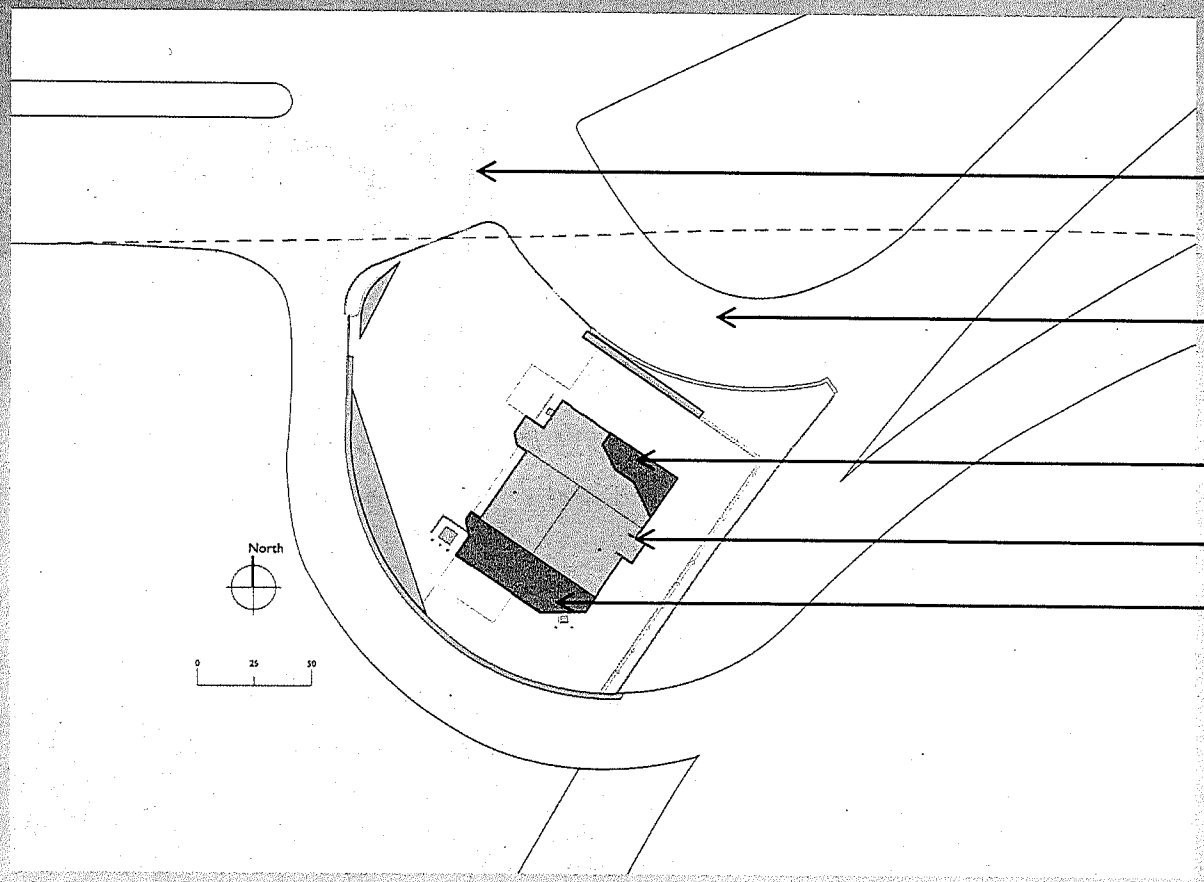
Hedge/Trees



Vines and mesh

Fabric matrix

Potential Location of Green Walls



Truck mobilization paths

Freeway ramps

Proposed Addition

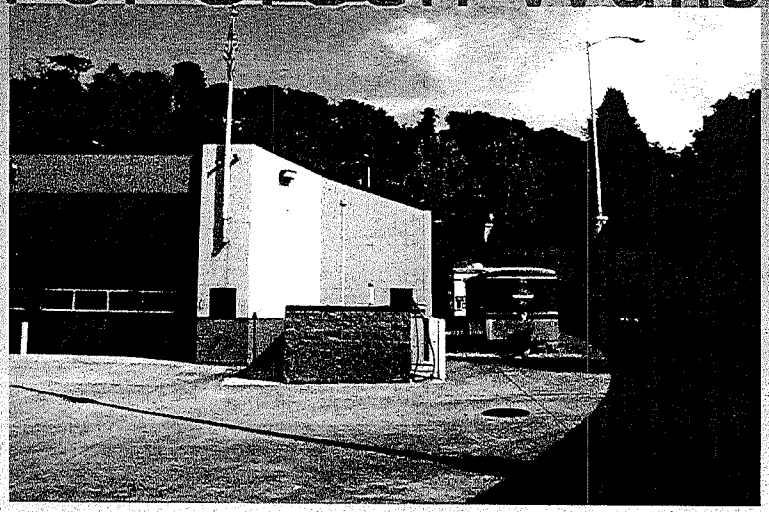
Existing Station

Existing area to be modified

Masterplan Planting and Green Wall Locations

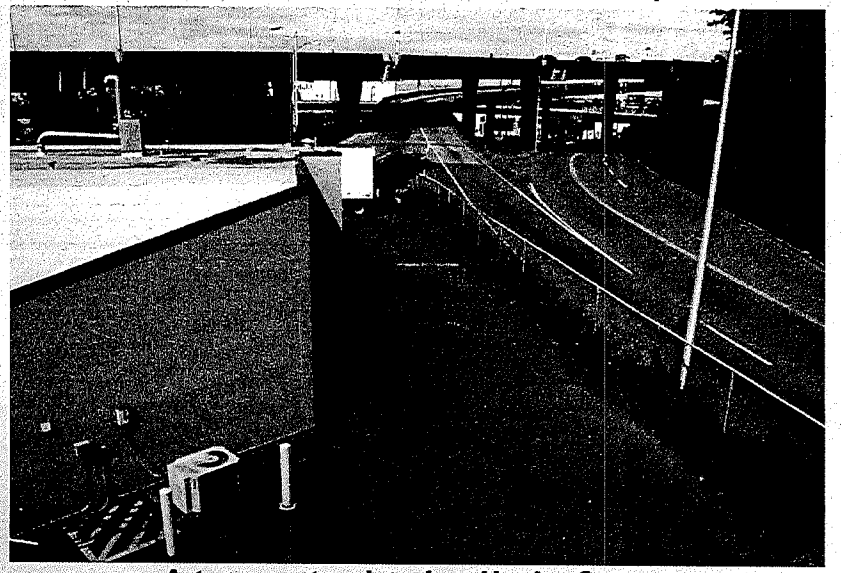
Possible Location of Green Walls

Flanking off ramp to north



In the curve of the on ramp

At west hand rail near on ramp

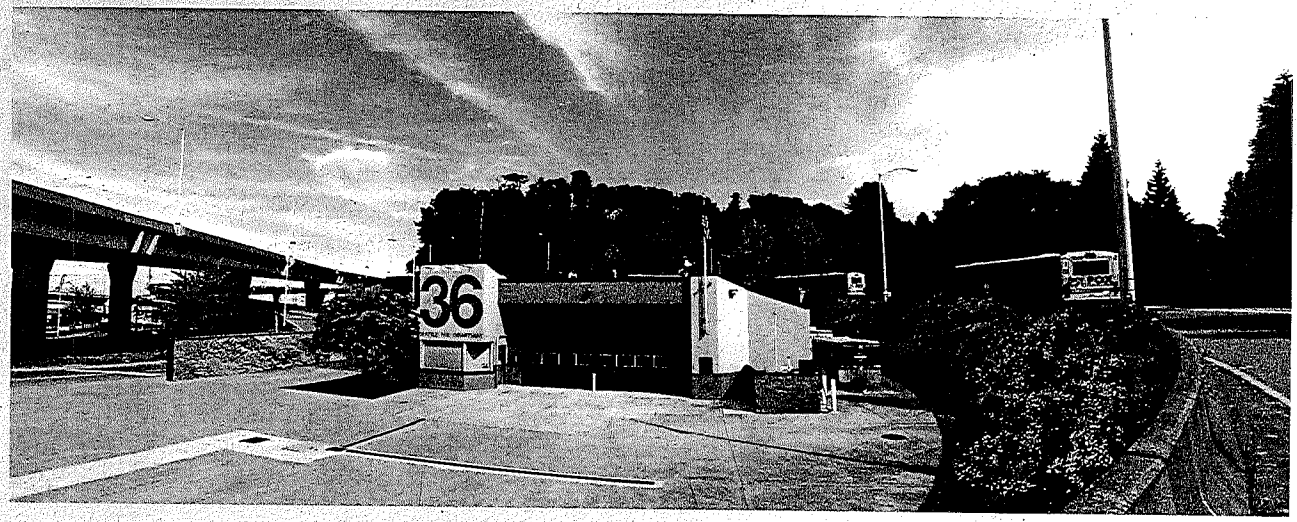


At east chain link fence

Green Walls Conceptual Masterplan

Before

After



Summary of Comments and FAS's Responses
Fire Station 36 Street Vacation Petition
August 30 2011

SDOT Lighting and Signal Design Wayne McPhillips Dated May 18 2011
Concern: That there will be enough space behind the curb line to install utilities.
Response: FAS discussed the comments with Wayne McPhillips on 7/11/2011. FAS references the site survey by True North Surveyors, dated 10/3/2008 which shows existing SDOT maintained street lighting and the underground power that serves them crosses the City of Seattle fire station site. FAS further clarified that there would be no impact to the underground power conduits or SDOT light fixtures. FAS further clarified that SDOT can continue to access the paved areas around fire station 36 to maintain their street utility infrastructure.

Concern: That there may be a need for a pedestrian improvement along the street frontage of Delridge.
Response: FAS further described that there is little need for a sidewalk on the west side of Delridge, as the only property that would be served by the sidewalk is the fire station. For pedestrian access in the neighborhood there is a pedestrian walk along the east side of Delridge and also along 22nd Ave SW. Wayne McPhillips agreed that a sidewalk would not be needed along the Delridge along the fire station property frontage.

SDOT Bridges Ainalem Molla Dated May 17 2011
Concern: SDOT is concerned about allowing adequate access to maintain and inspect bridge, and if the fire station is built up to the edge of the bride structure that the building wall of the fire station is built so it could support the bridge structure.
Response: On July 7 2011, FAS discussed with Ainalem Molla the proposed addition to the fire station. FAS will preserve at least 8' wide access in which SDOT will be able to maintain and inspect the bridge.

SPU Real Property Carolyn Johnson Dated May 28 2011
Concern: That FAS provides a survey and prepare a legal description for the 12' wide area centered on an existing sewer line that crosses the FAS jurisdictional property and the proposed vacated right of way.
Response: FAS has a survey which shows the location of the sewer line.
It appears that the existing 15" sewer line is already on FAS managed city property. It appears that this line was moved from the 23rd Ave SW right of way at the time of the West Seattle Free way construction. A meeting with SPU staff on July 13, 2011 confirmed that SPU did not have record of the agreement that located the sewer pipe across the fire station site.

Concern: SPU shall acquire rights through a Partial Transfer of Jurisdiction for the purpose of accessing, operation and maintain the drainage facility.
Response: FAS met with DeWayne Ticeon, Carolyn Johnson, and Herman Wong from SPU on July 13,2011 FAS will not object and will assist SPU acquiring the rights through a partial transfer of jurisdiction. SPU and FAS will negotiate and sign a Memorandum of Understanding (MOU) that gives SPU the right to access, operate and maintain the drainage facility, and will agree to take over maintenance of one on site surface water catch basin. The MOU will also

include provisions for SPU to have a 12' wide Partial Temporary Transfer of Jurisdiction which is centered along the existing sewer line located on the existing fire station 36 property and across the area of the proposed street vacation.

Qwest R. Jeff Lawrey Dated May 18 2011
Concern: Qwest has facilities in the locations and would like to retain any rights to them and for future facilities.
Response: FAS will allow Qwest facilities to remain in the area to be vacated. FAS has requested Qwest to identify where existing Qwest facilities are located.

DPD Tom Hauger July 1 2011
Concern: No concerns about the project site and the proposed vacated right of way and the surrounding industrial areas. They suggest that public benefit exceed the green factor.
Response: The Seattle Municipal Code development standards for landscaping in the industrial zone does not require landscaping for the amount of work being proposed under this project, thus the amount of landscaping proposed for a public benefit is in excess of the code requirements.

Concern: The zoning codes states that Public Facilities, which propose a major expansion, as defined as 750 square feet or 10% of the existing floor area, requires a Council Conditional Use.
Response: Linday King of DPD verified that DPD has made the determination that Fire Stations are a permitted use in industrial zones as long as the fire station projects meet all the development standards of the zone.

Design Commission May 19 2011
Action: ACTION
"The Design Commission thanked the design team for its presentation of the renovation of Fire Station 36 and its request for a street vacation. The commission believed that vacating the right-of-way did not affect the area's urban design. By a vote of 6-0, the commission approved the urban design merit portion of the street vacation. By a vote of 5-0, the commission recommended SDOT approve the street vacation and the public benefit package which included station enhancements, an emergency response generator, an offset of greenhouse gas emissions, visual relief for drivers, an attenuation of ambient railroad and freeway noise, and four possible areas for green walls of planting.
The commission's recommendation was contingent upon review of the final plan by the Design Commission chair. The commission made the following conditions:

Explore a green roof for the fire station.

Choose plant and tree species strategically; they should be able to withstand the site's inhospitable conditions.

□ Develop the design to enhance the views and public amenities surrounding the site."

Response Through the final design process, FAS will incorporate landscaping in area on the site that will provide a visual relief for drivers, attenuate noise, and reduce green house gasses. The request to explore a green roof by the Design Commission was explored, but as this is a minor addition, and limited roof work will be done, a new green roof for the fire station would need more funds than which is currently allocated to the project.

Community Letters in Support

North Delridge Neighborhood Council submitted a letter in support of the proposed street vacation in a letter dated April 11, 2011

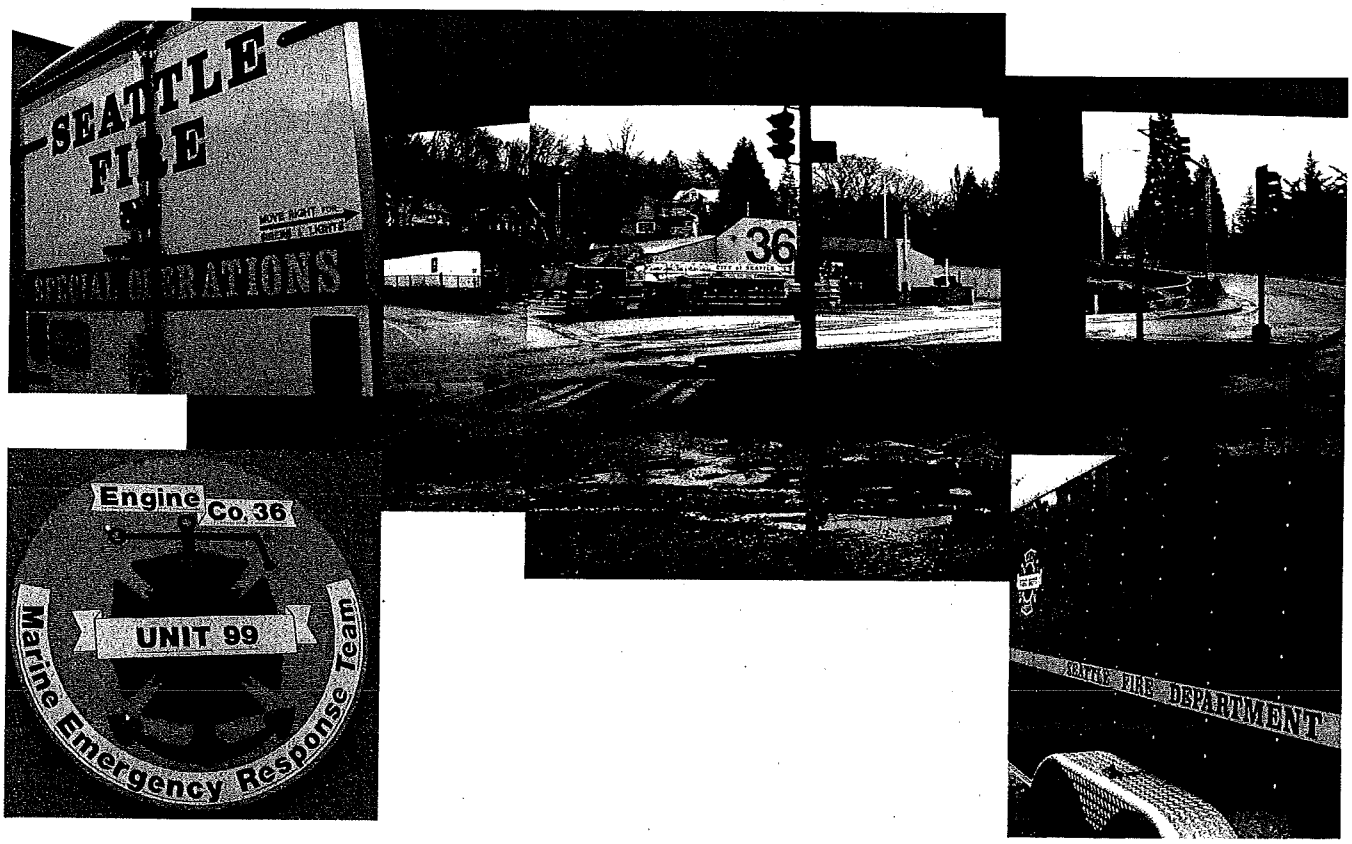
Pigeon Point Neighborhood Council submitted a letter in support of the proposed street vacation in an email dated March 15, 2011

Portion of Delridge Way SW
Street Right of Way Vacation Petition
Fire Station36 Seismic Retrofit and Addition

Submitted by
Department of Finance and Administrative Services
Real Estate Services
Hillary Hamilton
Richard Gholaghong
Daniel Bretzke

Submittal to
City of Seattle Department of Transportation
Real Property, Environment and Street Vacation Services

April 20 2011



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1. Filing Fee: Check for $450.00 filing fee payable to City of Seattle Department of Finance.

Response: Real Estate Services has set up an inter-department work order to cover all the fees (filing and public hearing) as well as SDOT staff hours related to the street vacation petition. The project number is being coordinated between Patricia Rigali of SDOT accounting, phone 4-5293 and Precy Tugublimas, in FAS accounting, phone 4-4038.

2. Required Signatures: Signed and completed petition with signatures representing ownership of 2/3 of the property abutting the right-of-way to be vacated as required by state law. Specifically, the petition must contain the signatures of the property owners on both sides of the affected street (alley), even though only a portion (or side) is sought for vacation. For property owned by a business entity, the petition must contain notarized signatures of two authorized officers. The submittal must include documentation (such as articles of incorporation or other organizational documents demonstrating the authority to bind the organization) and names and titles of officers who are authorized to bind the corporation.

Response: 100% of the property owners of abutting properties have signed the petition in support of the street vacation proposed by the City of Seattle. The signed petitions are attached. See Appendix A. The original signed petition is being transmitted to SDOT under separate cover letter.

3. Community Information: The Street Vacation Policies require community notification prior to beginning the vacation review process. List the community or neighborhood organizations and business groups that were provided information about the project, and include contact names, addresses, phone numbers, and e-mail addresses.

Response:
Representatives from the Finance and Administrative Services Department and from the Seattle Fire Department made presentations to the North Delridge Community Council, to the Pigeon Point Neighborhood Council, to the Port of Seattle, to Nucor Steel Seattle Inc., and to Seattle Parks and Recreation. The presentations included information about the proposed fire station project. During the meetings FAS explained that the proposed public benefit was the fire department's enhanced ability to provide critical emergency response services to the community. The information shared with community councils are attached in Appendix B.

Contact information of the community council representatives and neighborhood business, and a summary of their concerns or comments on the proposed street vacation are listed below:

North Delridge Neighborhood Council meeting 2/14/2011
The neighborhood council supported the proposed street vacation petition. No comments or concerns were expressed. The council sent a letter of support dated April 11, 2011. A copy the letter is attached in Appendix C.
Holli Margell, N. Delridge Neighborhood Council holli.margell@gmail.com
Kirsten Smith kirsten210@gmail.com

Pigeon Point Neighborhood Council meeting 3/14/2011

The neighborhood council supported the street vacation petition and sent an email in support of the vacation. Comments from the community included comments about the potential noise from the emergency power generator. A copy the email of support is attached in Appendix C. Theresa Hoy, Pigeon Point Neighborhood Council theresahoy@yahoo.com

Skylark Café Pub
Jessie communicated via several e-mails and received answers to her questions. She expressed no concerns regarding the proposed vacation..
Jessie Summa-Kusiak, owner, Jessie@skylarkcafe.com

Nucor Steel Seattle Inc.
FAS met with Nucor to discuss the proposed street vacation. Nucor expressed support for this vacation and signed the vacation petition as an abutting property owner (Appendix A). Nucor also expressed concern that the street vacations involving Nucor, the Port of Seattle and multiple properties owners has been in progress for twelve years and is not complete yet.

- *Bart Kale, Bart.kale@nucor.com*
- *Matt Lyons, General Manager, 206 933 2290, matt.lyons@nucor.com*
- *Kelly George, r.kelly.george@nucor.com*

Port of Seattle
FAS meet with Melinda Miller to discuss the proposed street vacation. Port of Seattle is in support of the proposed street vacation, as the existing fire station 36 provides support to marine operations. The Port believes that it is important for port operations to have continued and expanded emergency services provided by the Seattle Fire department. Joe McWilliams, Real Estate Director has signed the vacation petition as an abutting property owner. (Appendix A).

- *Melinda Miller, Real Estate Manager Miller.M@portseattle.org*
- *Joe McWilliams, Real Estate Director McWilliams.J@portseattle.org*

City of Seattle Parks and Recreation
FAS staff met with Parks & Recreation staff to discuss the proposed street vacation. With support of the department's real estate staff, Acting Superintendant Williams signed the vacation petition as an abutting property owner. (Appendix A).

- *Terry Dunning. Manager Major Transactions*
- *Mary Lou Whiteford, Senior Real Property Agent*
- *Joanne Daniels, Real Property Agent*

4. Development Team: Provide information about the development team, including the architect, engineer, land use attorney, artist, or other team members and include name, address, phone number and email address.

Response:
The project team consists of members of the Seattle Finance and Administrative Services Department and consultants as follows:

- *David Kunselman, AIA Role: City of Seattle Fire Levy Manager, phone: 206-615-1686, email: david.kunselman@seattle.gov*

- *Teresa Rodriquez, AIA,* CSBA , *Role: City of Seattle Fire Station 36 Project Manager, phone: 206-684-0156, email: teresa.rodriquez@seattle.gov*
- *Richard Gholaghong, City of Seattle Real Property Agent, phone 206 684-0621, gholaghong.richard@seattle.gov*
- *Daniel Bretzke, AICP, LEED AP O&M , Role: City of Seattle Fire Station Planner, phone: 206-733-9882, email: daniel.bretzke@seattle.gov*
- *Ray Johnston AIA, Johnston Architects, Proposed Architect for project. 100 NE Northlake Way, Suite 200 Seattle WA 98105 p 206.523.6150 f 206.523.9382 email: rayjohnston@johnstonarchitects.com*

5. Right of Way Proposed for Vacation: Identify the public right-of-way proposed for vacation. Provide a legal description of the right-of-way proposed to be vacated; survey and title work may be required.

Response: The following is the proposed legal description and map

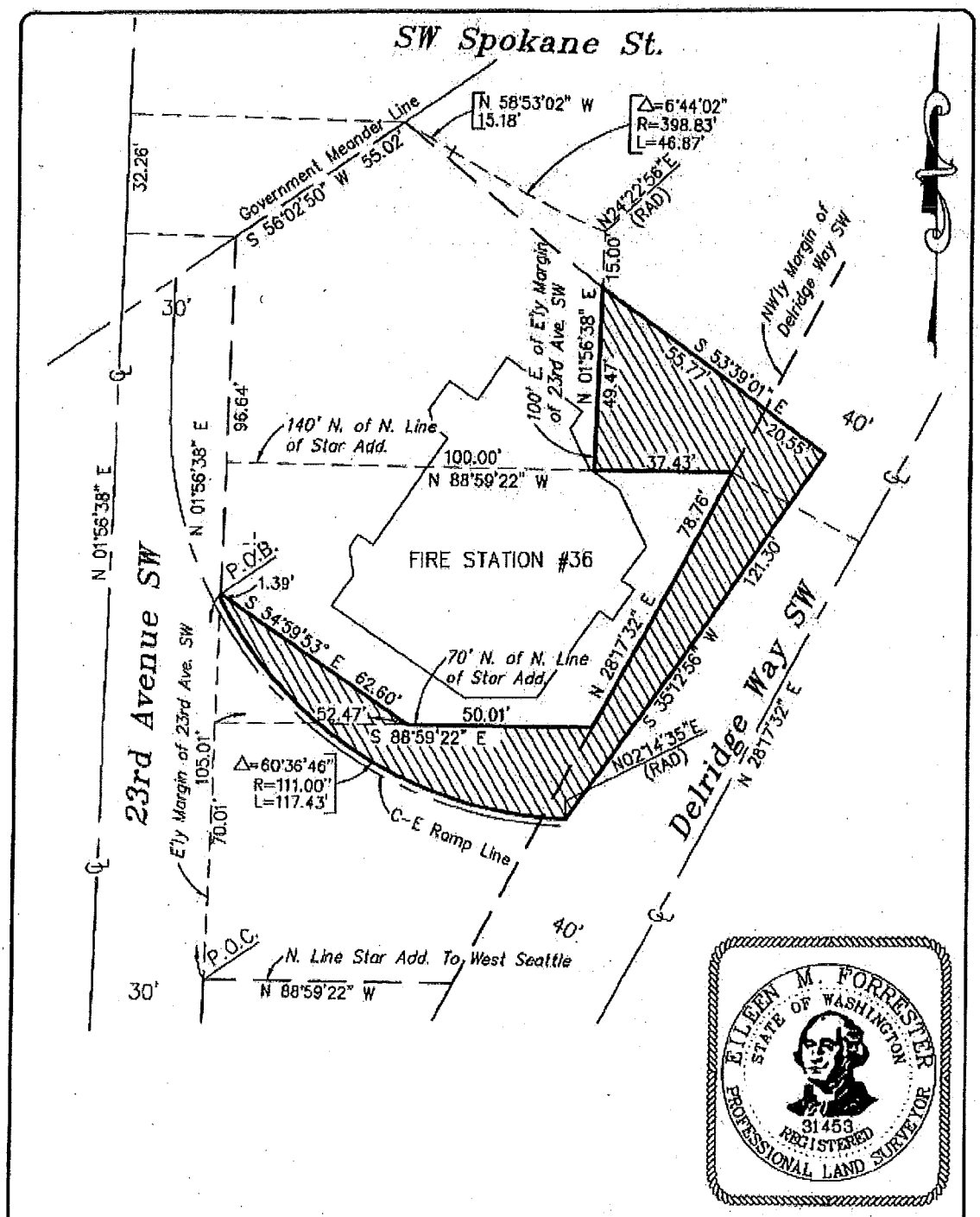
ROAD VACATION
SURROUNDING FIRE STATION NO. 36

That certain parcel of land situated in the City of Seattle, County of King, State of Washington, being that portion of Government Lot 3 in Section 13, Township 24 North, Range 3 East, W.M., described as follows:

Commencing at the intersection of the easterly margin of 23rd Avenue SW with the north line of Star Addition to West Seattle, according to the plat thereof recorded in Volume 3 of Plats, page 77, records of said county;
thence along said easterly margin, North 01°56'38" East 105.01 feet to the **True Point of Beginning**;
thence South 54°59'53" East 62.60 feet to a line parallel with and 70.00 feet north of said north line of Star Addition;
thence along said parallel line, South 88°59'22" East 50.01 feet to the northwesterly margin of Delridge Way SW;
thence along said northwesterly margin, North 28°17'32" East 78.76 feet to a line parallel with and 140.00 feet north of said north line of Star Addition;
thence along said parallel line, North 88°59'22" West 37.43 feet to a line parallel with and 100.00 feet east of said easterly margin of 23rd Avenue SW;
thence along said parallel line, North 01°56'38" East 49.47 feet;
thence South 53°39'01" East 55.77 feet to said northwesterly margin of Delridge Way SW;
thence continuing South 53°39'01" East 20.55 feet;
thence South 35°12'56" West 121.30 feet to a point on a non-tangent curve concave northerly and having a radius of 111.00 feet, a radial line of said curve from said point bears North 02°14'35" East;
thence along said curve westerly 117.43 feet through a central angle of 60°36'46" to said easterly margin of 23rd Avenue SW;
thence along said easterly margin, North 01°56'38" East 1.39 feet to the **True Point of Beginning.**

Containing: 4715 Square Feet, more or less.

Exhibit B attached and by this reference made a part hereof.



True NORTH LAND SURVEYING, INC.
815 S. Weber Street
Suite 200
Seattle, WA 98104-3023
206.332.0800

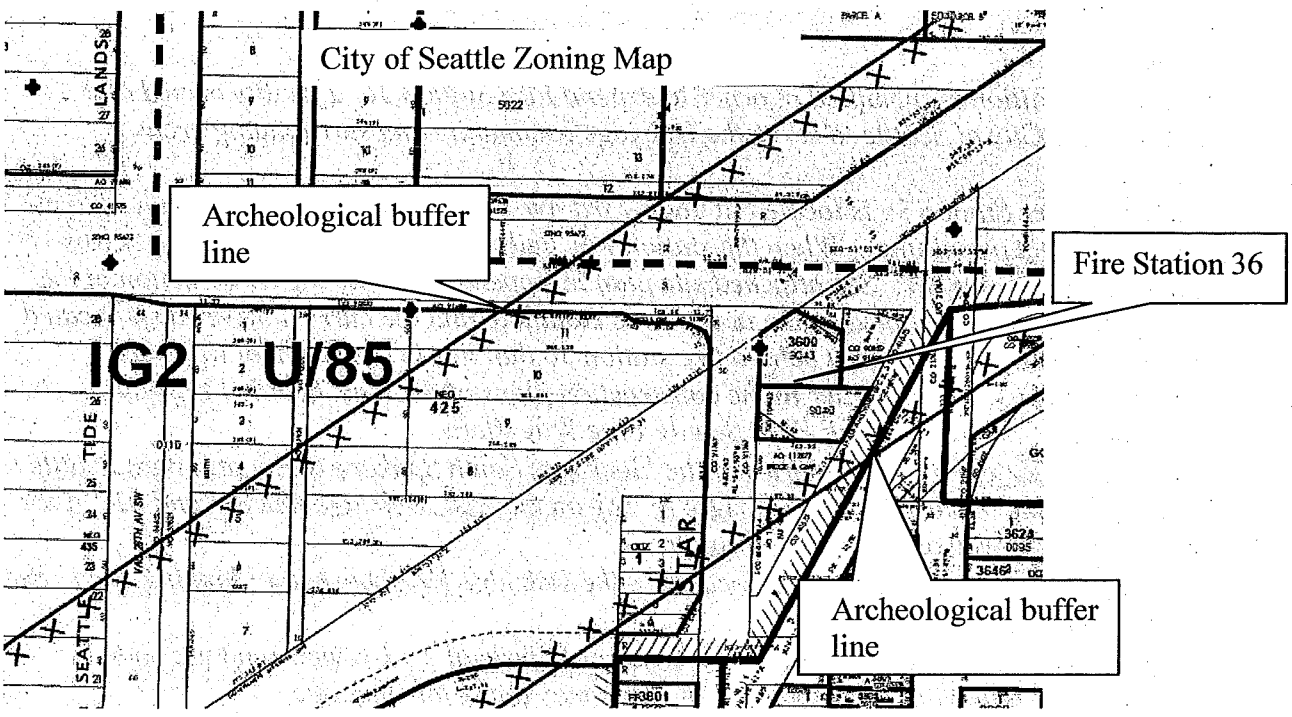
Date:	2-11-11
Scale:	1" = 40'
Job No.	J08-60.01

Exhibit B
To Accompany a Legal Description for
ROAD VACATION
Portion Gov. Lot 3, Sec. 13, T 24 N, R 3 E, W.M.

6. Project Location: Provide the project address; the boundaries of the block where the project is located; the neighborhood or area of the City; the Neighborhood Planning Area; the current zoning for the area and any zoning overlays or special review districts.

Response:
This vacation petition is submitted in order to expand Fire Station 36, a facility owned and operated by the City of Seattle to serve the Delridge community and surrounding areas.

- *Address. Fire Station 36 is located at 3600 23rd Ave SW. (Note: This address may change during project permitting). When the station was built in 1971, the station driveway was located on 23rd Ave SW. See attached site plan in Appendix D. During construction of the West Seattle high level bridge, the access was modified, and the current driveway is located off SW Spokane St. The area behind fire station 36 that lies in City right of way was constructed by a change order to the construction plans of the West Seattle Freeway interchange. See Appendix E West Seattle Free Way Plans*
- *Block Boundaries. The boundaries of the block are, South Spokane Street and West Seattle Freeway to the north, 23rd Ave SW right of way on the east, Delridge Ave SW and 22nd Ave SW. rights-of- way on the east and south.*
- *Neighborhood. Fire Station 36 is located in the Delridge Neighborhood Planning Area. See map in section 20.*
- *Zoning. The site is zoned IG2 U/ 85 or General Industrial 2. A review land use code indicates the following development standards may apply for this zone.*
  - *Use is permitted (SMC 23.05.012)*
  - *A structure can be built up to a height of 85 feet. (SMC 23.50.022)*
  - *The floor area ratio in this zone is two and one half which would allow a building built two and half times the lot size. (SMC23.50.034)*
  - *A set back is not required for this property except as reserved for future road improvements. A review of the West Seattle Freeway construction documents show that the area currently used by the fire station was authorized by a change order. There is no other indication of right of way being reserved for future road widening projects.*
  - *Screening is not required for this site as the right of way separating the property from residentially or commercially zoned property is greater than 80' feet. (SMC 23.50.036)*
  - *Street trees are not required per SMC 23.50.016B)*
  - *View obscuring screening of outdoor storage and off street parking of two or more feet vehicles may be required along street lot lines, unless the storage is 15 feet above or below the street. (SMC 23.50.016 C)*
- *The site is located in an archeological buffer area, as the site lies within 200' of the area of the previous shoreline. Shoreline areas are indicated on the zoning map as shown below. Review of the impacts of the archeological buffer area is a part of the Department of Planning and Development (DPD) review process. In planning, design and construction of the fire station addition and structural upgrades, FAS will follow DPD Director's Rule 2-98 (Attached as appendix H), which clarifies the process of responding to any potential find of archeological or historic remains.*
- *There are no other zoning overlays or special review districts that apply to this property.*



7. Reason for the Vacation: Describe why the vacation is being sought and list specifically what the vacation contributes to the development of the project. Provide a "no vacation" alternative that describes what could be built on the site without a vacation. Include existing conditions and any constraints, such as the topography that impact the potential development of the site.

Response:
<u>Reason for the Vacation</u>. The vacation is being requested in order to complete necessary improvements to Fire Station 36. Specifically, FAS will build a small addition to the facility and site an emergency generator on the property.

The Fire Facilities & Emergency Response Levy Program provided funding to provide seismic retrofits to Fire Station 36. In addition to seismic bracing, the levy project provided funds for a small building addition in order to support additional space for apparatus bay support functions, including decontamination, crew preparation and vehicle maintenance.

- *Preliminary design analysis identified that the existing building did not have the capacity to accommodate the decontamination area adjacent to the existing equipment bay. The test-to-fit-analysis concluded that the best way to accommodate the addition was in the northeast corner of the building.*
- *The station has a small internal emergency back-up generator, but is not capable of full station support or a 72 hour run time. Based on the programming analysis and test to fit, the*

ideal area to install a pad for the generator is adjacent to the rear of the existing building, partially in the area that is currently right of way.

In addition to the minor building addition and the generator pad, the proposed street vacation will resolve two additional concerns at Fire Station 36:

- *The Marine Specialty Unit, which consists of specialized marine rescue and spill containment personnel and equipment, is located at Fire Station 36 due to its proximity to Harbor Island, and the Duwamish River. Equipment is currently stored in the right-of-way area.*
- *This station supports the Tunnel Rescue Unit which also needs additional area for storage of material and the Delridge Fire Station is appropriately located and staff to serve the West Seattle and the southern part of Seattle. Equipment for the Tunnel Rescue Unit is currently stored in the right-of-way area.*

Restoration of Previous Fire Station Land Area.
Since 1917, when the land was originally acquired for Fire Station 36, the City has transferred jurisdiction over approximately 8,200 square feet of property to SDOT and predecessor departments to improve the street network. For example, in 1963, ordinance 92423 took fire station land to build an access ramp south of the station. In 1980, ordinance 109462 transferred land for construction of the West Seattle Freeway bridge replacement project.

The area proposed to be vacated is approximately 4,715 square feet. This area is currently being used by the Fire Department for equipment storage. As part of the West Seattle Freeway interchange and bridge project, the area east and south of the fires station was graded and paved for the use by Fire Station 36.

No Vacation Alternative.

- *Without the additional land area from the street vacation, it is not feasible to construct the building addition. It may be technically possible to reconstruct the entire fire station on a different part of the site, although this is not a practically or financially feasible option.*
- *A smaller generator could be placed on existing fire station property, although there is not adequate space to locate the larger generator which is specified in the City's Capital Improvement Program. The larger generator is necessary to provide full power to the station and to provide 72 hours run-time without refilling the generator with fuel.*
- *It would be impractical to relocate Marine Storage and Tunnel Rescue Units to another fire station farther from the area being served.*
- *Prolonged use of the right-of-way for storage associated with the Marine Storage and Tunnel Rescue Units is not consistent with SDOT street use policies.*

8. Project Description: Describe the current conditions on the site and the existing uses. Provide specific project information. This should include a clear description of the project, including: the uses, dimensions, height, stories, parking spaces, etc in sufficient detail to understand how the site will be developed and how the project will function.

Response:

Current Use and Conditions

- *The current use of the site is the City's Fire Station 36. This station provides emergency and aid response to the Delridge, Harbor Island and other West Seattle neighborhoods. The fire station also houses the Marine Specialty Unit and the Tunnel Rescue Unit.*

- *The current space standard for a typical neighborhood fire station is 9,000 square feet of building area. This station is assigned additional support roles including the Marine Specialty Unit and Tunnel Rescue Unit. The needed program space is approximately 8,200 square feet. The existing one-story building is undersized. With irregular dimensions that are approximately 154 feet by 70 feet, the building currently has a total area of 4,676 square feet, or approximately 2,900 square feet short of the needed program space.*

- *The site has eight existing parking stalls which are used for employees and occasional visitors to the site. The Marine Specialty Unit's equipment is comprised of a large semi trailer containing a small watercraft and spill response materials. This trailer is currently located partially in the proposed street vacation area. The Tunnel Rescue Unit also has one trailer of equipment stored in the proposed street vacation area.*

- *The current site, including the proposed street vacation area, is 100 percent impervious surface.*

Proposed Project

- *Programming requirements specify an addition of between 600 and 2,000 square feet is necessary to accommodate the decontamination area. The design of the addition is scheduled to begin in second quarter of 2011.*
- *The initial test-to-fit diagrams suggested "squaring" off the building, which would use the area that is currently located in the right of way.*

9. Other Land Use Actions: Provide information about other land use actions, such as a rezone, Major Institution Master Plan, or administrative or Council conditional use, or review from the Landmarks Preservation Board, or any other special review. SDOT will need final recommendations resulting from these reviews when it becomes available.

Response:

- *The Levy-funded upgrade project at Fire Station 36 qualifies as a minor addition per SMC 23.50.012. The project does not require land use actions such as a rezone, major institutional master plan, a conditional use nor presentation in front of the Landmarks Preservation Board.*
- *As required for the street vacation petition, FAS will make a presentation to the Seattle Design Commission for the review of public benefits associated with the right of way vacation petition. This presentation is scheduled for May 19, 2011. Copies of notes of the recommendations or comments will be forwarded to SDOT. Presentation materials and response from the Design Commission will be forwarded to SDOT after the design commission meeting.*
- *The Fire Levy Oversight committee reviews progress on the Fire Station 36 project on a quarterly basis. The committee is primarily focused on project funding and schedule targets,*

but is also briefed about the design of the station upgrades and addition. The oversight committee consists of two City Council members, two City employees, a Seattle resident with financial expertise, and a Seattle firefighter.

10. Vacation Policies/ Transportation Impacts: Describe the transportation impacts and address both the impacts from the loss of the right-of-way currently and in the future as well as the transportation impacts from the new development. Describe any impacts on the transportation system, which includes impacts to pedestrians, bicycles, transit and vehicles. Describe impacts to the street grid and development pattern in the area and open space value of the street right-of-way; address both current and future impacts. A traffic analysis will be required but you may submit the traffic analysis later in the process with any other required environmental documents.

Response:
Traffic Analysis A traffic analysis is not required as there will not be any changes in number of trips to and from the station.
Impact on Street Grid. When Fire Station 36 was originally constructed in 1917, it comprised the north end of a block located between 22nd Ave SW and 23rd Ave SW, south of W. Spokane Street, with twelve lots platted immediately to the south, between the station and Colby Street (now SW Charlestown St). Over the last 80 years, there have been extensive changes to the transportation network in the immediate vicinity, including the improvement of W. Spokane Street in 1923 and the establishment of Youngstown Place (now Delridge Way) in 1929. Most recently, the 1980 construction of the West Seattle Freeway high level bridge added elevated ramps on two sides of the fire station with ramps feeding on and off Delridge Way SW. Right of way needed for the new bridge ramps was acquired and added to the existing street right of way. Areas not needed for circulation for the street circulation were retained for landscaping and for the use by existing fire station.

These previous changes to the transportation network required taking land from Fire Station 36 through a City transfer of jurisdiction process and converting the area to right-of-way. This reduced the land area of the fire station available for future expansion, leaving the facility in the current position of needing a street vacation to bring the station up to current standards.

Today, the net effect of these numerous changes to the transportation network is that Fire Station 36 is effectively an island. Delridge Way SW and the ramps connecting that road to the West Seattle Freeway are not at grade with the fire station; thus there is no current public transportation use for the right-of-way area proposed to be vacated.

The proposed right of way street vacation proposes to vacate the portion of right of ways that are currently used for fire station uses and circulation.

Impacts on the Transportation Network.
No transportation impacts will result from the loss of right of way including impacts on vehicles, bicycles or pedestrians as demonstrated by the following:

No change in vehicle capacity. Vacating the right-of-way requested in this petition will not reduce any of the adjacent streets below the width s required based upon their street classification.

No impact on development in the area. The intensity of the use of the fire station will not change. The addition to the fire station is minor, and not expected to create additional development in the surrounding area. Modifications to the status of the right-way reflect current usage of the area by fire station personnel in support of their mission.

No Impact on traffic movements. Vacating the right of way as requested in the petition will not create any change in traffic movements; therefore, there will be no violation of the traffic code as a result of the vacation. The area that is proposed to be vacated is currently used for storage of materials in support of existing fire protection services provided by this facility, and will not generate additional trips to and from the station.

No Impact on Street Parking. Street parking is not permitted on any of the streets immediately surrounding Fire Station 36. The planned minor addition to the fire station does not anticipate any change in the parking provided either onsite or offsite. Therefore there is no anticipated change to existing street parking in the area.

No Impact on Pedestrian and Bicycle Travel. The proposed area to be vacated does not provide pedestrian or bicycle access due to the location of the ramps serving the West Seattle Freeway. Fire station ingress and egress will continue to be located from SW Spokane Street. No change in the number of trips to and from the station is anticipated. Therefore, the vacation will not have an impact on pedestrian and bicycle travel.

There are no formal written access agreements. There may be informal access agreements between City Departments to allow access to underground electric and sewer utilities.

11. Vacation Policies/Utility Impacts: During the City review of the proposed vacation, the Petitioner should work with the utilities that may be impacted by the vacation and develop a utility mitigation plan to address, in detail, how utilities impacts will be addressed. This plan must be completed before the petition proceeds to City Council review.

Comment: From an initial investigation and from review of the site survey (Appendix F) it appears that the there are two potential underground utilities are located in the proposed right of way street. One underground utility is a SPU sanitary sewer line that currently crosses the fire station property and underground electric power service line to SDOT street lights. Both the sanitary sewer line and the underground electric power service line cross City property under FAS management. The proposed street vacation would include these same utility lines and would not disturb their location during the construction.

As the transfer of right of way is from the City to the City, and the ownership of the public utility is also a City Department, an easement is not required. If SPU or SDOT requests a memorandum of understanding on the maintenance and access to subject utility lines could be drafted and signed by the respective City Departments. The Finance and Administrative

Services Department will prepare Memorandums of Understanding for the maintenance of and preservation of such underground utilities as a response to their review of this right of way petition.

12. Vacation Policies/Land Use Impacts: Address the land use impacts; specifically address the increase in development potential attributable to the vacation. Provide specific information on the difference in the development of the site with or without a vacation. Address issues such as scale, building orientation, and access to the site that may be impacted by the vacation. Address neighborhood character and design issues and describe how you project fits into the specific neighborhood in which it is located. Discuss applicable Comprehensive Plan goals and other City and neighborhood land use and planning goals for the area.

Response:

Site Development Potential and Site Specific Impacts

- *The Levy upgrade project for Fire Station 36 is comprised of a small building addition and interior remodels, as well as seismic bracing. The total increase in usable area of the building is approximately 1,000 square feet, or 20% of the existing building.*
- *As this project is a minor addition to an existing station, the main front façade of the building will remain mostly unchanged. Due to the configuration of elevated highway ramps and configuration of the adjacent street network, the rear and two side facades of the station is visible by the public only from a distance.*
- *The access to the site will not change with this project. This project will not impact the access to sun, light, and air circulation to any of the adjacent properties.*
- *The finished height of the fire station addition and the existing station will be much less than 85 feet that is allowed under the current zone.*

Impact on Neighborhood Character and Design Issues

The immediate neighborhood around the fire station can be categorized as transportation related.

- *The freeway access ramps surround the station. This infrastructure consists of large vertical concrete walls, concrete bridge structures and limited access freeway landscaping.*
- *The street rights- of-way do include a network of pedestrian trail and walk ways which are heavily used by pedestrian and bicycles. The fire station is visible from several of these trails.*
- *An active BNSF railroad spur lies near the fire station to the north. This spur is used by Nucor Steel Seattle Inc. to move recycled iron from their facility on the Duwamish waterway to their foundry, located to the west of the fire station.*
- *The Port of Seattle has several shipping container terminals north of the station across SW. Spokane Street. A large number of containerized freight is shipped using the active BNSF railroad spur and freeway.*
- *Commercial office buildings to the south and west of the fire station generally provide support services for nearby industries and port activities.*
- *A residential neighborhood known as Pigeon Point lies east of the property. This neighborhood consists primarily of single family homes. Access to this neighborhood from the fire station is separated by topography and by Delridge Ave SW.*

The street vacation and the minor addition to be constructed at Fire Station 36 will have a negligible impact on neighborhood character and design

13. Vacation Policies/Public Benefit: *Provi*de a discussion of the public benefit proposal including how the public benefit proposal serves the general public. Include an itemized list that provides a detailed description of each element of the proposed public benefit. Benefits must be long term and must serve the general public not merely the users of the development. The public benefit must be benefits that are not required by the land use code or other regulations and for which no other development credit is sought.

Approval of this street vacation will:

1. *Enable construction of decontamination facilities at Fire Station 36 to enable firefighters to respond to a wide range of bio and environmental hazardous emergencies, that cannot otherwise be fitted onto the site.*
2. *Provide the placement of an emergency generator with a 72-hour runtime capacity, allowing Fire Station 36 to provide emergency response services during an extended power outage or major catastrophe.*
3. *Dedicate an area for the storage of Marine Response equipment and rescue water craft, providing continuing capability to respond to emergencies and incidents occurring on the Duwamish and Elliot Bay, that might otherwise be relocated due to the limited size of the site.*

As required by street vacation policies, (resolution 31142) FAS has evaluated what additional public benefits can be provided beyond continued and enhanced ability of Fire Station 36 to provide emergency response support to the community. The following benefits are proposed:

1. *FAS will provide landscaping on or adjacent to the site which will provide additional screening of the freeway structures. FAS will add vegetated ("green") walls to the site boundaries to the maximum extent feasible for the project. Green walls will balance greenhouse gas emissions of station operations as well as provide visual relief for firefighters and pedestrians in the area. In addition this screening could attenuate some of the ambient railroad, freeway, industrial, and fire station noise, benefiting pedestrians, bicyclists as well as the firefighters stationed at Fire Station 36. . This landscaping would exceed any landscaping required by code. At this time of petition, the architect has not begun design of the station or the proposed landscaping. For the May 19 Design Commission a presentation will be given showing the types of screening that could be incorporated into the design.*
2. *Retention of the property for Fire Station 36 will assure that the property is not developed at its maximum capacity. Although the IG2 U/85 zoning would allow an 85 feet tall industrial building, continued use as a fire station will preserve the existing character of the neighborhood, enhancing views for residents in surrounding hillside neighborhoods as well as pedestrians and bicyclists.*

These benefits will serve the community as long as the fire station is located at this site. As most fire stations in City of Seattle are designed to operate as a part of fire and aid response network, fire station locations are difficult to relocate. The Delridge fire station has been at this location

for over 80 years, and it will probably be required to be in this location for as long as there is need for fire protection in the Delridge neighborhood. The vacation of the right of way will support a long term public benefit.

14. Public Benefit Matrix: A number of factors will be considered in balancing your public benefit proposal with the public interest, provide a matrix that includes:

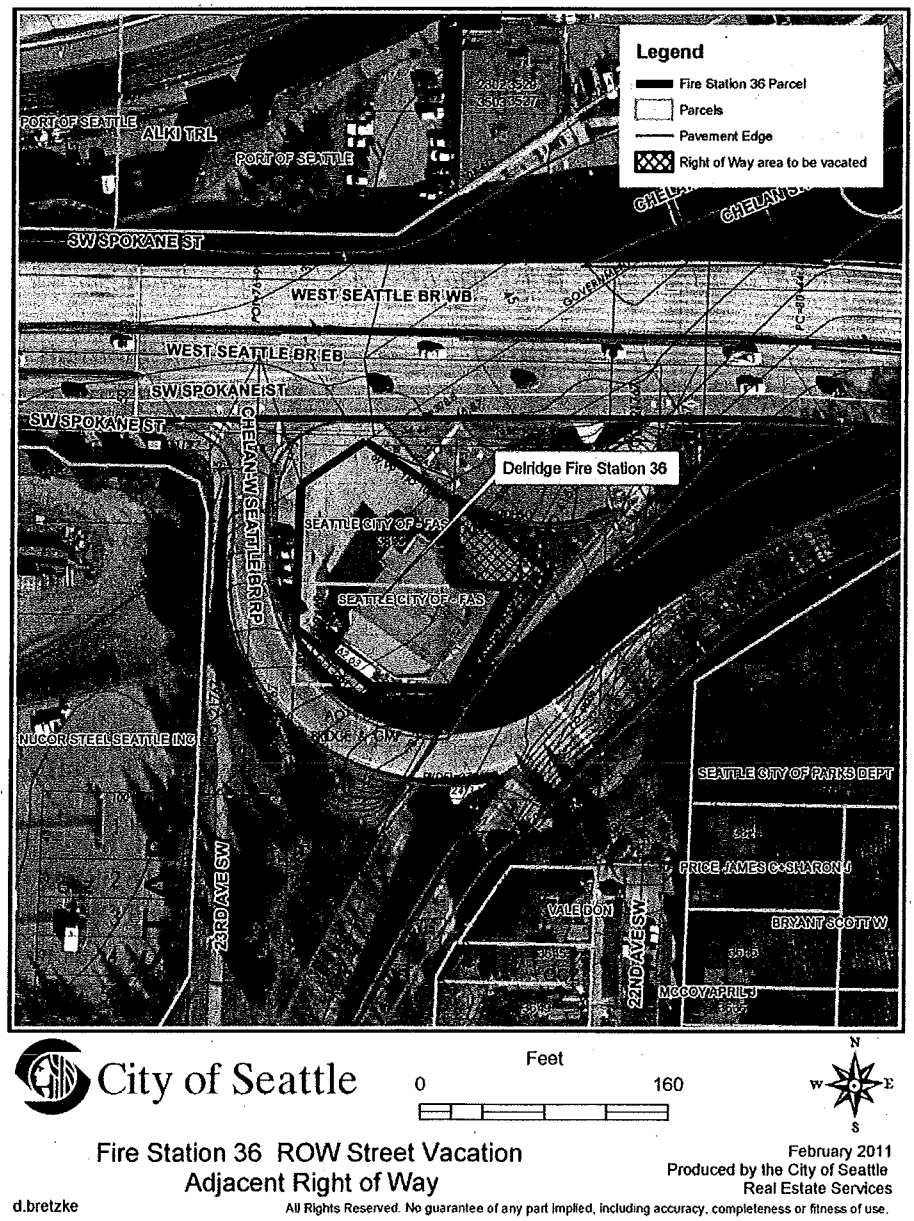
- Zoning designation: i.e. commercial, industrial, residential
- Street classification: i.e. arterial, alley, residential
- Assessed value of adjacent property: per square foot
- Lease rates in the general vicinity for similar projects: per square foot
- Size of project: in square feet
- Size of area to be vacated: in square feet; and
- Contribution of vacated area to the development potential of the site: percentage increase of the project and additional square feet.

Response
Street right of way is in excess of what was needed for the current transportation needs. More right-of-way was acquired due to transportation infrastructure that was never built.

Requirement	Response	Comment
Zoning designation	IG 2 U /85	General Industrial up to 85 ft high
Street Classification		
North side	Limited access bus lane	Bus only lane
East, west and south sides	Limited access freeway	Limited access ramps circle the building.
Assessed value of property	$14.00 Per square foot	
Assessed value of adjacent property	Port of Seattle $17.85 per sf Seattle Parks $3.5 per sf Nucor $15.00 per sf	Most similar property is Port of Seattle
Lease rates in the vicinity for similar projects	Port of Seattle $0.15- 0.20 per sf WSDOT $0.10-0.50 per sf	Most similar to Port of Seattle property
Size of existing fire station lot under management by FAS.	14,882 Square feet	KC records 16,385 sf includes area used by ROW
Size of area currently used by fire station	19,597 Square feet	Area currently uses right of way.
Area currently used by fire station and petitioned to be vacated.	4,715 Square feet	
Size of areas previously transferred from fire station use to right of way	8,208 Square feet	Over past 80 years portions have been transferred to right of way.
Development Potential of Existing lot	37,205 square feet	Maximum size of potential development

Existing development	4,676 square feet	Existing size of fire station
Development potential of future lot with vacation	48,992 square feet	Maximum potential development
Contribution of vacated area to development	1,000 square feet	The area that will be built on right of way

15. Site Maps: A copy of the plat map is required. Provide maps of the block(s) containing the project site that show all dimensions of the property and the development, and include total square footage. Provide the current ownership of each lot on the subject Block.



City of Seattle

Feet 0 160

N W E S

Fire Station 36 ROW Street Vacation
Adjacent Right of Way

February 2011
Produced by the City of Seattle
Real Estate Services

d.bretzke

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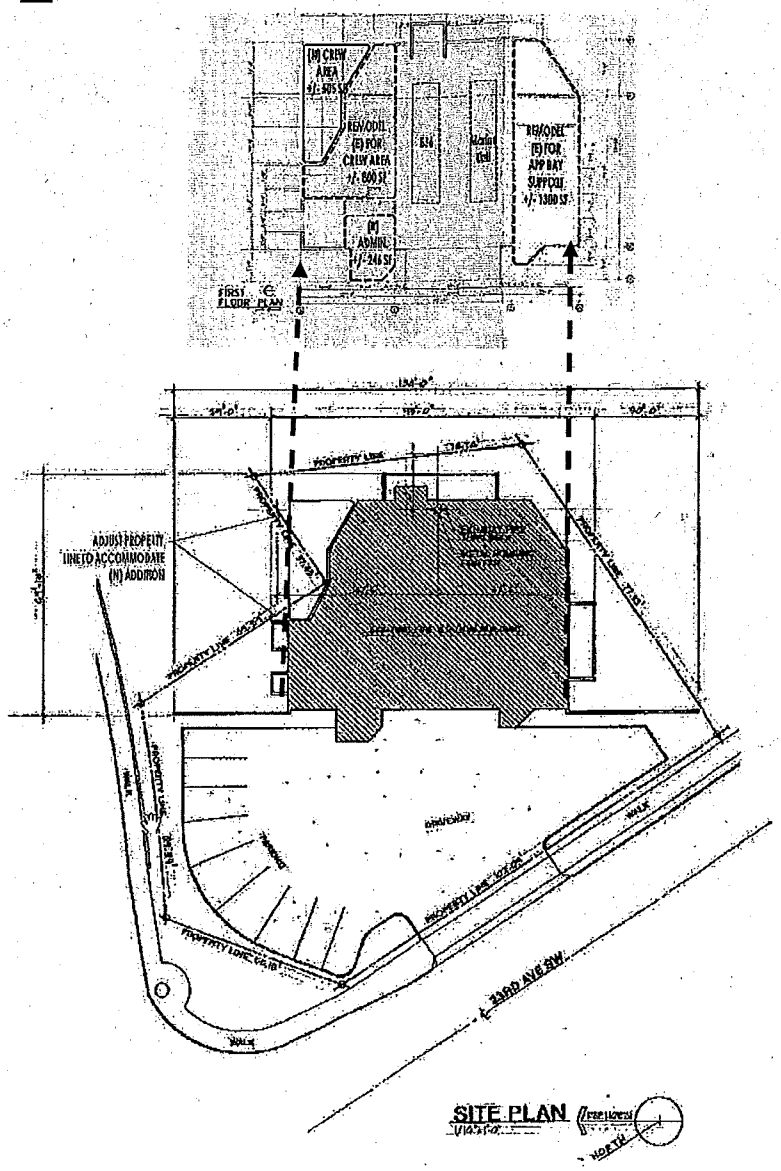
16. Project Maps: Provide maps and sketches of the project design; include plot plans, elevations, project sketches or conceptual drawings.

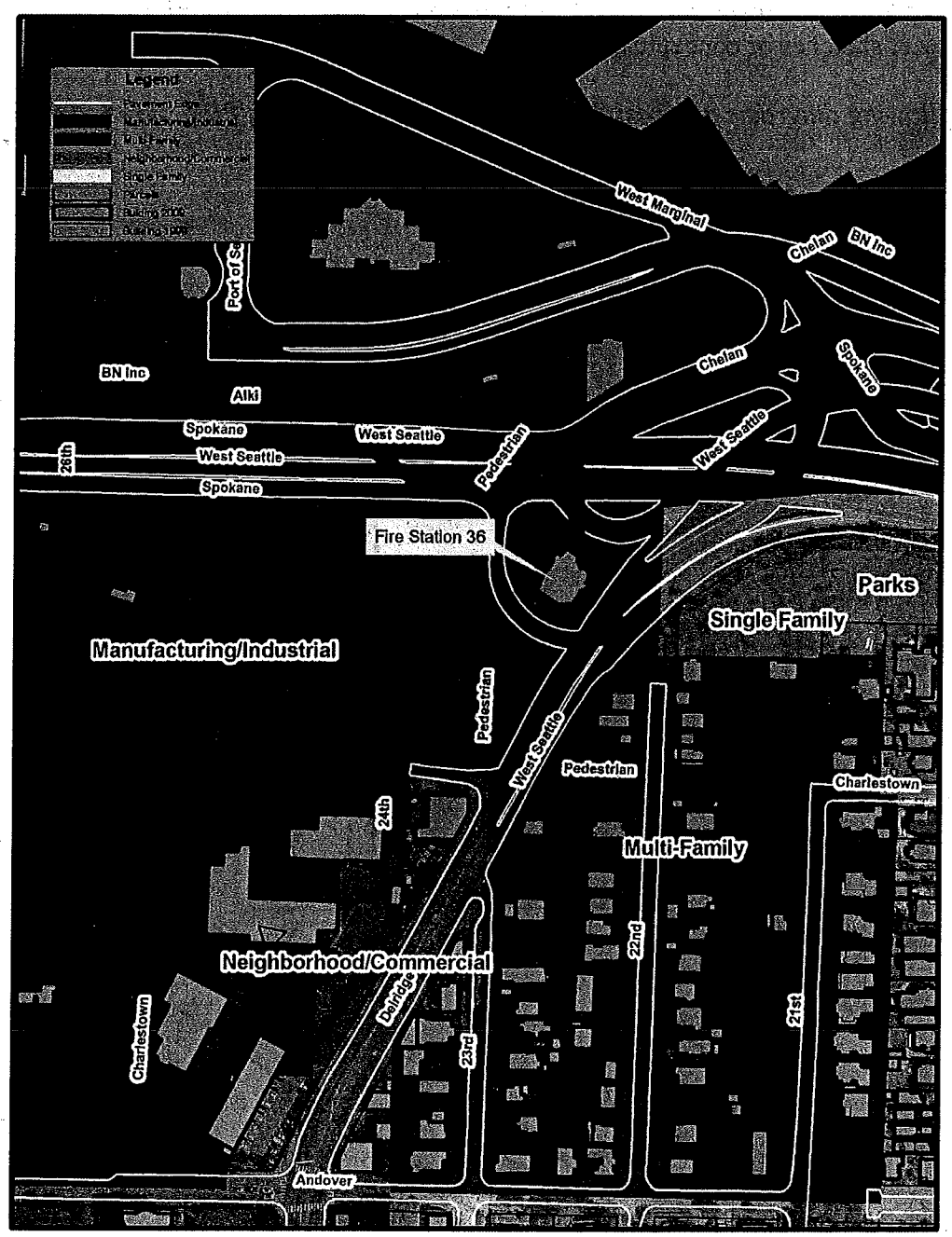
Response: Following diagrams are from Seattle Fire Station Operation Plan May 5 2003.

Test to fit draft programming plan for FS 36



17. 9-block Urban Design Analysis: Provide maps of the 9-block area to show the urban design context of the proposed project. Include current development showing current uses and development patterns, zoning of the area, the street grid and traffic patterns, and public uses.

Zoning and Current Development Map



City of Seattle

Zoning and Current Development

0 320 Feet

R Gholaghong December 2010
Produced by the City of Seattle
Rel Estate Services Team

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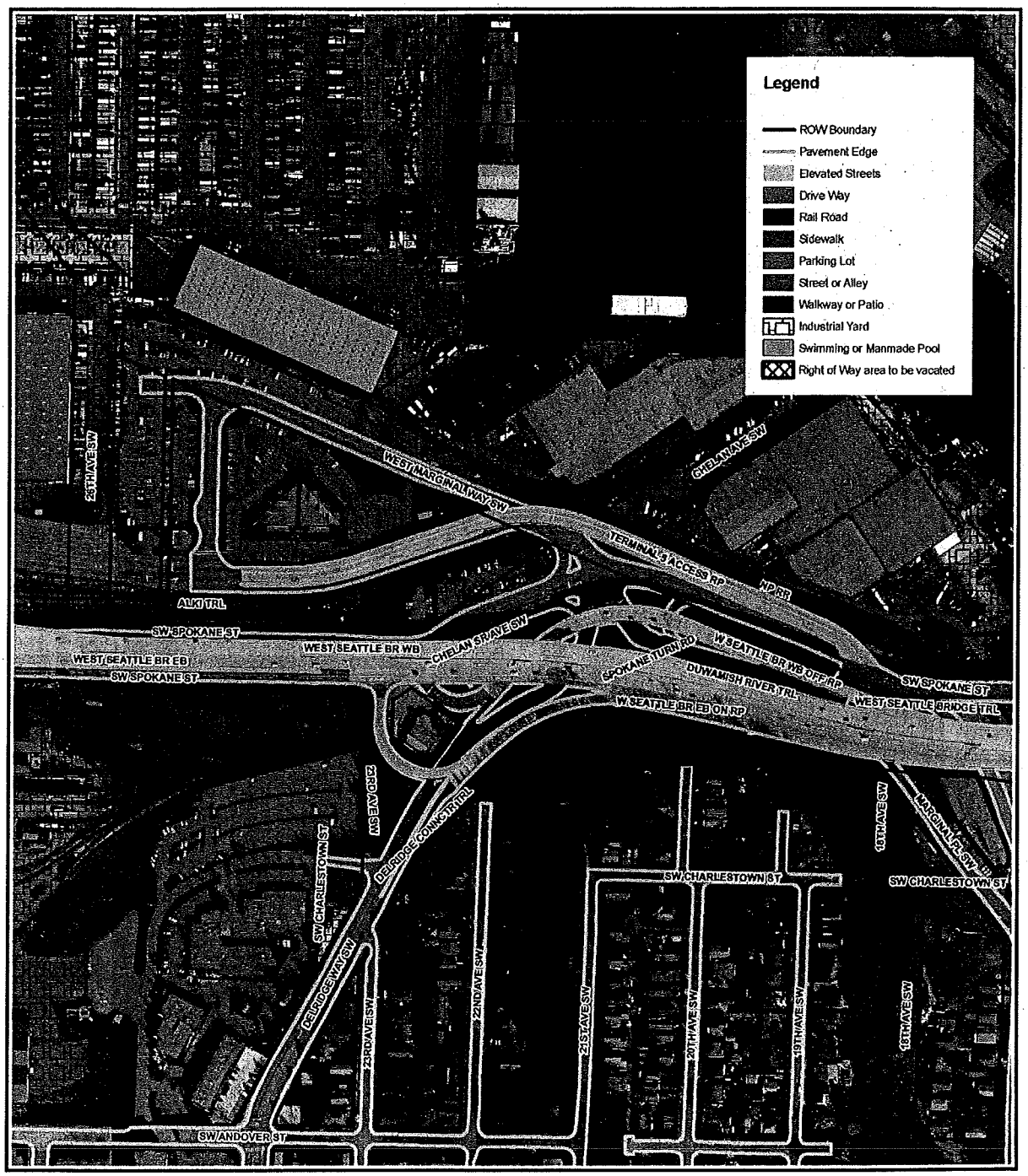
Street Grid Map



Street Grid Map

City of Seattle

0 400 Feet

N W E S

April 2011 Produced by the City of Seattle Real Estate Services

d.bretzke

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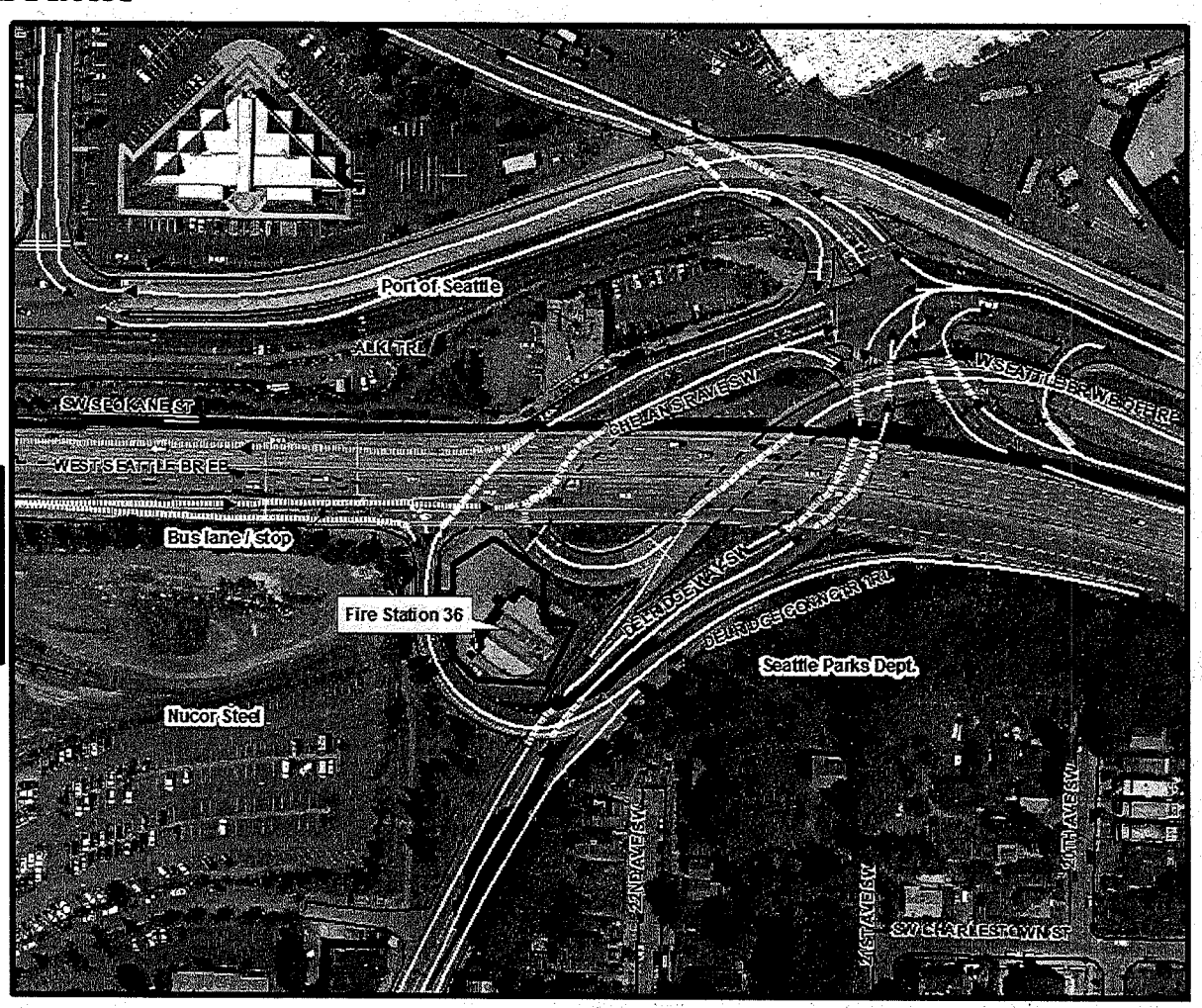
Traffic Flow Map

City of Seattle

Fire Station 36
Street Vacation
Traffic Flow Map



Legend
Underpass
Surface Street
Object in underpass

N
W E
S

0 40 80 160 Feet

R Gholaghong
April 2011
Produced by the City of Seattle
Real Estate Services

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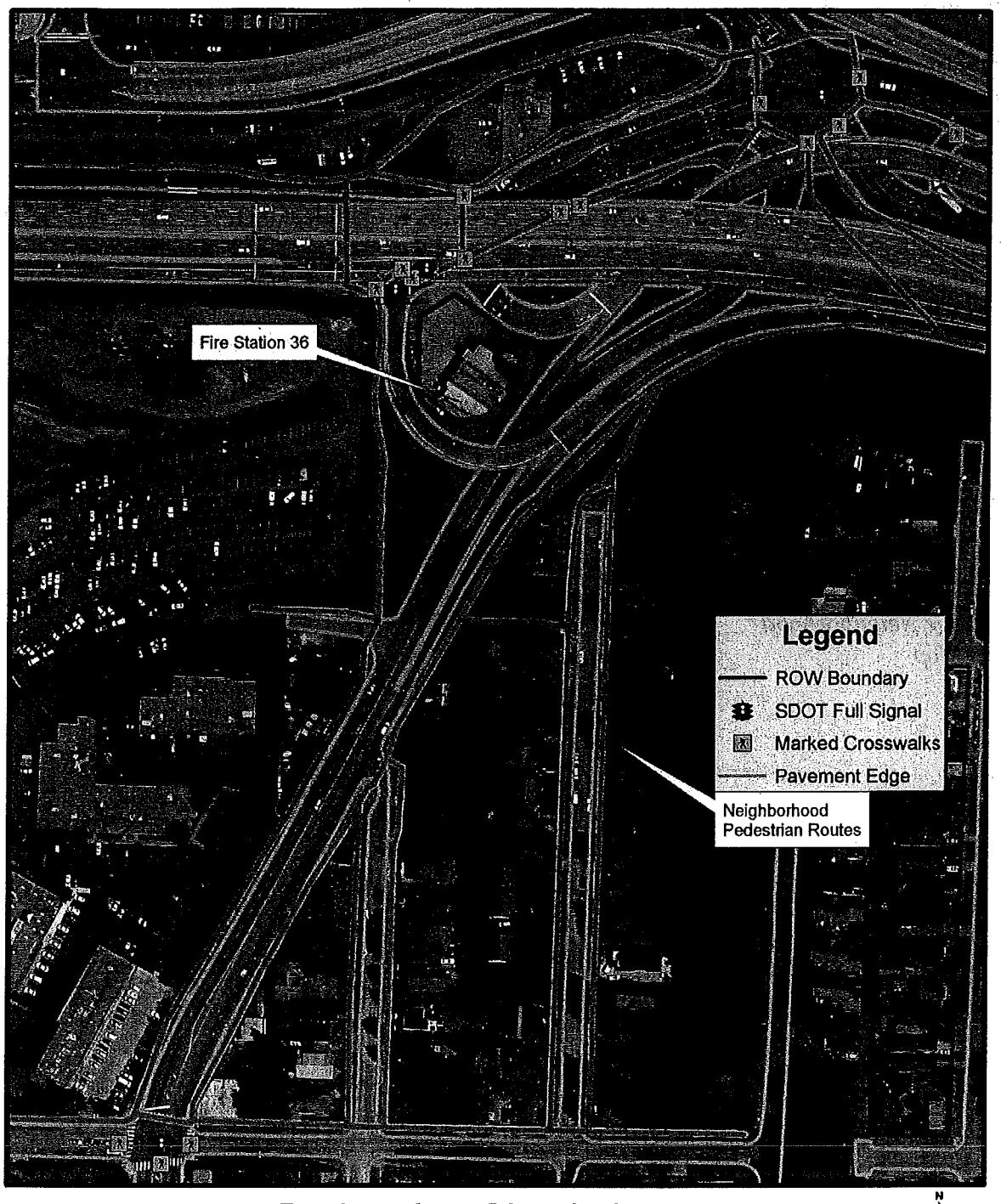
Pedestrian Flow Map



Pedestrian Circulation 0 200 Feet

City of Seattle

R Gholaghong April 2011
Produced by the City of Seattle
Real Estate Services Team

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18. Impact on Public Transportation Projects: If your project site is in the vicinity of a major transportation project such as Sound Transit, provide information about how your project responds to the public project.

Response: The Fire Station 36 project is located at the confluence of the West Seattle Bridge on-ramp and West Seattle Freeway. There is not a major public transportation project planned in this area.

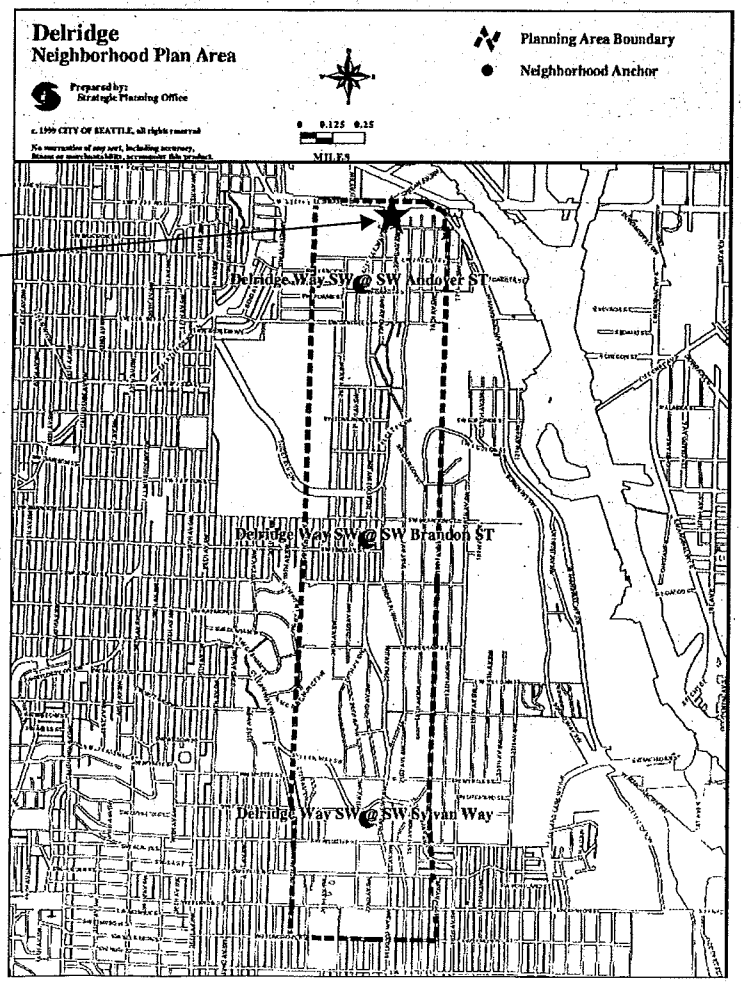
19. Environmental Impact Statement (EIS): If DPD determines that an EIS is required, the Petition may not proceed to City Council until this work is completed. DPD will require that the EIS contain a "No Vacation" alternative. Provide a copy of the Draft and Final EIS with vacation/no vacation alternatives, or an environmental checklist, if applicable.

Response: An Environmental Impact Statement is not required. The Levy project is primarily a retrofit and remodel of an existing structure continuing in its current use. The addition of approximately 1,000 sq. ft. is exempt from EIS requirements.

20. Neighborhood Plan: If your project is located within the boundaries of an adopted neighborhood plan, demonstrate how your project advances the goals of the plan. Provide a map of the neighborhood planning area.

Response:
Delridge Neighborhood Plan Map

Fire Station 36



21. Comprehensive Plan and other City Plans and Goals: Provide information as to how your project advances City goals as identified in the Comprehensive Plan and any other relevant plans.

Response:
The City's Comprehensive Plan ("Toward a Sustainable Seattle") includes a number of goals and policies concerning capital facilities, including the siting and design of such facilities. Goals directly applicable to the FS 36 project include:

- *(CFG1)Provide capital facilities that will serve the most pressing needs of the greatest number of Seattle citizens, and that will enable the City to deliver services efficiently to its constituents.*
  Seattle voters approved bond issue in 2003 to fund such essential facilities, including the expansion of FS 36, the Emergency Marine Response Unit and the addition of decontamination capability.
- *(CFG2) Preserve the physical integrity of the City's valuable capital assets. Addition to Fire Station 36 to achieve necessary emergency readiness meets this goal.*
- *(CFG 3)Make capital investments consistent with the vision of the Comprehensive Plan, including the urban village strategy.*
  FS 36 is a community-based facility in the Delridge neighborhood. The proximity of a fire station is critical in reducing or maintaining essential response time in emergency situations.
- *(CFG5)Provide capital facilities that will keep Seattle attractive to families with children.*
- *(CFG6) Encourage grass-root involvement in identifying desired capital projects for individual neighborhoods.*
- *(CFG7) Encourage community input to the siting of public facilities.*
- *(CFG8) Incorporate sustainability principles and practices into the design and construction of City buildings and other types of capital facilities. Remodeling existing facilities is a sustainable practice.*

22. Sustainable Practices: Provide information on green and sustainable construction and operational practices and the level of LEED certification associated with the project.

Response:
This project will does not meet the threshold for the City's LEED policy due to the small size of the addition (less than 2,000 square feet. FAS/CDCM's Capital GREEN program will be followed. The project will employ strategies in all areas of sustainability including construction waste recycling, recycled content materials, energy efficient mechanical systems and lighting, indoor environmental quality, and increasing vegetation on site as budget allows.
The City's project manager, Teresa Rodriquez, is a Certified Sustainable Building Advisor.

23. Design Review Board: Provide copies of the minutes and design material presented to the Design Review Board.

Response:
This project is not required to be heard before the Design Review Board as it is exempt.

24. Company/Agency Information: Include background information about your business or agency, its history, how long at your present location, number of employees, etc. Describe how your business or agency will grow with the vacation, such as number of employees or patients, or students served by the proposed development.

Response:
Department of Finance and Administrative Services (project developer)
The Department of Finance and Administrative Services (FAS) was formed on August 29, 2010, as part of Mayor Mike McGinn's reorganization of City government. FAS combines the functions from the former Fleets and Facilities Department and the former Department of Executive Administration with the revenue forecasting, debt management and tax policy functions that were previously performed by the former Department of Finance. FAS's Facility Operations Division operates and maintains approximately 3 million square feet of City-owned facilities and provides support, maintenance and repair of building systems for the City departments and other users that occupy space in buildings under its jurisdiction. The Facilities line of business provides strategic planning and management of the City's real estate assets and built environments so City staff and citizens can work in and use facilities that engender civic trust. The Capital Design and Construction Management Division provides new construction, remodeling, tenant improvement, hazardous material abatement, and renovation services for the FAS Capital Improvement Program. This Program includes building projects: the City's core public safety facilities, fire stations, police precinct stations, and several maintenance shop facilities; downtown City-owned buildings, including the Justice Center and City Hall, the Seattle Municipal Tower, and several community-based facilities owned by the City.
Seattle Fire Department
Since it was organized in 1894, the Fire Department has evolved from an organization focused only on fire fighting to one that includes other critical services such as building inspections, fire code enforcement, tactical rescues and public education.
The mission of the Seattle Fire Department is to minimize the loss of life and property resulting from fires, medical emergencies, and other disasters. The mission is accomplished through prevention, education, fire suppression, medical services, and other related emergency and non-emergency activities. The Seattle Fire Department provides fire suppression and emergency medical services to a culturally diverse and vibrant population of Seattle.

The SFD has had a fire station located at 23rd Ave SW and SW Spokane Street since approximately 1917. The existing station was built in 1971.

Impact of Vacation. The proposed street vacation will not affect the number of SFD personnel housed at Fire Station 36 nor any other fire station or City agency

25. Development Schedule: Provide a proposed development schedule and timeline.

Response:
Preliminary Design: Spring, 2011
Final Design: Fall, 2012
Construction: Beginning late-2013
Facility Completion: 2014

Appendix A Signed Petitions

VACATION PETITION TO THE HONORABLE CITY COUNCIL OF THE CITY OF SEATTLE

We, the undersigned, Department of Finance and Administrative Services, being the owners of more than two-thirds of the property surrounding Fire Station 37, located at 3600 23rd Avenue Southwest in West Seattle which abuts a portion of: 36

Delridge Way Southwest

Petition the City to vacate:

That certain parcel of land situated in the City of Seattle, County of King, State of Washington being that portion of Government Lot 3 in Section 13, Township 24 North, Range 3 East, W.M., described as follows:

Commencing at the intersection of the easterly margin of 23rd Avenue SW with the north line of Star Addition to West Seattle, according to the plat thereof recorded in Volume 3 of Plats, page 77, records of said county;
Thence along said easterly margin, North 01°56'38" East 105.01 feet to the True Point of Beginning:
Thence South 54°59'53" East 62.60 feet to a line parallel with and 70.00 feet north of said north line of Star Addition;
Thence along said parallel line, South 88°59'22" East 50.01 feet to the northwesterly margin of Delridge Way SW;
Thence along said northwesterly margin, North 28°17'32" East 78.76 feet to a line parallel with and 140.00 feet north of said north line of Star Addition;
Thence along said parallel line, North 88°59'22" West 37.43 feet to a line parallel with and 100.00 feet east of said easterly margin of 23rd Avenue SW;
Thence along said parallel line, North 01°56'38" East 49.47 feet;
Thence South 53°39'01" East 55.77 feet to said northwesterly margin of Delridge Way SW;
Thence continuing South 53°39'01" East 20.55 feet;
Thence South 35°12'56" West 121.30 feet to a point on a non-tangent curve concave northerly and having a radius of 111.00 feet, a radial line of said curve from said point bears North 02°14'35" East;
Thence along said curve westerly 117.43 feet through a central angle of 60°36'46" to said easterly margin of 23rd Avenue SW;
Thence along said easterly margin, North 01°56'38" East 1.39 feet to the True Point of Beginning.

OR in the alternative, to vacate any portion of said right-of-way so particularly described;

RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above described property in the reasonable original grading of any right-of-way abutting upon said property after said vacation; and further,

RESERVING to the City of Seattle the right to reconstruct, maintain and operate any existing overhead or underground utilities in said rights-of-way until the beneficiaries of said vacation arrange with the owner or owners thereof for their removal.

SIGNATURE OF PETITIONER:

I hereby declare that I am an owner of property that abuts the particular right-of-way described in the petition to the City Council for the above noted right-of-way and understand the discretionary nature of the City Council decision and the vacation review process and all fees and costs and time frame involved. For corporately held property, provide documentation of signatory authority.

OWNER

Fred Podesta 4/1/2011

City of Seattle — Date
Fred Podesta, Director
Department of Finance and Administrative Services

PROPERTY:

City of Seattle

Parcel Number 132403-9043
Short Legal BEG ON E LN 23RD AVE SW-ORD # 21767-140 FT N OF N LN STAR ADD TO WEST SEATTLE TH E 100 FT TH N TO S LN OF SPOKANE AVE TH SWLY ALG SD AVE TO E LN 23RD AVE SW TH S TO BEG

ACKNOWLEDGMENT:

I Fred Podesta acknowledge that:

_l_ any expense that may be incurred in preparing, applying or obtaining any land use or construction permits in contemplation of such vacation is the sole risk of the petitioners;

_✓_ the City Council decision is at the end of the review process;

_✓_ the City Council decision on the vacation is discretionary, and will be based on the City's Street Vacation Policies adopted by Resolution 310078 and other adopted policies; and

_✓_ a Council decision to grant the vacation request does not exempt the property from the requirements of the City's Land Use Code or from conditioning of development pursuant to the State Environmental Policy Act (SEPA).

_✓_ I/we have been informed of the cost, obligations, petition requirements, Street Vacation Policies, the time frame involved in the review of a vacation petition, the street vacation fee and the appraisal process to determine the fee.

Fred Podesta — 4/1/2011

Fred Podesta, Director FAS — Date

CONTACT INFORMATION:

Petitioner:
City of Seattle, Department of Finance and Administrative Services

Contact:
Daniel Bretzke, Department of Finance and Administrative Services
206 733 9882, Daniel.bretzke@seattle.gov

If you have any questions regarding the vacation process, please call street vacation staff at 206.684.7564.

ADDITIONAL PROPERTY OWNERS ABUTTING THE VACATION:

As nearest owners of properties that abut the portion of right way that is being petitioned to be vacated, we acknowledge and support the petition to vacate the portion of right way as shown and legally described in this petition. Our signature to this petition will not commit our organization to any financial or regulatory responsibility. We have no objection and support this petition being approved by the Seattle City Council.

OWNER

Port of Seattle

Port of Seattle Parcel opposite right-of-way
Parcel: Number: 76667 05020
Short Legal: Portion of lots 12- 15, Seattle Tide Lands Ext

Date APRIL 5th 2011

Joe Mc Williams, Managing Director
Real Estate Division
Authorized signer for Port of Seattle

JANAE M. SANDERS
COMMISSION EXPIRES
NOTARY
PUBLIC
7-10-12
STATE OF WASHINGTON

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Joe McWilliams the individual who appeared before me, and said individual acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and acknowledged it as the Managing Director of the Real Estate Division, Port of Seattle, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: APRIL 5th 2011

Janae M Sanders
(Notary Signature)

JANAE M. SANDERS
(Print Name)

NOTARY PUBLIC in and for the State of Washington, residing at KING.

Page 3 of 7

CONTACT INFORMATION:

Petitioner:
City of Seattle, Department of Finance and Administrative Services

Contact:
Daniel Bretzke, Department of Finance and Administrative Services
206 733 9882, Daniel.bretzke@seattle.gov

If you have any questions regarding the vacation process, please call street vacation staff at 206.684.7564.

ADDITIONAL PROPERTY OWNERS ABUTTING THE VACATION:

As nearest owners of properties that abut the portion of right way that is being petitioned to be vacated, we acknowledge and support the petition to vacate the portion of right way as shown and legally described in this petition. Our signature to this petition will not commit our organization to any financial or regulatory responsibility. We have no objection and support this petition being approved by the Seattle

Nucor Steel

Nucor Steel Parcel opposite right-of-way

Parcel Number: 244510-0110
Short Legal: Portion of Government Lot 11
NE 13-24-03

Date 4/7/11

Walter Reese
Division Controller
Authorized signer for Nucor Steel

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Walter Reese, the individual who appeared before me, and said individual acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and acknowledged it as the Division Controller, Nucor Steel, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: April 7, 2011

(Notary Signature)

Roxann E Ketchner

(Print Name)

NOTARY PUBLIC in and for the State of Washington, residing at Kent.

Page 4 of 7

CONTACT INFORMATION:

Petitioner:
City of Seattle, Department of Finance and Administrative Services

Contact:
Daniel Bretzke, Department of Finance and Administrative Services
206 733 9882, Daniel.bretzke@seattle.gov

If you have any questions regarding the vacation process, please call street vacation staff at 206.684.7564.

ADDITIONAL PROPERTY OWNERS ABUTTING THE VACATION:

As nearest owners of properties that abut the portion of right way that is being petitioned to be vacated, we acknowledge and support the petition to vacate the portion of right way as shown and legally described in this petition. Our signature to this petition will not commit our organization to any financial or regulatory responsibility. We have no objection and support this petition being approved by the Seattle

City of Seattle Department of Parks and Recreation (DPR)

City of Seattle DPR Parcel opposite right-of-way

Parcel: 132403-9001
Short Legal: Portion of Government Lot 2, easterly of 22nd Ave SW

Date 4/5/11

Christopher Williams, Acting Superintendent
Authorized signer for City of Seattle

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Christopher Williams the individual who appeared before me, and said individual acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and acknowledged it as the Acting Superintendent of Parks and Recreation, City of Seattle to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: APRIL 5, 2011

(Notary Signature)

JOSETTE VALENTINO
(Print Name)

Notary Public
State of Washington
JOSETTE VALENTINO
COMMISSION EXPIRES
October 4, 2011

NOTARY PUBLIC in and for the State of Washington, residing at KING COUNTY

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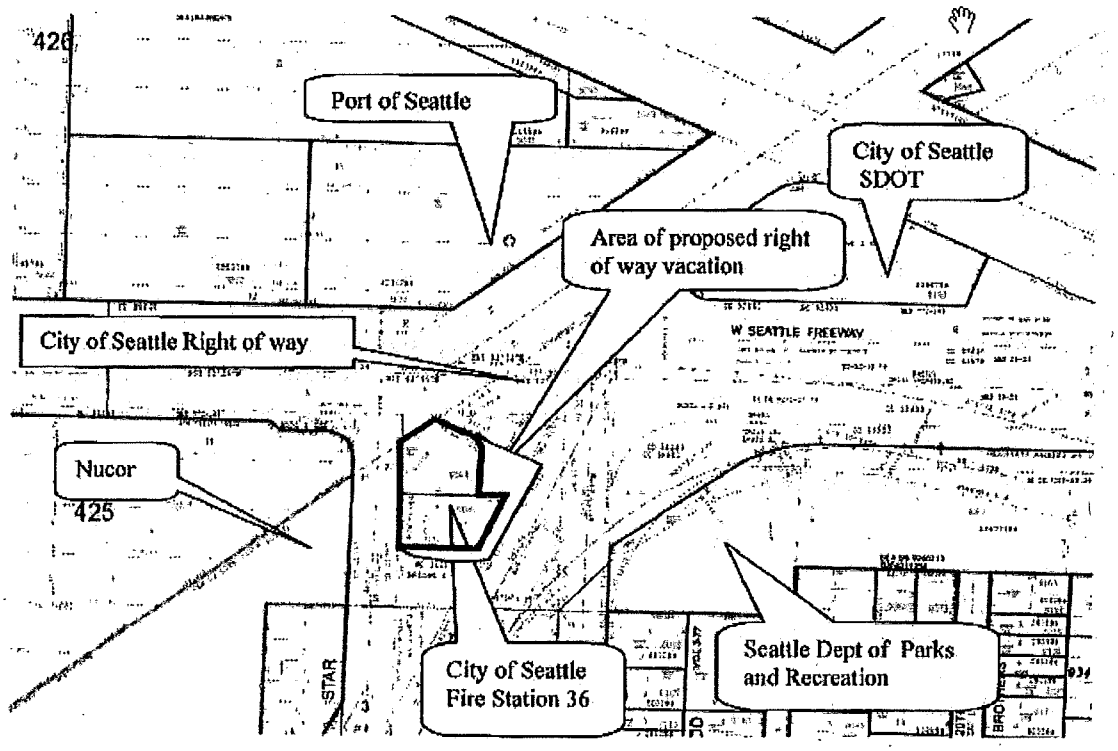
Vicinity Map



Petitioner

City of Seattle owner of Fire Station 36 is the petitioner to vacate a portion of right-of-way that is currently being used by the fire station.

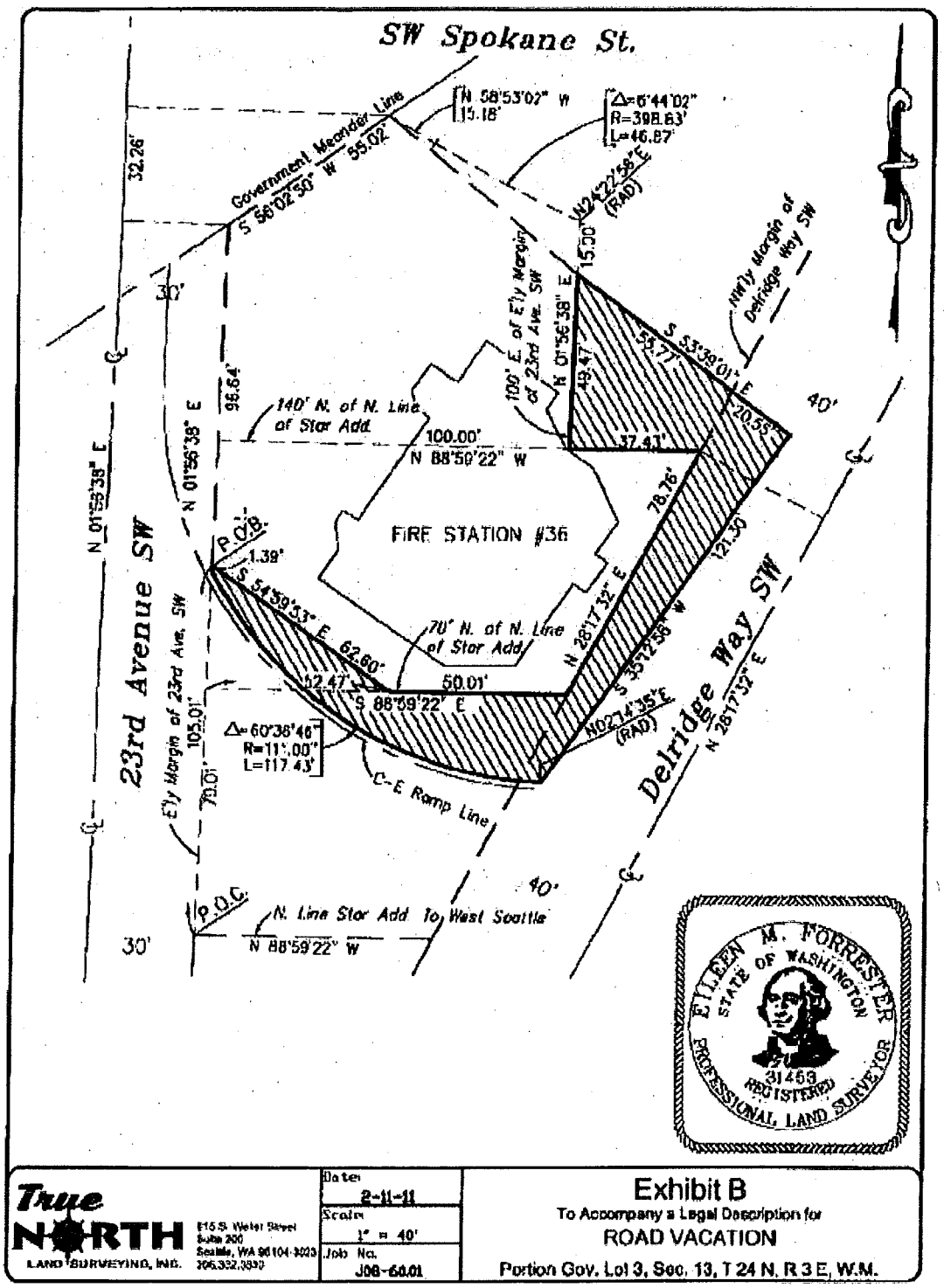
Abutting Property Owners

Nucor is the property owner to the west.

Port of Seattle is the property owner to the north.

City of Seattle Parks Department is the owner of the property to the east.

Map of Proposed Right of Way Vacation



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Appendix B
Information provided to the public at meetings with community councils

Fire Station 36 (Delridge/Harbor Island) Street Vacation Fact Sheet

Fire Station 36 upgrades
In 2003, 69 percent of Seattle voters approved the Fire Facilities and Emergency Response Levy. As part of the biggest undertaking in the last 40 years to upgrade, replace and modernize fire stations and emergency response, the program scope includes renovating or replacing 32 neighborhood fire stations. Fire Station 36 (Delridge/Harbor Island), one of the stations receiving upgrades, will be seismically reinforced and receive a small addition. The improvements will allow additional space for decontamination, storage, and equipment — including the Marine Emergency Response Team (MERT), bunker gear, and a generator sized to run for three days in an emergency — to increase safety for both the community and the firefighters. The marine specialty unit, which provides specialized equipment and trained personnel to respond to marine fires and emergencies, is based out of Fire Station 36 to take advantage of the station's proximity to Elliott Bay and surrounding industrial sites.

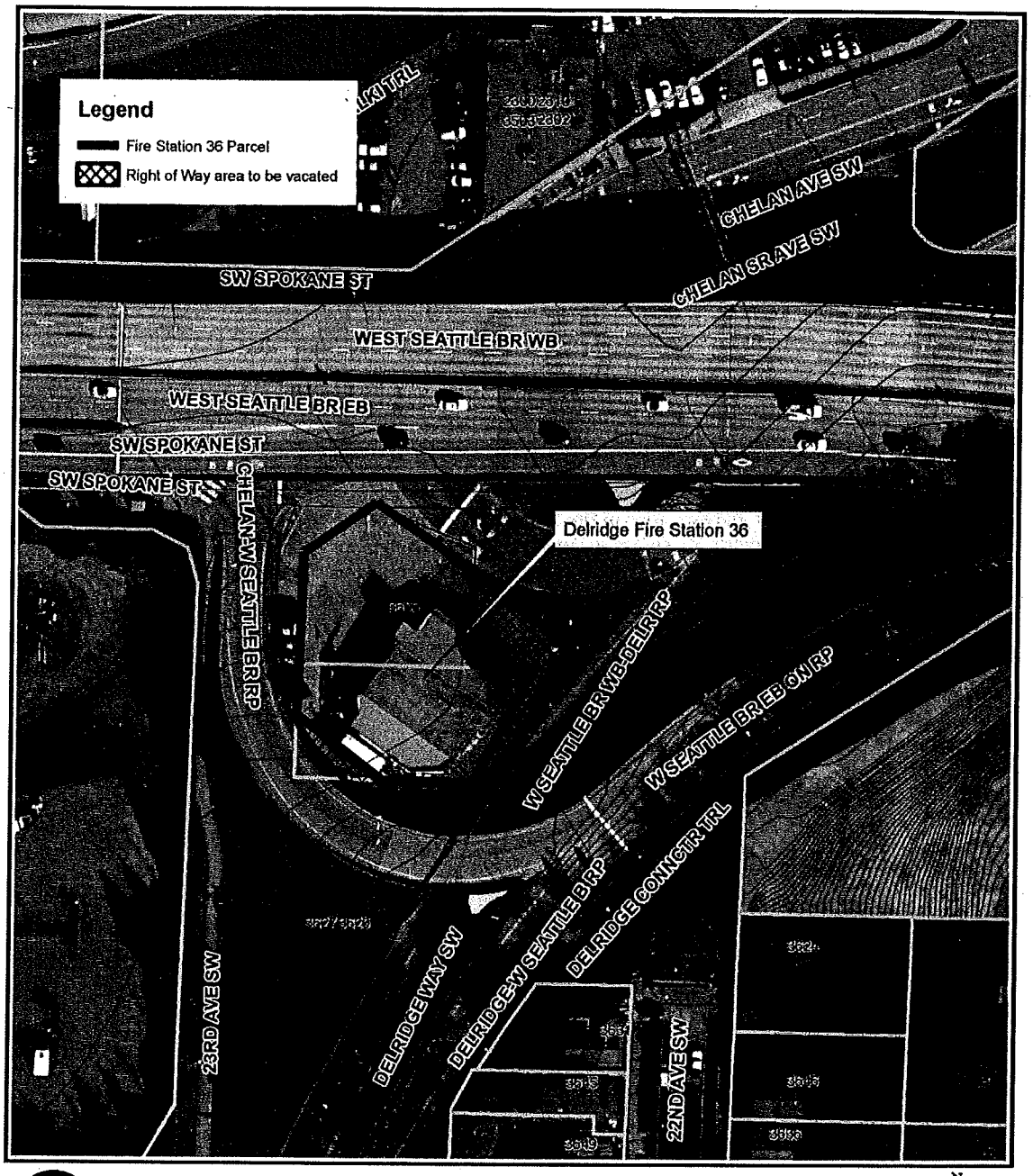
Proposed Street Vacation
As a result of numerous roadway improvements over the years, Fire Station 36 is surrounded by street right-of-way. In order to build the improvements to the station, a Street Vacation is required. The term Street Vacation refers to the process where a property owner can petition the City Council to acquire public right-of-way for private use. The proposed right-of-way area, currently used by the Fire Department, is on three sides of the existing fire station. If approved, the Street Vacation will enhance the fire department's ability to provide critical emergency response services.

Public Benefit
Under law, the Council may not vacate right-of-way unless it is in the public interest. Using the public right-of-way for the fire station has a clear public benefit -- to enhance the fire department's ability to provide critical emergency response services to the community.

Steps Involved in Street Vacation process
Under State law, The City Council must approve petitions for Street Vacations. Seattle Department of Transportation (SDOT) administers the process for street vacations. Steps include:

- Community notification and feasibility assessment
- Submitting a Vacation Petition
- City review, Public Hearing & Council Decision
- Two-part approval includes conditional approval and final ordinance

Schedule
FAS plans to request a Street Vacation in February, 2011. Council review could occur in late Spring, 2011. FAS anticipates that design of the fire station upgrades will begin this spring.



City of Seattle

Feet

0 160

N W E S

Fire Station 36 ROW Street Vacation
Adjacent Right of Way

February 2011
Produced by the City of Seattle
Real Estate Services

d.bretzke

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Appendix C Letter of Support from North Delridge Neighborhood Council

North Delridge Neighborhood Council
NDNC.org

April 11, 2011

Department of Finance and Administrative Services
c/o Teresa Rodriguez
Sustainability Program Manager/Project Manager
700 5th Avenue Ste 5200
Seattle, WA 98124

RE: Endorsement of Proposed Upgrades to Fire Station #36

Dear Ms. Rodriguez:

On behalf of the North Delridge Neighborhood Council (NDNC), we write in support of the City of Seattle's plan for the upgrade and expansion of Fire Station #36. As part of our support of the proposed upgrades, we urge the City Council to approve the vacation (cancellation) of the street right-of-way areas that exist between the station property and the ramps and streets adjacent to the station. We support this land transfer to Fire Station # 36, thus allowing the needed upgrades to occur.

The North Delridge Neighborhood Council highly values the services the Seattle Fire Department provides to the community and strongly endorses any effort in make our community's fire and medical protection better. Thank you for your facilitation of this endorsement.

Sincerely,

North Delridge Neighborhood Council

Karrie Kohlhaas, Council Chair

Patrick Baer, Treasurer

Kirsten Smith, Co-Secretary

Amanda Leonard, Co-Secretary

Holli Margell, Out-Reach Chair

Holli Margell

Appendix C Letter of Support from Pigeon Point Neighborhood

From: theresa hoy [mailto:theresahoy@yahoo.com]
Sent: Tuesday, March 15, 2011 12:36 PM
To: Rodriguez, Teresa
Cc: Jim and Laurie Sander; bayouwonder; brita@britalong.com; Faine, Christina
Subject: Fire Station 36 (Delridge/Harbor Isalnd) Street Vacation

Hi Teresa,

My name is Theresa Hoy and I'm the former co-chairman of the Pigeon Point Neighborhood along with Jim Sander. Jim and I technically stepped down last night from our positions but would like to wrap up a few loose ends in particular regarding the Fire Station 36 (Delridge/Harbor Isalnd) Street Vacation.

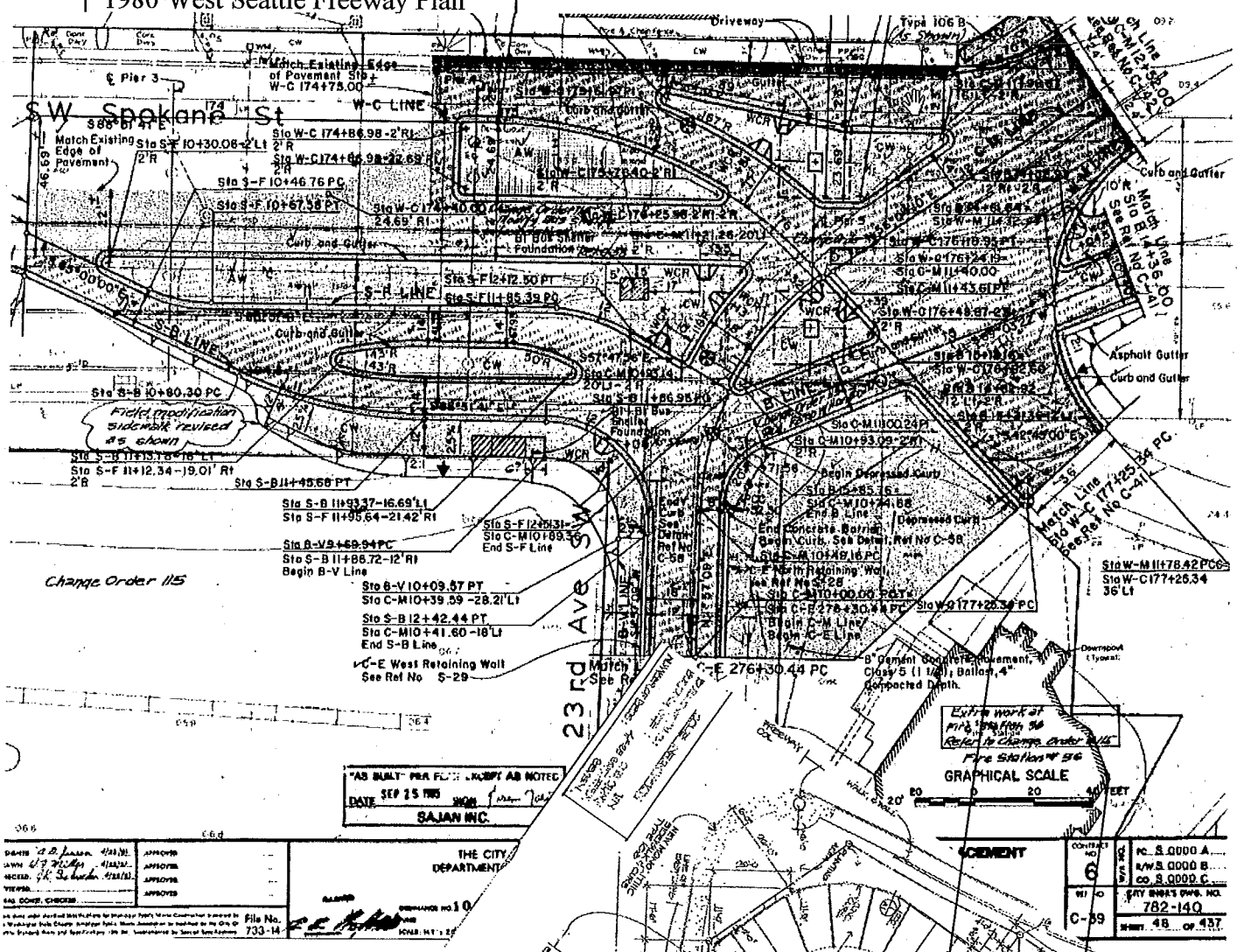
Yesterday evening Paul Fletcher, David Kunselman, and Daniel Bretzke, along with several firefighters from Fire Station 36, attended our neighborhood meeting and presented a "Proposed street vacation" for fire Station 36. They asked that we send a statement of support from our neighborhood council to you.

The Pigeon Point Neighborhood Council supports the proposed street vacation for Fire Station 36 and feel it's in the public's interest to enhance the fire department's ability to provide critical emergency response services to the community.

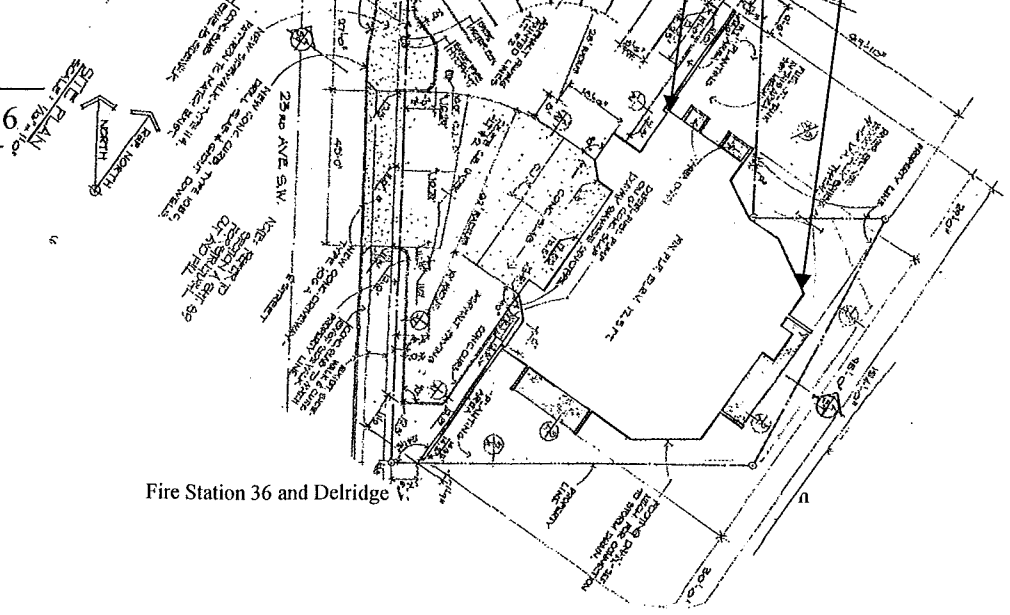
I'm including Brita Long, our new Pigeon Point Chairman on this email in addition to Pete Spalding, a well known Pigeon Point resident and community activist on this email. If you need any additional information or a more robust statement of support, please let us know.

Thanks and regards,
Theresa Hoy
Pigeon Point Resident/Former Co-Chair

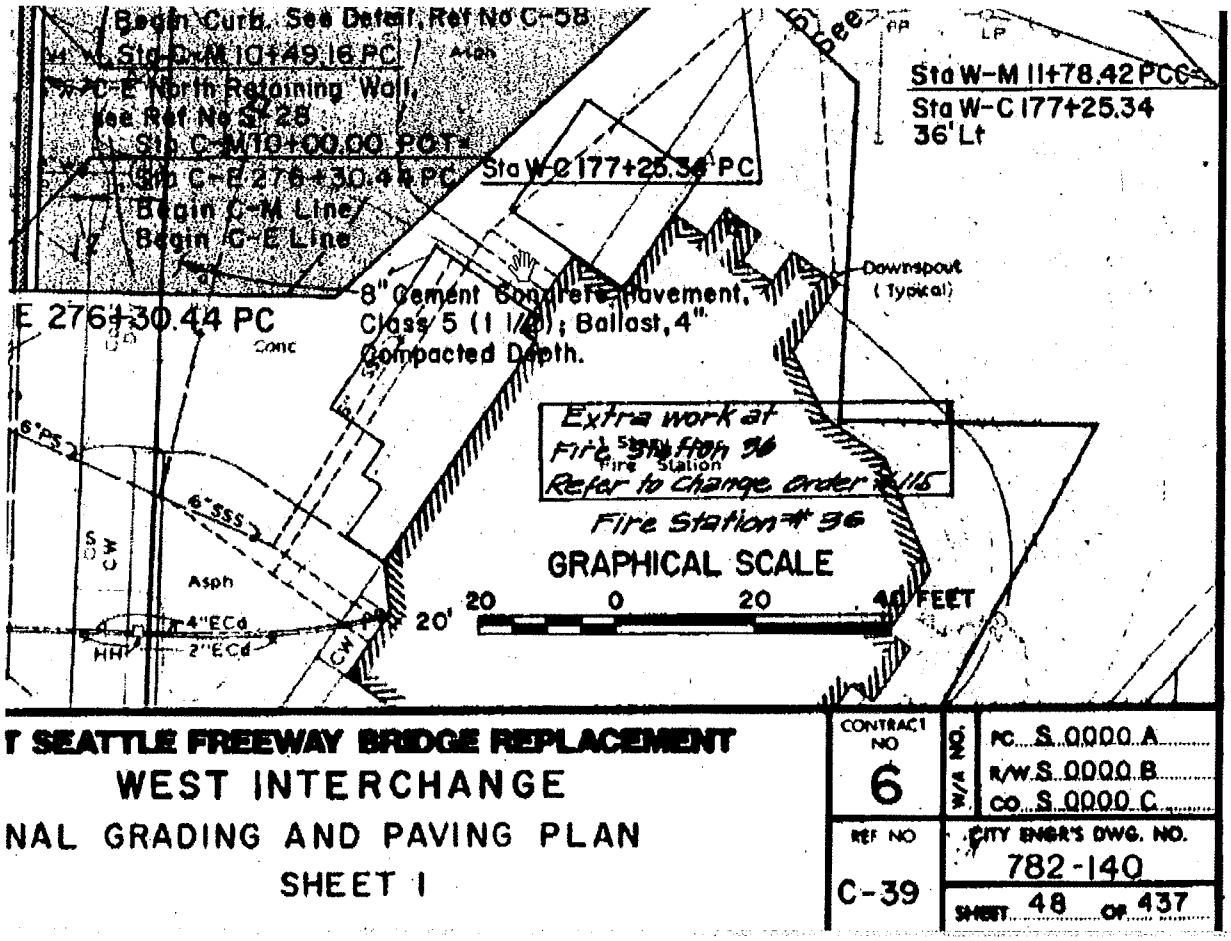
1980 West Seattle Freeway Plan



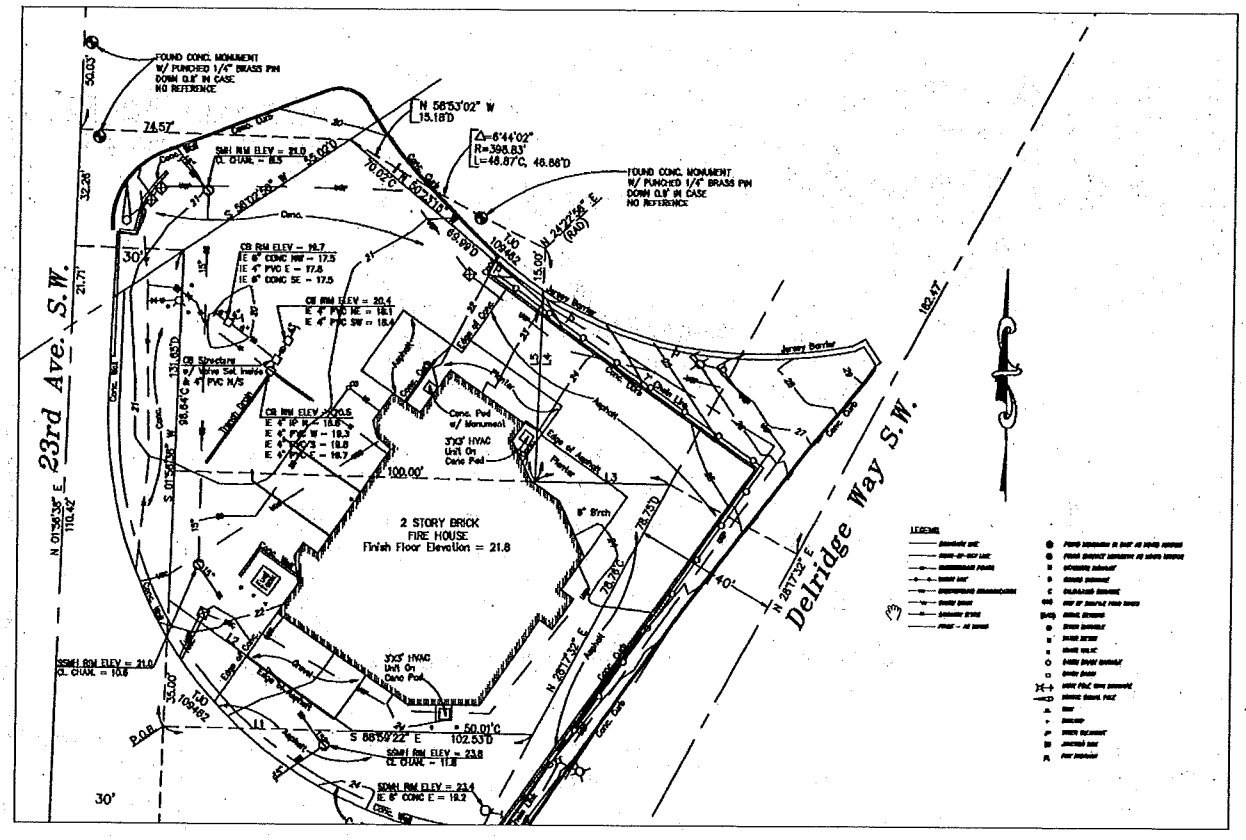
1971 Site plan for Fire Station 36



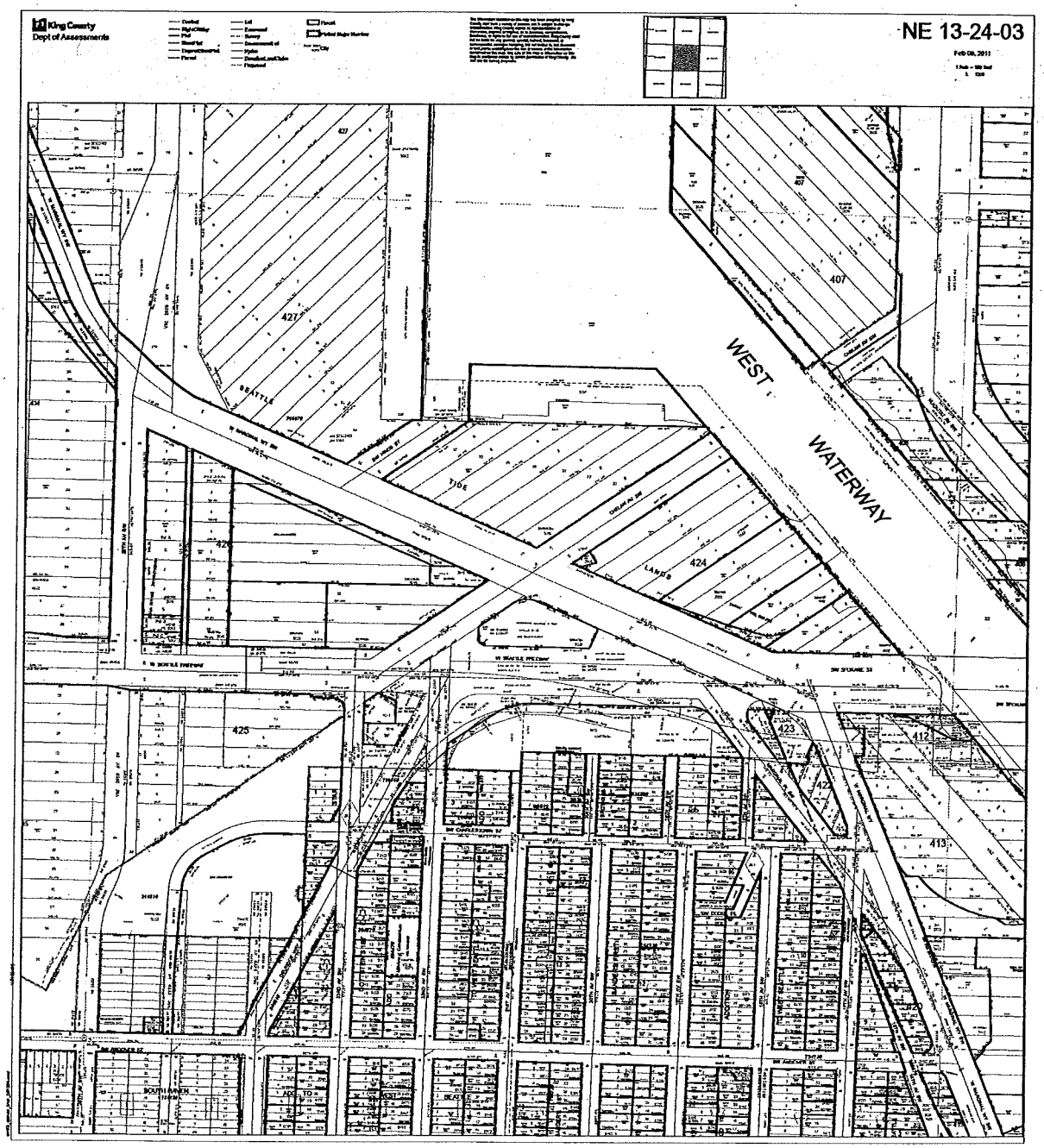
Appendix E Drawing from West Seattle Freeway



Appendix F Utility Survey



Appendix G Assessors Map



Appendix H, DPD Director's Rule 2-98

Applicant: CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	**Publication: 3/12/98** **Effective: 6/23/98**	**Supersedes:** None
Subject: **Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archeological assessments.**	Code and Section Reference Chapter 25.05.675 H, SMC	

PURPOSE

The purpose of this rule is to further elaborate on the SEPA Historic Preservation Policy 25.05.675 H 2.e for evaluation and mitigation on sites of potential archeological significance. The intent of this rule is to clarify how the Historic Preservation Policy would apply to such sites and describes when and how an assessment of archaeological resources should be conducted.

BACKGROUND

The Seattle Ordinance which implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC) authorizes the Department of Construction and Land Use (DPD) to grant, condition or deny construction and use permit applications for public or private proposals which are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

Many of Seattle's existing and former shoreline areas may be sites of potential archaeological significance due to settlement patterns of Native Americans and early European settlements along Puget Sound. Archeological sites and their resources may be directly or indirectly threatened by development or redevelopment projects and the SEPA policy provides the opportunity for analysis of these sites. Areas where sites or resources of potential archaeological

significance could be found include freshwater and saltwater confluences, areas with low bank saltwater access, terraces of rivers and creeks, river confluence areas, and historical sources of certain kinds of geological formations. Additionally, there is a the possibility that new resources may be discovered during construction in areas not noted above.

Archeologically significant resources present a unique problem because protection of their integrity may, in some cases, eliminate or impact economic opportunities on the site. Additionally, it would be unreasonable to require archaeological assessments on all projects located in areas with the characteristics described above. However, it is possible to provide some guidance by using historical information, literature and maps. Such records indicate known and potential settlements, and historical maps indicate the pre-urban shorelines. The US Government Meander line provides an indication of where the saltwater shoreline existed prior to recent fill or alteration. It is likely that one would find most potential archeologically significant resources located within 200 feet of this meander line.

RULE:

The Seattle Land Use Code does not define a potential archaeologically significant resource nor a professional archaeologist, so the definitions for those terms in the Washington Administrative Code (WAC 25-48-020 (10), and WAC 25-48-020(4), respectively)will be used. These definitions are found at the end of this rule.

The SEPA language addressing archeologically significant resources reads:

a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. (SMC 25.05.675 H.2a.)

e. On sites with potential archeological significance, the decision maker may require an assessment of the archaeological potential of the site. Subject to the criteria of the Overview Policy set forth in SMC Section 23.05. 665, mitigating measures which may be required to mitigate adverse impact to an archeological site include, but are not limited to:

- *i. Relocation of the project on the site:*
- *ii. Providing markers, plaques, or recognition of discovery;*
- *iii. Imposing a delay of as much as ninety (90)days (or more than ninety (90) days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and*
- *iv. excavation and recovery of artifacts (SMC 25.05.675 H.2e).*

In order to implement the intent of the above SEPA language, an assessment of the site's probable archaeological significance will be required for any proposal which includes excavation located within 200 feet of the US Government Meander line or in other areas where information suggests the potential for archeologically significant resources. The US Government Meander line is mapped on the City's Geographic Information System (GIS). When a project

subject to environmental review is proposed in these locations, the following steps shall be taken pursuant to SMC 25.05.675 H.

<u>During Review of the Master Use Permit:</u>

For any projects located within 200 feet of the US Government Meander line or in other areas where information, for example on previous development permits, suggests potential for archeologically significant resources, DPD shall determine the adequacy of the information provided in the SEPA checklist (Section B 13). This determination shall be based on sufficient references to support the conclusions and DPD may ask for additional information when appropriate. The following information, at a minimum, shall be provided in the SEPA checklist:

- *Proposed level of excavation and its relationship to the historical substrata.*
- *Results of research of relevant literature on the site and environs. Appropriate literature citations shall be provided using the attached bibliography and/or other appropriate resources as reference.*
- *Results of conversations or copies of written correspondence with the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) (address and phone at end of Director's Rule) to determine whether the site is a known archaeologically significant site.*

*If the required research does not identify the probable presence on the site of archaeologically significant sites or resources, **<u>SECTION A</u>** of this Rule shall be followed. If the research suggests probable presence of archeologically significant resources, **<u>SECTION B</u>** of this Rule shall be followed.*

<u>SECTION A</u> If the research does not identify the probable presence of archeologically significant resources:

The Director's decision shall summarize the results of the research. In this category of applications, the Department is likely to find that impacts to such resources are non-significant. Even though research has not indicated the potential for archaeologically significant resources on the site, there still may be some potential for unknown resources to be discovered if the proposal site is located in an area characteristically similar to those where known resources do exist. Thus, in order to ensure that no adverse impact occur to an inadvertently discovered archaeologically significant resource, the following conditions of permit approval shall be applied to the project to provide mitigation.

<u>Prior to Issuance of Master Use Permits:</u>

1. *The owner and/or responsible parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that*

construction crews will be required to comply with those regulations.

During Construction:

- If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
- Stop work immediately and notify DPD (Planner name and phone #) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

***SECTION B* If the research suggests the probable presence of archaeologically significant resources on the site:**

During Master Use Permit review, the planner shall review the results of the research to determine further action. If further assessment is needed, one or more of the following actions may be taken during review of the application or required as a condition of the permit approval. Additionally, the permit conditions in Section A shall be added to the Director's decision.

- A site reconnaissance by a professional archaeologist may be required.
- On-site testing, if recommended by a professional archaeologist may be required.
- A mitigation plan prepared by a professional archaeologist may be required.
- A condition may be added to the permit approval which would require that an archaeologist be on site to monitor the excavation.
- A Determination of Significance may be made and an Environmental Impact Statement prepared.

REASON

SEPA states that the protection of State's heritage resources are important to the retention of a living sense and appreciation of the past. Seattle's SEPA ordinance is a basis for local authority for evaluation and possible mitigation of the impacts of development proposals within the City limits. The reason for clarifying this section of the SEPA ordinance is to ensure that correct measures are taken to identify and analyze potential or known resources, and to make provisions to protect these resources pursuant to State and Federal laws referenced in this rule. Additionally, clear procedures will alert developers to the possibility that discovery of potential archeologically significant resources may impact their project schedules and costs. Requiring research on projects sites within 200 feet of the US Government Meander line and locations where information suggests the probability of potential archaeologically significant resources should ensure analysis of these significant resources.

WAC Definitions:

"Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and location of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, include rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material.". WAC 25-48-020 (10),

"Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D., from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archeologist including no less than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work. WAC 25-48-020(4),

APPENDIX A of DPD Rule 2-98

Procedures to follow for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation:

1. *If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify DPD and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). Responsible parties shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.*
2. *Once DPD and the State Office have been notified:*

- The owner and/or responsible party shall hold a meeting on site with DPD and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation , the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office of Archaeology and Historic Preservation (OAHP), and to DPD to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.

- The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.
- Work only shall resume on the affected areas of the site once an approved permit for Archeological Excavation and Removal is obtained from the OAHP. Work may then proceed in compliance with the approved plan.