City of Seattle
Seattle Department of Transportation
Peter Hahn, Director

July 14, 2011

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

Subject: **Petition of Block 20 LLC for the vacation of the southerly 115 feet of the alley in Block 20, Gilman's Addition to the City of Seattle, being the alley in the block bounded by West Dravus Street, 16th Avenue West, West Barrett Street, and 17th Avenue West**
Clerk File 311420

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of Block 20 LLC (the "Petitioner") for the vacation of a portion of the alley in Block 20, Gilman's Addition to the City of Seattle, being the alley in the block bounded by West Dravus Street, 16th Avenue West, West Barrett Street, and 17th Avenue West described as:

> **A portion of the alley in Block 20, Gilman's Addition to the City of Seattle being the southerly 115.07 feet of the alley abutting Lots 5, 6, 19, 20 and portions of Lots 4 and 21.**

The area proposed for vacation includes approximately 1,841 square feet of right-of-way.

BACKGROUND

The project is located in the Interbay neighborhood on the block bounded by West Dravus Street, 16th Avenue West, West Barrett Street, and 17th Avenue West. West Dravus Street is a major car and bicycle arterial and the site is close to a major bus stop along 15th Avenue West that is soon to become a Rapid Ride route. The site is zoned Seattle Mixed/Dravus with a height limit of 40-85 feet (SM/D 40-85). There is no neighborhood plan applicable to this site. The area can be described as a valley separating Magnolia from the Queen Anne Hill neighborhoods with a past history as a freight and rail corridor. While the area is not designated as an Urban Village in the Comprehensive Plan it is designated as Mixed Use/Commercial in the Comprehensive Plan and is anticipated it will be developed as an urban neighborhood. The SM zone has the goal of a diverse mixed-use community providing for both residential and commercial development with a strong pedestrian orientation.

The area is adjacent to 15th Avenue West, express bus service, retail centers and major bike trails which would support higher density residential uses. To the west and south of the site are playfields owned by Seattle Parks; to the west is the Interbay Athletic Field, and to the south is the soccer stadium used by Seattle Pacific University and other teams.

The existing alley is 16 feet in width and runs north/south in the block from West Dravus Street to West Barrett Street. While the alley is currently open the entire length of the block it is an uneven gravel surface in poor condition. The development site slopes to the south, with a grade change of approximately 24 feet with a high point of 64' at 16th Avenue West and West Dravus Street, and a low point of 40' at 17th Avenue West and West Barrett Street. The alley does not continue south of the site in the Park's property which includes the Interbay Soccer Stadium.

The Petitioner owns and proposes to develop about ¾ of the block; the total building site is approximately 52,000 square feet in size. The project site currently consists of seven separate parcels and is bisected by the existing alley. The project does not include three parcels fronting along the north end of the block on West Dravus Street. These parcels are developed as a Starbucks Coffee, Red Mill Burgers, and a surface parking lot owned by Werner Kozber. There is an additional parcel on the block, which is also not a part of the project site that does not abut the alley. This parcel is located at the corner of West Dravus Street and 17th Avenue West, and includes the Pandasia restaurant. These privately owned properties are not a part of the proposed vacation and the existing development and will remain after the new project is developed.

The project site is an L-shape bisected by the existing alley. The proposal is to vacate the southern portion of the existing alley, approximately 115 feet in length, adjacent to the parcels owned by the Petitioner. The northern portion of the alley would remain in its current configuration and a new alley segment is proposed to be developed. The new alley segment would extend from the terminus of the remaining alley, would extend west and exit onto 17th Avenue West. The new alley would be 20 feet wide at 17th Avenue West, and would widen to 35 feet at the "L" of the alley to allow for truck turning movements and increased visibility at the corner. The alley would then extend north to West Dravus Street along the unvacated portion of the alley. The northern portion of the alley would be widened to 18 feet to meet current standards.

REASON FOR VACATION

Vacating the alley will allow the Petitioner to combine the parcels that are now separated by the southern end of the alley. Combining the parcels allows for a more efficient underground garage structure without internal ramping that can be accessed from three separate at-grade levels. Creating a more efficient garage allows the project to wrap the at-grade garage structures with street level residential units, creating a more activated pedestrian-friendly frontage along West Barrett Street and 16th Avenue West. The creation of a more efficient garage will also allow the garage to include two access points from the alley, reducing traffic impacts on the adjacent streets and increasing the amount of street level uses. The alley vacation will allow for shared utilities and services such as elevators, egress stairs, and mechanical, electrical and fire suppression systems that would be required to be duplicated if the project was developed as two

separate structures. Efficiencies achieved through the combination of the lots on the southern end of the property allows the project to provide more upper level setbacks to reduce the bulk of the building creating a smaller scale along the sidewalks and creating a more pedestrian-friendly street environment.

PROJECT DESCRIPTION

The proposed project consists of a single L-shaped building varying in height up to eight stories, including a total of approximately 283,000 square feet. The proposal includes between 220 and 240 residential units, 204 parking stalls, and approximately 5,500 square feet of retail. The proposal is for up to eight levels of housing with two levels of housing over street level retail in some locations. The retail is proposed to be located along the frontage of West Dravus Street and will wrap around the corner along 16th Avenue West. The parking will be provided in three levels of structured parking at-grade. Because of the grade changes on the site, the three at-grade parking levels will be accessed from three separate at-grade entrances, the parking levels will not be connected by ramps. The lowest parking level access will be mid-block on West Barrett Street, the next level is accessed from the southern portion of the reconfigured alley, and the highest level will be accessed from the existing alley at the northern end of the site.

The at-grade parking is proposed to be screened from view from the street by residential units that would wrap the interior parking garage. The main residential and pedestrian entrance to the building is proposed on 17th Avenue West at the entrance to the proposed reconfigured alley. Additionally, a secondary residential and pedestrian entrance is proposed on 16th Avenue West, in order to provide easy access to West Dravus Street and the Metro bus routes along 15th Avenue West.

The project is being designed to provide affordable, work force housing close to existing mass transit and bicycle commute options.

The public benefit proposal associated with the alley vacation focuses on enhancing the pedestrian environment around the site. The enhancements include a street-level building setback at the corner of West Dravus Street and 16th Avenue West, street trees, bicycle racks, public seating walls and seating blocks, street plantings and rain gardens, pedestrian level street lights, overhead weather protection, street improvements outside the project area in the right-of-way between the alley entrance on 17th Avenue West and West Dravus Street to the north, a green screen and pedestrian lighting in the alley. In addition, the Petitioner proposes to update some lighting at the Interbay Stadium Concession stand in the adjacent sports field and provide Parks with an additional $5,000 for other work at the facility.

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, updates or responses to comments. 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 comments are received at the beginning of the review process and may not reflect project updates or agreements reached on design changes.**

The following comments were received:

City Departments

Seattle Fire Department (SFD): this is fine w/ SFD.

Seattle Department of Parks and Recreation (Parks): Parks can concur that the Petitioner has proposed to provide $5,000 to Parks in added public benefit to the Parks Department in addition to the proposed upgrading of the lighting at the Interbay Stadium concession stands. How this money is to be spent will be determined prior to the certificate of occupancy. Parks understands that this is in addition to other public benefits Unico has identified and agreed to provide in working with SDOT and the Design Commission.

Parks is in agreement with this provision as a condition of the petition to vacate a portion of the alley in Block 20.

Seattle Department of Transportation (SDOT) Policy and Planning Division: after review of the petition Policy and Planning can support the vacation but some modifications will have to be made.

SDOT is supportive of the redevelopment of these blocks, but with comments and questions regarding the site plan/cross sections/public benefits:

- There should not be three access points to enter the parking garage. The garage should be built to accommodate only two access points-one from the alley and one from W Barrett. Is the reason for designing the garage with 3 access points due to cost savings?

- The existing alley is 16 feet wide and will have to be wider. The Petitioner should review the Street Improvement Manual for drainage and design requirements. A two-foot dedication will be required to widen the existing alley right-of-way.
- There are concerns that the 9' easement along W Barrett Street is not going to be a public benefit as it looks like the easement will be for the first floor retail uses—states "patio" on the cross sections—will this be useable for the public? If not, then this is not a public benefit. The cross sections need to be modified to meet SDOT standards for a 6 foot wide sidewalk and the planting strip shown is too narrow. If there is on-street parking the 6' curb will need to be wider to allow for passengers to exit their vehicles.
- The planting strips along 17th Avenue do not look wide enough to accommodate street trees. We question whether the development needs a bio-swale, especially in the location shown—adjacent to the building with no drainage capability for the stormwater on the street to infiltrate to the bio-swale. A bigger planting strip that can accommodate street trees is preferable to SDOT.
- Again, we question the public benefit of a voluntary setback if the setback does not actually allow for the public to use the space, such as shown on 16th Ave. Because the bio-swale is shown adjacent to the street, and we assume parking will be allowed, SDOT will require at least 1' curb separating the bio-swale and parking lane to allow passengers to exit their vehicles and step on the curb and not directly into the swale.
- SDOT likes the 11' sidewalks along Dravus. We would like to see how the building at the corner will interact with the street. Will this be public open space-visible from Dravus? Red Mill and Starbucks always have people sitting outside, when the weather allows it, and it would be great to have more activation and liveliness along Dravus. Recommend allowing sidewalk cafes to activate the corner.
- Where will pedestrian lighting be located?
- Bike racks are mentioned as a public benefit. Where will they be located and how many?

SDOT Capital Projects and Roadway Structures (CPRS): does not have any existing assets affected by the alley vacation.

SDOT Street Use Division: has the following comments:

- It appears that many of the proposed public benefits are already required as part of the development. Based on the extent of new and replaced impervious service, the stormwater code already requires green storm infrastructure to the maximum extent feasible, which would require the rain gardens on 16th and 17th, if feasible. In addition, if the existing street lighting along W Barrett is insufficient, new lighting would be required in conjunction with the required new curb and roadway widening. A few of the items already identified as land use code requirements in the preliminary assessment report are:
    - A 9 foot easement along West Barrett
    - Street trees
- It would be helpful for the applicant to identify which parts of the public benefit package are also being used for green factor credits.

- The L-shaped alley may create a closed contour and would require additional drainage infrastructure or grading to ensure adequate stormwater flow.
- There may be City Light infrastructure in the existing alley that would need to be relocated at the developer's expense.

SDOT Signal and Lighting Design: the petitioner will need to coordinate with SDOT and City Light on fixture style, spacing, conduit, service point and light levels during design.

SDOT Traffic Management Division: has reviewed the petition and has not identified any significant traffic implications. Traffic management concurs with the comments provided by the Policy and Planning Division regarding site access and public benefits.

Department of Planning and Development (DPD) Planning Division: has the following conclusions after review of the proposal:

- Public Trust: the proposed vacation will not result in a disruption of the traffic circulation system because the alley does not continue to the south of the block and the alley is accessible from West Dravus Street.
- Land Use Policy: the proposed project does not advance any particular comprehensive plan policy which would provide support for the vacation. The project is not located in an urban village or a mixed use commercial area and recent zone changes (2007) from Commercial to Seattle Mixed represent a departure from land use policy elsewhere in the City where establishing residential uses in proximity to industrial is discouraged. This change in zoning, however, does provide for affordable housing by requiring a development of floor area above 40 feet in height to be achieved through participation in the residential incentive zoning program set out in SMC 23.58.
- Public Benefit: the applicant proposes a program of streetscape improvements and building setbacks as public benefit. The most significant of these are the streetscape enhancements. The following are recommended as required public benefits:

    1. Development of a streetscape concept plan approved by DPD and SDOT spelling out specific design specifications for improvements. This streetscape plan should be developed with the intention that it will inform right of way improvements of future development projects on West Dravus Street. Included in this streetscape plan will be all pedestrian enhancements identified in this application for the alley vacation.
    2. The applicant shall implement the streetscape concept plan for all streets abutting the property.

DPD Land Use Division: Development potential on parcels adjacent to the proposed vacation would be expected to change if the vacation were accomplished. According to the petitioner, the purpose of the vacation is to facilitate the development of the site by consolidating parcels separated by an intervening alley. There is no reason to believe that any future development abutting the alley would be restricted by the vacation since the portion of the alley vacated would be replaced by an extension of the alley west to 17th Avenue W. There might be some slight impact on light availability attributable to the vacation but the effect of shadows on properties to

the west and north would not be appreciably greater, give the height and massing of the proposed development, than without the vacation. The availability of air and impacts on open space are not appreciable. It is not known whether the alley right-of-way serves any alley functions properly so called, but it appears existing functions could adequately be redirected.

The surfaces of the playfields to the west and south of the site are located well below the surfaces of the streets (Barrett and 17th) and the alley. The function of providing for private and public views from the northern portion of the alley and abutting properties would more than likely be altered by any development that occurs within the area now designated as alley. But the orientation of developed commercial building at the north end of the alley is generally toward Dravus Street and not to the south.

Circulation and access could be affected more substantially. Properties north of the proposed site in Block 50 are developed below the capacity of the SM zone. The buildout of the zoned potential of this block west of the alley could exert some pressure on the alley which will function as the primary or secondary access to parking on each developed (or developable) parcel. It is important that the connection proposed between the alley and 17th Avenue W be functional and be functionally adequate for the future potential zoned-capacity buildout of the properties it serves.

The Petitioner has indicated that the proposed vacation would be for a project that includes: approximately 5,500 square feet of commercial retail space at street level, approximately 234 residential units above grade level, and parking for approximately 487 vehicles. The proposed development is consistent with the City's Land Use policies and suitable for the area. Development associated with the vacation would not appear to conflict with current transportation policies.

DPD has also considered the high volume of traffic on W Dravus Street. It is difficult to see how the reconfigured alley would affect the total one way or the other. DPD believes that SDOT could best provide perspective on this issue. Clearly any new development on separate parcels on either side of the existing alley, with preferred access to the parking on each development site from the alley, would potentially increase the impact of alley traffic onto W Dravus Street.

If the proposed alley vacation were to be approved, the resulting development site would generally be compatible with the commercial development intended for this portion of the Interbay area. The recent rezone of the area to Seattle Mixed (SM) contemplated both commercial and residential development and contemplates mixed-use development within single structures. It is anticipated that the portion of a new dedicated alley running between 17th Avenue W and the existing non-vacated portion of the existing alley, with provisions for adequate turning radii, drainage, etc, could well meet existing and anticipated alley traffic needs. It is also anticipated that the Design Review process now under way will result in a development that meets neighborhood concerns of height, bulk, scale and character. The alley segment does not provide an edge or boundary between zones or areas of differing character. The rezone application would not result in intrusions of residential into a commercial zone, except as part of a mixed-use development which would maintain the integrity of street-level commercial uses.

DPD recommends that the alley vacation be granted. If the proposed alley vacation were to be approved, the resulting development site would be compatible with what commercial development was intended for this portion of the Interbay area.

Seattle City Light (SCL): SCL has a small service line the alley. The Petitioner will be responsible for the cost of relocation, if required. If the service is removed as part of the redevelopment, there may be a charge for removal. The Petitioner is responsible for coordination with any co-owners or renters on the pole.

Seattle Public Utilities (SPU): after review of petition to vacate a portion of the alley, SPU has determined there are no SPU facilities that will be affected by the vacation request. SPU does suggest that the Petitioner will need provide adequate drainage structures to protect all private property. If the vacation is approved, the Petitioner will need to ensure that the combined mainlines on 16th & 17th Av W and the storm mainline on West Dravus are protected during the construction phase.

Seattle Design Commission: reviewed this project at its regular meetings of April 21, 2011 and May 5, 2011 and took the following actions:

April 21, 2011: the Commission thanks the Unico design team for its presentation of its proposed mixed use project in Interbay and its request for an alley vacation. The commission believed the proposal adequately provides circulation through the site, improves the pedestrian experience, and better directs the movement of cars. As the first new project of its kind in the neighborhood, the commission noted the project will set the standard for the future of the neighborhood and urged the team to create a quality development. By a vote of 6-0, the commission approved the urban design merit portion of the alley vacation with the following comments:

- Design the alley so that it functions for all adjacent business owners. The alley easement should not be used for truck staging; other business owners may need to use this space for their operations.
- Extend the sidewalk on the east side of 17th Avenue (adjacent to the Kozber property and Pandasia property) north to Dravus Street even though this is technically not part of the project's street frontage. The sidewalk along 17th Avenue should be designed to prevent conflicts between cars and the expected increase in pedestrian traffic; not only does the sidewalk on 17th cross the intersection of the reconfigured alley, but it also leads south to the SPU soccer stadium and is adjacent to the highly transparent main building entrance.
- Further refine the design of the building's main entrance to discourage unwanted pedestrian traffic in the alley.
- Improve the street crossings with paving or paint, especially the crossing at 17th and Barrett. The project will draw more pedestrians to use the project's sidewalks and will cross at 17th and Barrett to go to neighborhood amenities such as the park, retail establishments and bus stops.
- Develop wayfinding elements to connect the residents to nodes and amenities in the neighborhood.

- For the next meeting, the commission asked to see the public benefit package in more detail. For each element, identify what is above and beyond the code requirement.

May 5, 2011: the Design Commission thanked the design team for its well-organized presentation of the public benefit package for the Unico alley vacation. The Commission stated the project is a great project and mutually beneficial to Unico and the city. By a vote of 8-0, the Commission approved the public benefit package of voluntary building setbacks, streetscape amenities, street improvements, sustainable stormwater controls, reduction of curb cuts, and screening of parking garage as presented in the chart included below, with the following conditions:

- Add an agreement to cover the on-going, long-term maintenance for the amenities outlined in the public benefit package.

The public benefit package includes the following elements:

Public Benefit	Description	Existing	Required	Proposed
#1	**Voluntary Building Setbacks**	n/a		
	Setbacks along alley		0 sf	659 sf
	Street-level setbacks		0 sf	502 sf
	Upper-level setbacks		0 sf	8822 sf
#2	**Streetscape Amenities**			
	a. Public bike racks	0	2 spaces	8 spaces
	b. Canopy lighting at 16th/Dravus and Lobby	0	0	10
	c. Pedestrian street lights at Barrett	0	0	3
	d. Building-mounted alley light fixtures	0	0	4
	e. Upgrade stadium light fixtures at sidewalk level	0	0	4
	f. Upgraded alley paving at 17th Ave.	0	0	1000 sf
	g. Dog bag dispenser on Barrett	0	0	1
	h. Weather protection over sidewalk at Dravus & 16th	0	0	600 sf
	i. Greenscreen/landscape enhancement at alley	0	0	500 sf
	j. Street trees	2	28	31
	k. Street tree size	<2" Caliper	2-2.5" Caliper	3" Caliper
	l. Planting improvements in R.O.W.	0	700 sf	3100 sf
	m. Pedestrian wayfinding elements at Dravus	0	0	2
	n. Waste receptacles at each entry	0	0	2
	o. Seating elements at Dravus	0	0	48 lf
	p. Seating elements at 17th	0	0	10 seats
#3	**Street Improvements at Neighboring Properties**			
	a. Street tree replacement on Dravus	n/a	0	5
	b. Street trees on 17th north of Alley	0	0	5
	c. Sidewalk replacement on 17th north of Alley	n/a	0	800 sf
	d. Planting improvements on 17th north of Alley	0	0	1800 sf
#4	**Sustainable Stormwater Controls**			
	Daylit raingardens & enhanced plantings at 16th & 17th	0 sf	0 sf	3400 sf
#5	**Reduce Curb Cuts around Site**			
	Increase continuous pedestrian frontage by reducing curbcuts around the site	4	n/a	1
#6	**Screening of Parking Garage**			
	Screen parking garage from street with commercial and residential uses, above 30% code requirement	n/a	214 lf	618 lf

Outside Agencies:

<u>King County Department of Natural Resources & Parks, Wastewater Treatment Division (WTD):</u> has reviewed the proposed vacation and has determined that this proposed vacation, as depicted, will not affect WTD facilities.

<u>Qwest Communications:</u> currently has facilities in the area addressed by this action 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 PIU or private easement to cover our existing and future facilities.

Puget Sound Energy (PSE): has conducted a review of its existing gas facilities within the subject portion of the 16-foot alley. PSE has no existing or proposed gas facilities impacted by the proposed vacation. Its existing customers are being served from the gas mains located in W Dravus St or 16th Av W.

Community Comments in Support:

John McJunkin: as the owner of the property that houses Pandasia Restaurant, located at the corner of 17th and Dravus in Interbay, I think the development overall is an exciting addition to the neighborhood, and I support the alley vacation.

As reconfigured, the alley vacation will help cars get in and out of the local businesses and overall will help cars circulate. I also think that keeping the garage entrances on the alley will provide safety for the many pedestrians we see here. I understand the vacation will allow the developer to place residential units around the perimeter of the building instead of parking garages, which will help give the district a true neighborhood feel.

This development will be a huge upgrade for this area. I believe it will provide new customers for my business and the others nearby, and will also clean up a blighted area. It is just what we have been hoping for since the local rezone.

Please approve the alley vacation so that this building has the best chance of being completed.

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 alley vacation is unusual because the proposal is not to terminate the alley function but instead the proposal is to continue the function but to alter the alley design. The main purpose of alleys is to provide for access to individual parcels, provide for services, and accommodate utility functions. The existing alley is used for the customary alley functions such as access to individual buildings and service activities such as loading and solid waste pickups. This alley runs north and south through the entire block and the Petitioner proposes to vacate the southern portion of the block and create an L-shaped alley by creating a new alley segment. The new alley segment would extend between 17th Avenue West and the existing alley;

this would form an L-shaped alley connecting between West Dravus Street and 17th Avenue West.

The function of the alley will not change following the vacation and the use by other property owners on the block should not be significantly impacted. The existing businesses, including a very busy Red Mill Burgers, Starbucks, and a surface parking lot will all continue to have alley access using the existing and remaining alley segment. The customers and services that access these businesses would continue to use the existing alley segment and would exit the block using the new alley connection. The new alley should provide the same level of access and service as the existing north/south alley. The new development is designed to provide for access to its service and loading functions and its parking from the alley so that no traditional alley functions spill out into the street.

In order for the new alley segment to provide the same level of service to both the existing businesses and the new project, the alley must be wider to provide space for the turning movements needed by service and delivery trucks. The Street Improvement Manual, a joint SDOT and DPD Director's Rule that provides more details of the street improvement requirements of the Land Use Code, provides design requirements for non-standard alleys. For this project, the new alley segment was designed to meet these standards and provide sufficient space for truck turning movements. The alley will also be widened adjacent to the Petitioner's property to meet current alley guidelines. The alley will vary in width depending on the function and location. The alley dimensions will include:

- 20 feet in width from 17th Avenue West;
- 35 feet in width to provide for turning movements as the new alley segment from 17th Avenue West connects to the existing alley;
- 18 feet in width adjacent to the Petitioner's portion of the existing north/south alley (widened from 16 feet) to meet current alley standards;
- 16 feet in width at West Dravus Street outside of the project site and adjacent to Red Mill Burgers and Starbucks.

The alley also needs to be designed to address potential drainage issues. Since the alley creates a corner or a closed-contour alley, drainage needs to be addressed to ensure that the drainage plan is adequate to move water through the site. The Petitioner also proposes a number of street improvements around the site; these improvements will require SDOT approval of the final design as the project moves forward in the design and permitting process. The vacation should be conditioned on the requirement that the Petitioner receive approval from SDOT for the design and dimensions of the alley in the required Street Improvement Plan (SIP) and dedicate or provide an easement for the new alley segment, provide for a drainage plan for the closed-contour alley, and for the street improvements around the project site.

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.

Both Qwest Communications and City Light have facilities in the existing alley that will require easements or relocation. In addition, the alley needs to be designed to SPU specifications to make sure that drainage is adequately controlled and collected. The Petitioner has been working with the impacted utilities to provide protection for the utility infrastructure.

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 alley, in its current north/south orientation does provide for views down the alley to a public park, the Interbay Soccer Stadium. This petition is to vacate the southern portion of the alley and then create an L-shaped alley with a new segment connecting to 17th Avenue West, this would clearly alter the views through the alley and it would no longer be possible to see through the alley to the park. Public views would end at the new building proposed for development. While the public views are altered by the proposal, the views being lost are not significant. The proposal includes a safer pedestrian environment by providing sidewalks, pedestrian lighting and elements such as street trees that offset any loss of views.

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

The Petitioner has identified that the main reason for the vacation is for flexibility in the development of the site and the ability to share functions such as loading bays and elevators. It was not a goal of the vacation to achieve a higher density use of the site. In fact, this project will end up with a slightly smaller parcel after the vacation because the new alley segment will be greater in size than the existing alley in order to accommodate turning movements. The portion of the alley being vacated is approximately 1,840 square feet while the new segment to be created by dedication/easement is approximately 3,240 square feet.

The vacation allows for the development of a single building that shares loading bays and service functions and allows for access to structured parking without providing for ramps between levels. The development can also place residential uses along the street edge and provide upper level setbacks to create a more vibrant street environment around the project site. While the Petitioner achieves a lot in the way of flexibility and the cost efficiencies in sharing services and elevators in the project, the proposal is not larger in scale because of the vacation.

Another consideration is the review of the project and its compliance with the adopted Neighborhood Plan or goals set by the Comprehensive Plan. This project is not within the boundaries of any adopted Neighborhood Plan but the recent zoning change completed in 2007 provides guidance about the development goals for the area. SMC 23.34.126 provides that "the Seattle Mixed zone is applied to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The zone permits a wide range of uses and promotes diversity to encourage a mixed-use neighborhood. This zoning designation balances the need for flexibility to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood."

The area was rezoned to Seattle Mixed specifically to provide for the ability to develop residential units in the area. Consistent with the zoning, the Petitioner proposes to develop a mainly residential building and this project will be the first residential development in the Interbay neighborhood which has historically included mostly industrial and heavy commercial uses. The introduction of residents into the neighborhood will support the existing commercial and retail businesses in the neighborhood and will help spur new commercial and retail uses. The project is well-served by bicycle routes to and from downtown and Ballard and is also well-served by the new bus Rapid Ride on 15th Avenue West, one block east of the project.

There are no existing projects similar to this proposal to compare for scale or use, but clearly the proposal seems to be a first step in implementing a broader development pattern, including residential, as envisioned by the City with the recent zoning change. This project should serve as catalyst for other similar projects in the area.

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

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

The Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large in size or if the project has significant impacts, then the Policies anticipate that the public benefit proposal must also be significant. This proposal alters but does not

eliminate the public use of the alley, the vacation does not increase the scale of the project, and the project has not been found to have significant impacts. A meaningful but more moderate public benefit proposal is appropriate for this project.

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

Public Benefit Matrix

Zoning designation	Seattle Mixed/Dravus 40'/85' (SM/D 40-85')
Street classification	Alley
Assessed value of adjacent property	Parcel 2770602764: $356,800 Parcel 2770602760: $443,000 Parcel 2770602755: $650,000 Parcel 2770602750: $381,000 Parcel 2770602740:$1,659,000 Parcel 2770602730: $510,000 Parcel 2770602725: $510,000 Parcel 2770602720: $511,000
Lease rates in the vicinity for similar projects	Per square foot rentals for newer apartment project in the area range from $1.90/sf to $2.43sf
Size of project, in square feet	281,110 square feet
Size of area to be vacated, in square feet	1,840 square feet
Contribution of vacated area to development potential	0%.
New alley segment	3,230 square feet

The public benefit proposal offered by the developer focuses on enhancing the pedestrian character around the project site. A variety of strategies are offered to create an inviting pedestrian environment that serves the project and goes beyond the requirements to provide a benefit to the general public. The Petitioner will provide elements such as overhead weather protection, street trees larger than code required, pedestrian lighting, street furniture, rain gardens along 16th Avenue West and 17th Avenue West, wayfinding signage, and seating. The chart below provides a detailed list of the proposed public benefit elements.

The chart does not include additional commitments made to Parks. The Petitioner proposes to update the lighting at the concession stand at the Interbay Soccer Stadium just south of the project. In addition, the Petitioner will provide Parks with $5,000 to be used for enhancements at the adjacent park property.

Worthy of particular note, is the proposal to extend the street improvements along the entirety of 17th Avenue West all the way to West Dravus Street. This extension is along the frontage of property outside of the project site and owned by other property owners. These improvements are not required by the Land Use Code. The Petitioner secured the support of the other property owners and will continue the enhancements outside of the project boundaries to upgrade the entire block face. The public will benefit from the continuity of the improvements and the proposal to do this work strengthens the entire package. Another very strong element is the voluntary setback at West Dravus Street and 16th Avenue West. This setback is planned to allow for a stronger retail or restaurant presence and will help to continue the strong and successful restaurant frontage already on the block.

It should also be noted that the chart includes a couple of elements that would not be considered as public benefits if offered alone. These include upper-level setbacks and the setbacks along the alley. Historically, the City Council has not accepted that setbacks above the street level provide a public benefit. Nor has the Council been persuaded in the past that setbacks along an alley constitute a public benefit. While these elements do not constitute a public benefit alone, they are part of a well thought out package of amenities and it is appropriate to retain these elements as a part of the package. The proposed public benefit package includes:

Public Benefit	Description	Existing	Required	Proposed
#1	**Voluntary Building Setbacks**	n/a		
	Setbacks along alley		0 sf	659 sf
	Street-level setbacks		0 sf	502 sf
	Upper-level setbacks		0 sf	8822 sf
#2	**Streetscape Amenities**			
	a. Public bike racks	0	2 spaces	8 spaces
	b. Canopy lighting at 16th/Dravus and Lobby	0	0	10
	c. Pedestrian street lights at Barrett	0	0	3
	d. Building-mounted alley light fixtures	0	0	4
	e. Upgrade stadium light fixtures at sidewalk level	0	0	4
	f. Upgraded alley paving at 17th Ave.	0	0	1000 sf
	g. Dog bag dispenser on Barrett	0	0	1
	h. Weather protection over sidewalk at Dravus & 16th	0	0	600 sf
	i. Greenscreen/landscape enhancement at alley	0	0	500 sf
	j. Street trees	2	28	31
	k. Street tree size	<2" Caliper	2-2.5" Caliper	3" Caliper
	l. Planting improvements in R.O.W.	0	700 sf	3100 sf
	m. Pedestrian wayfinding elements at Dravus	0	0	2
	n. Waste receptacles at each entry	0	0	2
	o. Seating elements at Dravus	0	0	48 lf
	p. Seating elements at 17th	0	0	10 seats
#3	**Street Improvements at Neighboring Properties**			
	a. Street tree replacement on Dravus	n/a	0	5
	b. Street trees on 17th north of Alley	0	0	5
	c. Sidewalk replacement on 17th north of Alley	n/a	0	800 sf
	d. Planting improvements on 17th north of Alley	0	0	1800 sf
#4	**Sustainable Stormwater Controls**			
	Daylit raingardens & enhanced plantings at 16th & 17th	0 sf	0 sf	3400 sf
#5	**Reduce Curb Cuts around Site**			
	Increase continuous pedestrian frontage by reducing curbcuts around the site	4	n/a	1
#6	**Screening of Parking Garage**			
	Screen parking garage from street with commercial and residential uses, above 30% code requirement	n/a	214 lf	618 lf

Together this package provides a strong public benefit proposal that should create an inviting and safe environment for the general public accessing the sports fields or the new residents of the development. The package was carefully developed to include amenities such as seating and larger street trees; sustainable elements such as rain gardens and a green wall in the alley; safety

features such as sidewalks; and design mitigation such as setbacks for an overall effect that should be very vibrant and engaging. 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 July 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 include:

   - The design and dimensions of the new alley segment, including the turning radius and connection to the existing alley;
   - Street improvements around the site including bio-swales, sidewalk dimensions, street trees, pedestrian lighting, wayfinding signage, and other amenities located within the right-of-way;
   - Alley design and points of access from the alley; and
   - Confirmation that the drainage plan for the alley is approved by SPU.

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 that adequate drainage facilities be provided and that adjacent facilities be protected during construction;
   - Seattle City Light may require the Petitioner to relocate the alley overhead City Light in the alley; 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, if necessary. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA.

   The Petitioner shall upgrade the lighting at the concession stand at the Interbay Soccer Stadium and shall provide Parks with $5,000 to be used for improvements at the park facility. The public benefit proposal includes the following elements:

Public Benefit	Description	Existing	Required	Proposed
#1	**Voluntary Building Setbacks**	n/a		
	Setbacks along alley		0 sf	659 sf
	Street-level setbacks		0 sf	502 sf
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#2	**Streetscape Amenities**			
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	f. Upgraded alley paving at 17th Ave.	0	0	1000 sf
	g. Dog bag dispenser on Barrett	0	0	1
	h. Weather protection over sidewalk at Dravus & 16th	0	0	600 sf
	i. Greenscreen/landscape enhancement at alley	0	0	500 sf
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	m. Pedestrian wayfinding elements at Dravus	0	0	2
	n. Waste receptacles at each entry	0	0	2
	o. Seating elements at Dravus	0	0	48 lf
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	d. Planting improvements on 17th north of Alley	0	0	1800 sf
#4	**Sustainable Stormwater Controls**			
	Daylit raingardens & enhanced plantings at 16th & 17th	0 sf	0 sf	3400 sf
#5	**Reduce Curb Cuts around Site**			
	Increase continuous pedestrian frontage by reducing curbcuts around the site	4	n/a	1
#6	**Screening of Parking Garage**			
	Screen parking garage from street with commercial and residential uses, above 30% code requirement	n/a	214 lf	618 lf

Sincerely,

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

Enclosures