



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.

Honorable Tom Rasmussen

09/02/11

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- 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

