City of Seattle

Seattle Department of Transportation Peter Hahn, Director

April 1, 2013

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

Subject: Petition of Seattle Public Utilities for the vacation of the portion of Carr Place North between N 34th Street and N 35th Street in the South Wallingford Planning Area of Seattle
Clerk File 312535

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the vacation petition from Seattle Public Utilities (hereafter SPU or Petitioner) for the vacation of the portion of Carr Place North between N 34th Street and N 35th Street in the South Wallingford Planning Area of Seattle described as:

> **Carr Place North from the north margin of North 34th Street to the south margin of North 35th Street.**

The street proposed for vacation includes approximately 11,035 square feet.

BACKGROUND

The section of Carr Place North proposed for vacation is located between 1350 N 34th Street and 1550 N 34th Street. The block where the project is located is bounded by N 34th Street to the south, N 35th Street to the north, Woodlawn Avenue N to the east, and Stone Way N to the west. The project is located in the Wallingford and Fremont neighborhood within the South Wallingford Planning Area. The property to the west of Carr Place North is zoned Industrial Commercial (IC-45) and Industrial Buffer (IB U/30). The property to the east is zoned Commercial (C2-40).

Carr Place North currently provides for north-bound vehicular traffic only and the street does not extend south of N 34th Street.

The existing North Transfer Station (NTS) is over 50 years old and is becoming more unreliable as it ages and incapable of meeting all the present and future recycling needs of the City. SPU has been actively engaged in planning for upgrading this facility for over ten years. In the course of the planning work, SPU has considered both the North and South transfer stations and has

studied whether to combine the facilities, where to site the facilities, as well as what uses each facility should include.

The City Council has directed a number of actions taken by SPU in this planning effort. In 2001, the City Council adopted Resolution 30431, which directed SPU to develop a 20 year Solid Waste Facility Master Plan (Master Plan) for review and adoption by the City Council. In the Resolution, the City Council stated its belief that replacement and/or rehabilitation of the City's existing solid waste facilities is critical to maintaining the City's leadership in providing cost-effective and environmentally beneficial solid waste management services.

In 2005, the City Council passed Ordinance 121899, which authorized SPU to acquire property adjacent to the existing North Transfer Station for purposes of expanding the facility at that site. This legislation referenced the draft Master Plan that detailed that the City's existing solid waste facilities are inadequate to deliver cost effective and environmentally beneficial solid waste facilities. The Plan concluded that the City's North Recycling and Disposal Station suffers from a number of serious service constraints resulting in frequent lines of motor vehicles extending onto the public roadway, significant customer delays, and insufficient space to improve recycling and reuse facilities. To address the service problems at this site, the Plan recommends and the legislation authorized acquisition of additional property adjacent to the existing site to provide the necessary space for service improvements.

In June of 2007, the City Council adopted Resolution 30990 to establish recycling goals and to provide direction on waste-reduction programs and solid waste facilities. The resolution specified goals for both the North and South transfer stations in reducing waste and specified some design goals such as that the facilities are to be designed to accommodate expanded recycling, a retail re-use facility; and self-haul waste and collection trucks in roughly the same proportion as the current facility.

In July of 2007, the City Council passed Ordinance 122447, which closed out work on an Intermodal Facility and authorized SPU to direct future planning towards expansion and upgrades at the North Transfer Station and the South Transfer Station. The legislation further provided a budget for the work on the North and South Transfer Station projects.

In 2010, in Clerk File 310784, the City Council granted conditional approval of SPU's petition to vacate portions of 2nd Avenue S, S Kenyon Street, and S Chicago Street to support the development of the South Transfer Station at the site. The project is largely completed and it is anticipated that it will open later this year.

As the planning for the North Transfer Station moved forward, neighbors identified a range of concerns about the project from traffic impacts and queuing, noise and odors, to scale and neighborhood compatibility. While SPU was engaged in meetings with various community groups, the issues proved difficult to address and it did not appear that a solution could be reached. SPU and community members continued to work together. SPU began a series of workshops related to design and mitigation issues and engaged in discussions with the

community about operational issues. Ultimately, SPU was successful in reaching an agreement with the Wallingford Community Council (WCC). An agreement was signed in 2012.

In March of 2012, the City Council adopted Resolution 31366, which was intended to provide direction to SPU in the reconstruction and operation of the North Transfer Station. The Resolution clearly states that the City Council expects SPU to implement the agreement with WCC regarding the reconstruction and operation of the North Transfer Station. The Resolution provided that the implementation of the provisions must not be in conflict with regulatory requirements or permit conditions, including a street vacation ordinance. The Resolution also provided that implementation was contingent on there being no further appeals or lawsuits challenging decisions necessary to accomplish the North Transfer Station reconstruction project.

This agreement allowed SPU to move forward in planning for the expansion work at the site with a design that was acceptable to the adjacent community.

One last step in the relevant legislative history was completed in April of 2012 when the City Council passed Ordinance 123872. The legislation amended the zoning to provide for the uses necessary at the North Transfer Station. The legislation:

- allows a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through an administrative conditional use review,
- allows access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone; and
- allows limited uses associated with a solid waste management use to be located in a Commercial 2 zone and Industrial buffer zone through administrative conditional use review.

The review of the proposed street vacation is the last City Council action that is necessary before the project can proceed.

REASON FOR VACATION

SPU is replacing the existing transfer station and additional space is required for onsite access, traffic flow, and other utility functions. The lot on the east side of Carr Place N has been acquired by SPU and the entire site between the existing station and the property to the east will be combined to provide the space needed for the functions proposed at the site.

SPU would be unable to accommodate the right-of-way in the design because the transfer building, operations yard, administrative building, and recycling area will encompass the entire site. It will be necessary to construct permanent structures such as the scale house, scales, pay stations, office, and recycling facilities where the street right-of-way is currently located.

SPU has analyzed numerous options for repair and/or replacement of the transfer station and has determined that replacement of the station is the most economical solution that provides the best level of customer service and lowest adverse environmental impacts.

PROJECT DESCRIPTION

SPU proposes the reconstruction of the North Transfer Station and recycling center on two parcels at 1350 N 34th Street and 1550 N 34th Street, with the vacation of the intervening right-of-way (Carr Place North), the two parcels will be contiguous and allow for the development of the entire site as a unified facility. Currently, solid waste is separated into multiple waste streams, including recyclables and green waste, with multiple end uses. The goal of the new NTS is to process each type of waste more efficiently and to move closer to achieving the City's zero-waste goal. The new facility will include the following improvements:

- Better customer safety: the new facility will have flat floors for unloading and sorting. Customers will be safer without an open pit.
- More capacity and efficiency: there will be dedicated space to process more recycling than the current operation. Residential and commercial haulers will use separate entrances to improve the flow of traffic and safety for different customers.
- Less odor and noise: there will be more covered and enclosed spaces, a better ventilation system, automated rolling access doors, and entrances and exits designed to minimize noise in the neighborhood. These improvements will reduce the odor and noise coming from the new facility.
- Space to create community: east of the new facility, SPU will create an open space where the community can spend time outside. Amenities will include a play area for children, a sports court, an open playfield, walkways, static exercise stations, and art installations.

The project will include the demolition of the existing structures and construction of a new transfer station, recycling building, and other associated facilities.

The new transfer station building, access roads, scales, fueling station, parking area, and employee facilities will all be built on the site. The major structure on the site will be the transfer station building, which is estimated to have a surface area footprint of about 58,000 square feet. The height of the building will be approximately 45 feet. The area would be fenced and a gate would close off the facility during off hours.

The public benefit proposal includes a variety of elements such as: public viewing gallery, landscape buffer around the site including 32,000 square feet of publically accessible space with static fitness and parkour elements along Woodlawn Avenue N, an additional 10,000 square feet of landscaped space along N 35th Street, curb bulbs on 34th Avenue N, and a 13,680 square foot public open space across the street from the facility.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

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

The comment section does not reflect the resolution of the issue or subsequent design changes or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address any issues or concerns. The Petitioner has responded to some of the comments received and the ***response provided by the Petitioner is included in italics.***

The following comments were received:

City Departments

Seattle Fire Department (SFD): this is ok with Fire.

Seattle Police Department (SPD): has no objections.

Seattle Department of Parks and Recreation (Parks): has reviewed the street vacation proposal for Carr Place and, despite the proximity to Gas Works Park, Parks has no concern or objection to the vacation proposal.

SDOT Policy and Planning and Traffic Management Divisions: offers the following comments:

- Removing the street proposed for vacation from the street system does not appear to create any concerns for traffic operations in the area.
- We will work with the project proponent to define and locate pedestrian crossing improvements, such as curb bulbs or other similar treatments, at the intersection of N 35th Street and Woodlawn Avenue North.
- For pedestrian improvements at the intersection of N 34th Street and Woodlawn Avenue North, we will work with the project proponents as part of the Street Improvement Permit (SIP) process to identify improvements that will accommodate future bicycle needs in the area.
- The southern frontage of the site should be designed to accommodate, at a minimum, standard sidewalk, planting strip and street furniture zone widths, and to be compatible with future bicycle facility needs.

SPU response: SPU will work to define and locate pedestrian crossing improvements and identify where to accommodate future bicycle needs in the area. No concerns.

SDOT Roadway Structures; Major Projects; and Street Use Divisions: do not have any comments or concerns with this vacation.

Department of Planning and Development (DPD) Planning Division: Vacation of a portion of Carr Place N is proposed by SPU to facilitate development of a new Solid Waste Transfer Station. Currently Carr Place N provides one-way north bound only vehicle access from N 34th Street, its beginning, and continues north for four blocks to its terminus at N 39th Street. Carr Place N, an approximately 30' to 31' wide right-of-way, has only one sidewalk which is located on its west side for its entire 4 block span. Parking is permitted only on the west side of Carr Place N abutting the sidewalk. The specific area proposed to be vacated does provide vehicle and pedestrian access to the easterly abutting property on either side; both abutting properties are controlled by SPU. This portion of Carr Place N is visibly discernible as a public street, with street signage, sidewalk, planting strip and curbs on both sides, it reads as public right-of-way. SPU desires the vacation of the street to allow use of the area in question for the location of a reuse and recycling building, circulation driveways for self haul customers, customer parking, landscaping and vehicle queuing all to support the proposed transfer station's programming needs.

The portion of Carr Place N is located between Aurora Ave N and Interstate 5, it is approximately 30' to 31' wide (substandard width) and is approximately 365' in length measured from N 34th to N 35th. The approximate total area is 11,035 sq ft. Potential development would be slightly different if the proposed vacation was not successfully executed. A Master Use Permit for the new transfer station has not yet been submitted to DPD. SPU has developed a conceptual site plan known as Concept C, which shows vehicle access, driveways, building footprints locations, landscaped areas and possible public amenities.

If the vacation were not granted it would likely require redesign of the project depending on whether street use permits could facilitate SPU's needs.

The Commercial 2 (C2), Industrial Buffer (IB), and Industrial Commercial (IC) zoning allow for a wide variety of uses but require a Conditional Use review and permit by DPD for a solid waste transfer station or recycling use. The proposed vacation area does not contain any mapped Environmentally Critical Areas (ECA).

Light and air functions would not be significantly adversely affected by the proposed street vacation based on Concept C. The size of the site would not be substantially raised when compared to the existing site, the vacation area makes up less then 5% of the current site's square footage.

The granting of the vacation would not result in a significant change to circulation or change in vehicle access to the area. Neither residential nor commercial development would be intruded

upon with approval; self-hauling and commercial customers of the station would continue to use N 34th Street for access and exit to and from the transfer station. SPU owns the property on both sides of the proposed vacation and the street will become part of the project site. The single family homes north of N 35th Street may use this portion of Carr Place occasionally, but Woodlawn Ave N and Stone Ave N are the more likely routes.

DPD recognizes that SPU has offered many public benefits for the requested vacation including but not limited to the following: public open spaces, pedestrian amenities, meandering walk, sport court and larger than required setback (buffers). DPD supports the public benefit package proposed, although street trees, screening and setbacks may already be required by the Land Use Code on some level. Three separate zoning designations make up the transfer station site for Concept C: Industrial Buffer U/30 (IB U/30); Industrial Commercial 45 (IC-45); Commercial Two 40 (C2-40). A comprehensive code analysis should be provided by the proponent to show what is required for streets, screening and setbacks and compare the analysis with the proposed public amenities. This analysis will assist the decision making body in discerning between code requirements and public amenities.

DPD recommends that the requested street vacation be granted. The short term and long term affect will allow SPU to use the vacated portion of the site for the future transfer station needs.

Given the limited use of the street because of the one-way function and substandard width in both the short and long term, there would not appear to be any appreciable detrimental effects on the following: circulation, access, light, air, open space, view functions of nearby streets and public places. The conclusion is contingent upon providing the proposed public amenities listed in the petition and discerning between Land Use Coe (SMC Title 23) requirements and public amenities.

SPU response: SPU concurs with the comments and is reviewing the land use code requirements with the programming of the public benefit amenities. At this time we do not see any conflicts but will bring it to DPD Land Use if an issue arises during the MUP review process.

Seattle City Light (SCL): owns and operates a single-phase overhead electric power line along the westerly margin of Carr Place N within the projected vacation area. SCL has no objection to the proposed vacation provided that the following requirements are made part of the petition:

Prior to the approval of the vacation of Carr Place N between N 34th Street and N 35th Street, SPU must select either of the following two options:

1. If the SCL overhead power lines are able to remain in place following the vacation of Carr Place North and SPU taking jurisdiction for the vacated property, SCL and SPU shall execute an interdepartmental Memorandum of Understanding (MOU) in a form and with terms and conditions satisfactory to SCL, that allows SCL continuous and

uninterrupted use of a portion of the vacated area for the operation, maintenance, repair, replacement, alteration, extension, and improvement of its electric facilities; or

2. In the event that any portion of SCL's facilities must be relocated, SCL and SPU shall execute an MOU in a form and with terms and conditions satisfactory to SCL providing for the protection, conversion to underground, and/or relocation of its electric utility facilities, including services to any other properties affected by such conversion or relocation. This work may include the acquisition of additional easements over the property of others, the creation of restrictive covenants, the creation of an MOU or the execution of relocation agreements, all of which shall be in the forms and with terms and conditions satisfactory to SCL and shall be SPU's sole responsibility at SPU's sole expense. SPU shall be solely responsible for all costs associated with the removal, underground conversion and/or relocation of SCL's electric facilities, including all costs related to the restoration of electric service to other properties affected by the vacation.

SCL issues shall be resolved to the full satisfaction of SCL, either prior to the approval of the final vacation ordinance by the City Council or prior to the vacation ordinance becoming effective. Evidence of SCL's satisfaction may be delivered by any method agreeable to SPU or SDOT.

SPU response: SPU accepts the conditions for approval and is currently discussing with SCL the details of the relocation of their poles and overhead wires in Carr Place N. SCL requested that the project start the formal process of requesting a new electrical service. An application has been submitted. Once the specific details are known, the MOU will be drafted and signed by SPU and SCL.

Seattle Public Utilities (SPU):

SPU Sewer and Drainage: has no sewer or drain main line located within the street vacation. For SPU sewer and drainage infrastructure only: no conditions, ok to vacate.

SPU Water: has an 8" distribution main in the portion of Carr Place N proposed for vacation. The primary function of this main is to convey water between the 12" main in N 34th and three 8" mains in Interlake Ave N, Ashworth Ave N, and Carr Place N, north of N 35th Street. The supply role of this main must be retained, regardless of any water services attached to the main. The Carr Place N water main within the proposed vacation also supports a fire hydrant that provides coverage for the neighborhood. This general coverage hydrant needs to be retained, regardless of facility-specific hydrant provisions that the street vacation Petitioner may be required to make within the site. If the following conditions are satisfied, SPU can recommend the vacation be granted.

1. Replace the existing water main in Carr Place N with a standard distribution main extending from the 12" main in N 34th Street to the 8" main in N 35th Street, near the centerline of Carr Place N, including connection to existing mains adjacent to the replacement main.

2. Retire and abandon the existing water main in Carr Place N, between the 12" main in N 34th Street and the 8" main in N 35th, inclusive of fittings at the two connection points.
3. Relocate the existing fire hydrant at Carr Place N and N 34th Street, currently supplied by the water main to be retired in #2 above.
4. Relocate any existing water services currently supplied by the water main to be retired in #2 above, except for water services also to be retired as part of the project.

SPU response: SPU design team representatives met with SPU Water Reviewer to discuss water main relocation alignments. The project intends to upsize the existing water main in Woodlawn Ave. Additional information is available from the project engineer regarding the resolution.

Seattle Design Commission: reviewed this project at its regular meetings of November 15, 2012 and February 7, 2013 and took the following actions:

November 15, 2012 Action

The commission thanked the team for their presentation. It appreciated how the open spaces were broken down by zones. With a vote of 6 to 1 the commission approved the Urban Design Merit of the proposal to vacate Carr Place N as part of the North Transfer Station project subject to the first 3 comments below. This is the first of two approvals needed before the commission will recommend approval of the vacations. At a future meeting there will be a review and vote on the public benefit package. Items 4 to 6 are recommendations on the public benefit package.

1. Show the full context of the vacation request: the different options studied, why the vacation is required, etc. Review the functional benefits the alley will provide: less noise, view corridors, etc. Provide design drawings of the elevations, footprint, massing and capacity.
2. Provide context for bicycling, including how the site is accessed and bicycle routes to, from and alongside it.
3. Provide more information on sustainability measures and strategies.
4. Reevaluate and further detail the public benefit. It seems to be driven too much by community input from immediate neighbors and not from the view of the larger neighborhood or city. For example, consider what design elements to place in the setback, as setbacks themselves are required and therefore not a public benefit.
5. Show restraint in the design of the open spaces and number of elements in them.
6. Consider as public benefits undergrounding the utilities and improvements to the bike network. Show that any proposed public benefit is not in conflict with the potential utility relocation. The benefit needs to be sustainable.
7. Provide additional detail on the pedestrian crossing design at N 34th and N 35th and make sure these are the most beneficial connections that could be provided in the area. Consider how the connections to the south across N 34th join the community, where there are amenities like the Burke Gilman Trail.

8. Encourage an artist to be involved early in the design, and not just relegated to a single place.

Commissioner Loew voted "no" because, given the importance of street vacations, the commission needs to see the full range of options considered in order to sufficiently evaluate the urban design merit.

February 7, 2013 Action

The Commission voted 5-3 to recommend approval of the public benefit package of the North Transfer Station vacation of Carr Place North, with the condition that development and open space design be reviewed at 30%, 60%, and 90% design and the applicant incorporate the recommendations listed below. The Commission normally reviews open space public benefit elements when they have been more developed. The recommendations lay out expectations to assure the project will achieve an adequate level of public benefit.

Public Benefit Package:

- Viewing Room-construct a viewing gallery of the tipping building, located in the administration building, to educate visitors and schoolchildren about solid waste management and recycling.
- Enhanced Pedestrian Street Crossings- design and construct four curb bulbs and a suspended crosswalk sign on the east and west sides of the intersection of N 34th And Woodlawn Avenue N, and two curb bulbs and a crosswalk on N 35th Street, west of Woodlawn Avenue N.
- East Buffer Open Space-design and maintain an approximately 32,000 square foot, publically accessible park-like area in the 65 foot buffer of the transfer station building along Woodlawn Avenue N. Elements of the open space includes a multi-sport court, seating, play lawn, Olmstedian building public access walk, fitness stations and gathering area in the southeastern corner.
- Public Park-like Open Space north of 35th Street, between Carr Place N and Woodlawn Avenue N-design and install and potentially maintain an approximately 14,500 square foot area that will include a lawn, picnic tables, climbing rocks and logs, a children's climbing play structure, and play features integrated into the natural topography.
- North Buffer Open Space-design, construct, and maintain a publically accessible, approximately 10,000 square foot, park-like area in the 20 foot building setback along N 35th Street that will include static fitness and parkour elements.

Recommendations

- Look for opportunities and whittle down the elements in the open space and simplify the design during the design process; such refinements need not affect the agreement made with the public regarding the park's elements or features. For example, is a bench also a parkour element?
- Investigate opportunities to more seamlessly connect the recycling building's roof with the adjacent public use area and landscape.

- Study the edges of the site and ensure they are pedestrian friendly; the proposed 10 foot wall along Woodlawn Avenue N is not pedestrian friendly.
- Study the interaction of pedestrians and vehicles where they intersect. Include transparency on the west side of the recycling building near the sidewalk. Develop signage to help pedestrians navigate the site.
- Study how the active and passive spaces are overlaid, especially within the buffer along N 35th Street. Also, further study the gathering space at Woodlawn and N 34th Street; getting the best design for this space in such a prominent location is critical.
- Research and provide design precedents for both the materials and the experiential quality of the spaces. Establish a basis of design quality for the public benefit and track it. Make sure it is not value engineered out. Concerned that given the enormous amount of benefit, quality will suffer.
- Further develop the features of the education room. Expand the idea of learning beyond the education room; enable people to learn without entering the room. Consider expressing some of the education messages in the public realm.
- Further develop the sustainability strategy. Encompass the whole project; do not limit sustainability to the landscape and the public benefit.
- Maximize artist involvement in the entire project's design, not just for the design of the public benefit.

Commissioners Quotah, Nelson, and Parrett voted no because while they had high expectations for the project and the design, there was not enough detail in the design to properly evaluate it.

Outside Agencies:

CenturyLink (formerly Qwest Communications): please be advised that Qwest (d/b/a CenturyLink) has facilities in the area addressed by this action and wishes to retain any and all rights to remain in said area and to add facilities in the future as needed.

Qwest has no issues with the proposed vacation so long as provisions are made to retain our rights by means of explicit language granting to Qwest and its successors rights that will cover existing and future facilities.

SPU response: SPU accepts the comment from Qwest and is working with Qwest on resolution.

Puget Sound Energy (PSE): according to PSE records, there is an existing 2" PE intermediate pressure natural gas main coming from N 34th St running north 109+/- feet from the centerline of 34th, approximately 5' west of the center line of Carr Pl N. Our maps indicate the main only feeds an "unknown" service & meter tied to it running east onto parcel 408330-6930. Since the existing building on the parcel will be torn down as part of the redevelopment of the North Recycling and Disposal Station, SPU will have to make a request to PSE to have the existing gas main retired and the existing service cut and capped as part of the redevelopment of the site.

Therefore, it is not necessary to retain an easement to PSE for this main as part of the requested street vacation.

SPU response: the gas main and service connection in the street will be removed as part of the project demolition. The extent of the demolition will be worked out during design and a request submitted to PSE to cap the line in N 34th Street.

Community Comments:

Kristin Kildall: yes, I am excited to see the street turned into a park for the community! I was involved in the park design phase when I served on the Green Group for the North Transfer Station.

Wallingford Community Council (WCC): from Lee Raaen, I am writing as President of the Wallingford Community Council commenting on the SPU proposed vacation. The Community Council met with SPU for several months concerning the rebuilding of the North Transfer Station. The vacation of Carr Place North was an important part of those discussions and resulted in a detailed contract between WCC and SPU. The contract strongly supports the Carr Place North street vacation for the purpose of the rebuilding and expansion of the North Transfer Station. We recommend its approval.

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 a public right-of-way unless it determines that to do so is in the public interest. The decisions must assure that potential development and use of the vacated right-of-way is in the public interest. The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

Rights-of-way are dedicated in perpetuity for use by the residents of Seattle for purposes of public travel and transportation of goods. The dedication carries with it certain public rights to circulation, access, utilities, light, air, open space, and views. City government acts as the public's trustee in administering streets and alleys. The City Council first adopted Street Vacation Policies in 1986 in Resolution 27527. A few sections of the policies were revised in 1991 in Resolution 28387, in 1993 in Resolution 28605 and in again in 2001 in Resolution 30297. Significant revisions were made to the Vacation Policies in 2004 in Resolution 30702. The Policies were again amended in 2009 in Resolution 31142 and the Policies are currently contained in Clerk File 310078.

ANALYSIS

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

The Policies define the components of public interest as:

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

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

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

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

Transportation Impacts: Carr Place N is a platted street that runs north and south in this neighborhood. Carr Place N terminates at N 34th Street at the southern edge of the project site. Just to the south of N 34th Street is a developed triangular parcel. This parcel is just north of Lake Union in a location where the street grid is shifted as the streets curve around the north end of Lake Union. Carr Place N provides for one-way northbound vehicular access to the NTS and the neighborhood to the north. Because the street terminates in this location, it was not found to be significant as an element of the transportation grid. Both Stone Way N and Woodlawn Avenue N provide the neighborhood with continuous north/south access. The traffic analysis found that of the approximately 90 vehicles that travel on Carr Place N, most travel between 8am and 5pm and most of the trips are associated with the NTS. The traffic analysis found that Carr

Place N provides little connectivity in the neighborhood and found no adverse transportation impacts due to the vacation.

Operations at the NTS involve handling waste brought in by collection trucks and self-haul customers and then hauling the waste off site to various locations. The transfer station accepts residential and commercial waste from collection trucks and self-haul waste (e.g. waste brought in by private car or truck) including refuse, yard waste, and recyclables. Most of the waste brought in is compacted and trucked off site in transfer trucks. Transfer trucks deliver the waste to the Argo train yard located in south Seattle and yard waste to processing facilities such as Cedar Grove Composting Facility. Recyclables are trucked off site to various locations throughout the region. The transfer station is currently open 362 days per year from 8:00am to 5:30pm; it is closed New Year's Day, Thanksgiving, and Christmas. NTS historically closed at noon on July 4th because of the fireworks show at Gas Works Park.

Current operations at the site are not the most efficient and as a result, traffic impacts spill over into the adjacent community. SPU has identified that insufficient capacity in the tipping building creates queues on a daily basis. Vehicle queues extend from the tipping building back to the inbound scale, which delays arriving vehicles. Queues extending from the inbound scale to N 35th Street and then Woodlawn Avenue N are common on an average day. Some queuing in the left-turn lane of N 34th Street also occurs on an average day. In a peak month the traffic analysis found that vehicle queues could extend well past Densmore Avenue N.

The new NTS will double the number of inbound and outbound scales from one to two, and will increase the number of stalls in the tipping building from 17 to 23. Since the capacity of the facility will increase, the amount of queuing is expected to be less even with future growth. The traffic analysis concluded that there would be no adverse transportation impact from the proposal and no transportation mitigation was required. The design proposed by SPU is intended to address the spillover impact on the neighborhood by providing more space within the facility for vehicles to wait, to weight their loads and to unload material. The new facility will be less impactful than the existing facility.

The vacation should be conditioned to require SDOT approval of the final design of the street improvement plan including driveway access and dimensions and pedestrian enhancements around the site such as curb bulbs.

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

City Light, SPU, PSE, and CenturyLink have all identified that they will be impacted by the vacation. Each has outlined the location of the utility infrastructure and what needs to be done to relocate the infrastructure. SPU has indicated that it will be able to address the various utility needs as the project design moves forward. SPU has acknowledged the need to address the issues in a way that satisfies the utilities and understands that they must bear the costs from this work.

SPU is developing plans to address the issues identified by City Light, SPU, PSE, and CenturyLink and this work must be completed prior to the passage of the final vacation ordinance. The vacations should be conditioned to require that this work continue and the final plans address issues to the satisfaction of the City or other agency impacted by the vacation.

Light, air, open space and views: Because street right-of-way is open and undeveloped, streets and alleys can have value as open space and can be important view corridors. Streets can provide important breathing space in dense urban areas. Carr Place N runs north and south and is located just to the north of Lake Union. It might be expected that the public could view Lake Union from the public street. However, at this location there is a change in the street grid as streets at the northern side of the lake curve to provide access around Lake Union. When the public looks south towards the lake from Carr Place N they look at a building that is located directly south of Carr Place N, there are no public views of Lake Union from this street segment.

Following the vacation, the development will provide a wide landscaped buffer on the northern and eastern sides of the site that will provide landscaping, and public amenities such as seating, fitness areas, a sport court, and gathering space. SPU also proposes to develop a 13,680 square foot parcel across from the NTS as a park-like space. The proposed development of the block will provide more landscaping and will have more useable open space than what is currently available on the site. The parcel being developed for a park-like space is at a slightly higher elevation than the property being developed for the NTS. It is likely that this site and the play equipment proposed could provide some views of the lake.

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.

There is no question that both the existing and planned facility are larger in scale than any other parcel or development in the area. The transfer station will be a large new building with a total area of about 60,000 square feet. SPU has committed to the community that the above ground height will not be higher than the existing transfer station. The new SPU building will be similar in scale to the laboratory building to the south. This parcel and adjacent parcels to the west and

south to Lake Union are zoned for industrial and commercial uses but the property immediately to the north and east is zoned and developed as a small scale single-family neighborhood.

The City Council reviewed the zoning and use of the site in 2012 and passed Ordinance 123872 to change the zoning to accommodate the uses proposed by SPU. As noted in the legislation, the property owned by SPU includes three separate zoning categories. The different zoning classifications permit and restrict different uses and have different development standards. SPU would have been unable to site the facility and allow for the full range of uses without amendments to the zoning code. The zoning code changes were intended to clarify code provisions, update the overall approval process for transfer stations, and facilitate the inclusion of modern recycling facilities. While SPU will be required to obtain an Administrative Conditional Use permit, SPU can now plan for access, recycling, sorting and other related activities on the consolidated site. This project is designed to be consistent with the new zoning for the site.

SPU has worked to design the new facility to address the concerns identified by the adjacent community. The new facility incorporates wide landscaped buffers including public amenities and provides for screening that will help to buffer noise from the facility. The new NTS station will include more enclosed space for some of the noisier operations and updated odor control. All of the vehicle access and waiting should now be accommodated on site so there should be no traffic backups into the neighborhood. While the zoning change allows for the necessary use of the site, the new design and updated facility works to address the potential impacts from locating this type of facility adjacent to a residential community.

SDOT does not find adverse land use impacts associated with the proposed 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. The Policies do provide that for projects that provide a public, governmental or educational service, while the nature of the project will be considered as a factor in weighing the adequacy of the public benefit proposal, it does not in and of itself constitute an adequate public benefit. The essential public service that SPU will provide at the NTS, and the public educational elements of the project, are recognized as public benefits but the Street Vacation Policies still require SPU to provide more public benefit elements.

In addition to addressing the scale or amount of public benefit that must be provided, the Policies are also clear that the public benefit elements proposed must clearly benefit the general public and not merely the tenants of the project. The Policies are also clear that the public benefit proposed for a vacation must be separate and above amenities provided to meet code or other requirements.

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

Public Benefit Matrix

Zoning designation	Industrial Commercial (IC-45) west of Carr Place N and Commercial (C-2) east of Carr Place N
Street classification	Access Street
Assessed value of adjacent property	$78.73 to $75.02/square foot (2008 King County assessed value for the property adjacent to the streets being vacated)
Lease rates in the vicinity for similar projects	$1.00/square foot/month for adjacent land based on lease rate for parking 24/7. For building lease rates, an average of $20/sq ft/month is typical in this area
Size of project, in square feet	The total size of the project site is 254,723 square feet.
Size of area to be vacated, in square feet	Approximately 11,037 sq ft
Contribution of vacated area to development potential	The proposed vacated area is approximately 4.3% of the total area to be developed.

SPU worked with the Wallingford and Fremont communities to develop a public benefit proposal that reflects the work with the larger community and the agreement reached with the WCC. The public benefit proposal is consistent with Resolution 31366 and includes all of the elements that were anticipated as a result of the agreement. The public benefit elements focus on wide buffers on the north and east side of the project with generous landscaping, opportunities for the community to walk around the site, find places to exercise as well as relax, a sport-court and a play lawn that has changeable elements to support multiple court games, curb bulbs to enhance the pedestrian environment, and a park-like play area in the parcel across from the NTS.

Public Benefit Package:

- Viewing Room-construct a viewing gallery of the tipping building, located in the administration building, to educate visitors and schoolchildren about solid waste management and recycling.
- Enhanced Pedestrian Street Crossings- design and construct four curb bulbs and a suspended crosswalk sign on the east and west sides of the intersection of N 34th Street and Woodlawn Avenue N, and two curb bulbs and a crosswalk on N 35th Street, west of Woodlawn Avenue N.
- East Buffer Open Space-design and maintain an approximately 32,000 square foot, publically accessible park-like area in the 65 foot buffer of the transfer station building along Woodlawn Avenue N. Elements of the open space includes a multi-sport court, seating, play lawn, Olmstedian public access walk, fitness stations and gathering area in the southeastern corner.
- Public Park-like Open Space north of 35th Street, between Carr Place N and Woodlawn Avenue N-design and install and potentially maintain an approximately 13,680 square foot area that will include a lawn, picnic tables, climbing rocks and logs, a children's climbing play structure, and play features integrated into the natural topography.
- North Buffer Open Space-design, construct, and maintain a publically accessible, approximately 10,000 square foot, park-like area in the 20 foot building setback along N 35th Street that will include static fitness and parkour elements.

The proposal is quite generous and is consistent with the work SPU has done in the neighborhood. When the NTS is completed, the public benefit elements proposed will provide a wide variety of useable and interesting open spaces that should make a real contribution to the area. While the Design Commission acknowledged that the public benefit proposal was generous, the Commission did express some concern that the design included too many disparate elements. The Commission felt the design would benefit from being streamlined and simplified. However, SPU was responding directly to the concerns identified by the community. The elements included clearly reflect the input from the community and the commitment that SPU made to provide the amenities agreed upon. The Design Commission provided some suggestions to be considered as the design moves forward. The Design Commission has asked to see the proposal at the 30%, 60%, and 90% design levels so that they may keep engaged with the plan as it proceeds forward. The continued oversight by the Commission should ensure that the design remains of high quality and that the elements of the design all work together well.

SPU has identified additional criteria to be considered as the design of the public benefit moves forward. These criteria were identified by the Green Group for incorporation during the design process:

- Retain street trees where possible.
- Reach LEED Gold and a Green Factor of 0.4.
- Consider attaining a Sustainable Sites Initiative (SITES) rating.
- Utilize Crime Prevention Through Environmental Design (CPTED) techniques.

- Incorporate the design of the green roof of the Recycling Building with the rest of the site.
- Integrate storm water treatment into the curb bulbs.
- Add a speed table between Carr Place N and the park opening at N 35th Street, near the multi-sport court, subject to SDOT approval.
- Provide decorative fencing wherever fencing is required, and specifically around the multi-sport court.
- Create interest at the east wall of the Recycling Building if the Olmstedian walk passes near it (wall surface, vines, etc.)
- Explore having the storm water run-off from the green roof flow into the dry-cobble swale.
- Preserve the Ashworth Avenue N view corridor by limiting tall trees in the buffer.
- Integrate static fitness stations (stretch bars, balance beams, etc. instead of moveable exercise equipment).
- Consider installing Eco Turf (lower maintenance, meadow-like lawn) rather than traditional lawn where possible.

The vacation should be conditioned on SPU providing, maintaining, and ensuring the continuity of these elements and on SPU's continued work with the Design Commission and inclusion of the amenities identified in the agreement with the WCC.

RECOMMENDATION

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

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in April of 2013.

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

   - Street improvement plan showing sidewalks, street trees, driveway access and dimensions, and other elements if provided in the right-of-way including bike racks, street furniture, lighting, art or artist-made elements, and landscaping around the site; and
   - Proposed curb bulbs and pedestrian enhancements around the site.

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; as between City agencies a Memorandum of Agreement (MOA) or other agreement may also be required. Utilities impacted include:

   - Seattle Public Utilities;
   - Seattle City Light;
   - Puget Sound Energy; and
   - CenturyLink Communications.

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

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

6. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT will request additional Design Commission review when the design is further developed to the 30%, 60% , and 90% level. The public benefit requirement includes the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

Public Benefit Package:

- Viewing Room-construct a viewing gallery of the tipping building, located in the administration building, to educate visitors and schoolchildren about solid waste management and recycling.
- Enhanced Pedestrian Street Crossings- design and construct four curb bulbs and a suspended crosswalk sign on the east and west sides of the intersection of N 34th Street

and Woodlawn Avenue N, and two curb bulbs and a crosswalk on N 35th Street, west of Woodlawn Avenue N.

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- North Buffer Open Space-design, construct, and maintain a publically accessible, approximately 10,000 square foot, park-like area in the 20 foot building setback along N 35th Street that will include static fitness and parkour elements.

Sincerely,

Peter E. Hahn, Director
Seattle Department of Transportation

PH:bb

Enclosures