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CF 313716

**IN THE MATTER OF THE PETITION OF THE PIKE PLACE MARKET  
 PRESERVATION & DEVELOPMENT AUTHORITY FOR A PORTION OF  
 ARMORY WAY BETWEEN ELLIOTT AVENUE AND WESTERN AVENUE  
 ADJACENT TO 1901 WESTERN AVENUE (ALSO KNOWN AS THE PC-1N  
 SITE) FOR THE PIKE PLACE MARKET WATERFRONT ENTRANCE  
 PROJECT  
 CLERK FILE 313716**

The City Council hereby grants approval of the vacation petition from the Pike Place Preservation & Development Authority (PDA) for a portion of Armory Way between Elliott Avenue and Western Avenue adjacent to 1901 Western Avenue (also known as the PC-1N site) for the Pike Place Market Waterfront Entrance Project, described as:

**THAT PORTION OF ARMORY WAY (AS CONDEMNED BY  
 ORDINANCE NO. 67125) RIGHT OF WAY, LYING WITHIN THE  
 SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 25 NORTH,  
 RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS  
 FOLLOWS:  
 BEGINNING AT THE INTERSECTION OF VACATED STEWART  
 STREET AND THE NORTHEASTERLY MARGIN OF SAID ARMORY  
 WAY;  
 THENCE SOUTH 30°38'30" EAST ALONG SAID NORTHEASTERLY  
 MARGIN, A DISTANCE OF 40.24 FEET;  
 THENCE CONTINUING ALONG SAID MARGIN SOUTH 59°24'35"  
 WEST, A DISTANCE OF 2.58 FEET;  
 THENCE LEAVING SAID MARGIN, NORTH 30°38'06" WEST, A  
 DISTANCE OF 104.84 FEET;  
 THENCE NORTH 42°22'55" WEST, A DISTANCE OF 200.47 FEET TO A  
 POINT ON THE NORTHEASTERLY MARGIN OF SAID ARMORY  
 WAY;  
 THENCE SOUTH 47°42'09" EAST, ALONG SAID NORTHEASTERLY  
 MARGIN, A DISTANCE OF 62.88 FEET TO A CURVE CONCAVE TO  
 THE SOUTHWEST, HAVING A RADIUS OF 566.05 FEET AND A  
 CENTRAL ANGLE OF 17°04'41";  
 THENCE ALONG SAID CURVE, A DISTANCE OF 168.72 FEET;  
 THENCE SOUTH 30°38'30" EAST, A DISTANCE OF 34.52 FEET TO  
 THE POINT OF BEGINNING.  
  
 CONTAINING 1,358 SQUARE FEET OR 0.0312 ACRES, MORE OR  
 LESS.**

The vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate, to the satisfaction of the City, that all conditions imposed by the City Council have been satisfied, all utility work including easements or other

agreements is completed, all public benefit elements have been developed, and any other easements or agreements have been recorded, and all fees paid, prior to the passage of the street vacation ordinance.

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 August of 2014.
2. Any required 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.
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 City Light; and
  - Coordination with BNSF regarding construction.
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 Street Vacation staff 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 all of the public benefit elements as proposed and accepted by the City Council. The parking, housing, and social service space shall be developed consistent with Ordinance 124122. A Property Use and Development Agreement (PUDA) or other binding mechanism may be required to ensure that public benefit elements, 1, 2, and 3, including the plaza, link to the waterfront and public art remain open and accessible to the public and to outline future maintenance obligations of the improvements, unless such obligations are addressed in other agreements. The final design of these public benefit elements shall require the review and approval of SDOT Street Vacations. 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 or other agreements:

- **Public Plaza:** approximately 35,500 square feet of public terrace and walkways are proposed for the project. The public terrace would connect to Pike Place Market and would have views of Elliott Bay, Puget Sound and the Olympic Mountains. The open space at the Pike Place Market level of the proposed building would include overhead weather protection (in places), precast concrete unit pavers, a wooden deck, and multiple seating elements. A ramp would lead down to the north, with two switch-backs traversing the length of the commercial portion of the building to the first floor.
- **Future Link to the Waterfront:** the project has been designed to allow a future pedestrian walkway connection to the improved waterfront.
- **Public Art:** the project includes new outdoor public open space that would integrate outdoor art to enhance the pedestrian experience. The project will include three pieces of public art, including interactive media and a family-oriented play piece.
- **Public Parking:** the project will provide more than 300 public parking stalls to replace the public parking under the viaduct.
- **Low-income Senior Housing:** the project will include 40 studio units. Half of the new units will serve seniors at 30% AMI and the other half for seniors at 50% AMI. These units will add to the PDA's current portfolio of 238 low-income housing units and 93 market-rate housing units.
- **Social Service Space:** the project will provide approximately 1,700 square feet of space along Western Avenue dedicated to facilities for Pike Place Market's social service agencies. The social service space will be accessible to the onsite residents, as well as nearby PDA residents. The space could be used to provide services such as health classes, financial planning, and mental health services.

Signed by me in open session this 2<sup>nd</sup> day of September, 2014.

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President \_\_\_\_\_ of the City Council



City of Seattle  
Edward B. Murray, Mayor

Department of Transportation  
Scott Kubly, Acting Director

August 12, 2014

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

**Subject: Petition of Pike Place Market Preservation & Development Authority for a portion of Armory Way between Elliott Avenue and Western Avenue adjacent to 1901 Western Avenue (also known as the PC-1N site) for the Pike Place Market Waterfront Entrance Project  
Clerk File 313716**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the vacation petition from the Pike Place Preservation & Development Authority (PDA) for a portion of Armory Way between Elliott Avenue and Western Avenue adjacent to 1901 Western Avenue (also known as the PC-1N site) for the Pike Place Market Waterfront Entrance Project, described as:

**THAT PORTION OF ARMORY WAY (AS CONDEMNED BY ORDINANCE NO. 67125) RIGHT OF WAY, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
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**THENCE SOUTH 30°38'30" EAST, A DISTANCE OF 34.52 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 1,358 SQUARE FEET OR 0.0312 ACRES, MORE OR LESS. SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.**

The alley proposed for vacation includes approximately 1,358 square feet.

## **BACKGROUND**

The right-of-way proposed for vacation is a portion of the east margin of unimproved Armory Way between Elliott Avenue and Western Avenue and vacated Pine Street and Virginia Street, just south of Victor Steinbrueck Park. This steeply sloped area is not currently used for street purposes and is located below the east margin of the Alaskan Way Viaduct. This area is known as the PC-1 North (PC-1N) site.

The Pike Place Market Waterfront Entrance Project is planned for the PC-1N site south of Victor Steinbrueck Park and the Market Place Garage between Western Avenue and the Alaskan Way Viaduct. The surface street to the west of the parcel is Elliott Avenue which is beneath the elevated viaduct at the bottom of the slope to the waterfront. The Heritage House senior housing building borders the parcel on the south. The PC-1N parcel is currently in use as a surface parking lot and sits over the Burlington Northern Santa Fe (BNSF) Railroad tunnel. The entrance to the site is from Western Avenue and much of the parcel is approximately 15 feet below the elevation of Western Avenue. The parcel is mostly rectangular and narrow east to west with a curved western margin. The majority of the parcel is flat, however the southwestern portion of the parcel is designated as a Steep Slope Environmentally Critical Area with an approximately 50% slope. A walkway at the southwestern corner of the parcel connects to a stairway to Alaskan Way and the waterfront. There are views of the Elliott Bay waterfront, Puget Sound and the Olympic Mountains from the site.

The parcel is owned by the City of Seattle Department of Finance and Administrative Services (FAS), which initiated the vacation petition, and managed by the Pike Place Market Preservation & Development Authority (PDA). The property will be conveyed to the PDA who will then build and manage the Pike Place Market Waterfront Entrance Project. The PDA owns and manages the Pike Place Market. The PDA is a quasi-public municipal corporation chartered in 1973 by the City of Seattle with the mission to promote enterprises essential to the functioning of the historic Pike Place Market; including the preservation and expansion of the market's low-income residential community, the survival of small owner-operated businesses, the presence of fresh local farm produce and a wide range of ethnic goods, groceries, and sundries, as well as the expansion of services to the public market community. The PDA maintains and operates 14 buildings in the nine acre historic district, and is governed by a 12-member council with five standing committees.

The site is zoned Pike Market Mixed-85 (PMM-85) and is within the Commercial Core Neighborhood of Seattle's Downtown Urban Center and the Pike Place Urban Renewal Plan area.

While there is extensive legislative history regarding the market and the waterfront, Ordinance 124122, passed by the City Council on February 25, 2013, specifically addresses this project. The Ordinance is titled "An Ordinance relating to the Central Waterfront Project, authorizing execution of a Memorandum of Understanding Concerning Redevelopment of the PC-1 North Site within the Pike Place Market Historical District." The Ordinance notes that redevelopment of the PC-1 N site for Market-related purposes has been a priority for over 30 years in order to restore the property to its historic uses and reintegrate it into the Market.

The legislation also noted that redevelopment of the site faces "substantial and costly challenges, including extraordinary structural issues associated with its elevation and location as well as the location of the BNSF Railroad tunnel transecting the site." The previous legislation did not anticipate the need for a vacation but it did anticipate the difficulty of building on such a constrained site.

The legislation provides great detail on the history of the planning for the site and coordination with the planning for the Central Waterfront Project. The PC-1N site was formerly occupied by the Municipal Market building, which contained public parking and market-related commercial uses until that building burned down in 1974. Surface parking has been on the site since 1979.

In 1971, the Save the Market initiative was passed. The initiative directed efforts toward the rehabilitation of the Market and also provided for the establishment of the Pike Place Market Historical District (District) and the formation of the Pike Place Market Historical Commission to ensure the consistency with the initiative over time and to operate and maintain the publically-owned properties within the District.

The PC-1N site is the last of the parcels acquired by the City under the Pike Place Urban Renewal Project plan as amended in January of 1974, pursuant to Ordinance 102916. The plan calls for the site to be the location of public parking for the Market, and of commercial, residential, and public spaces to complement existing Market activity.

The legislation outlined the guiding principles with respect to the City's priorities for the development of the PC-1N site and provided the direction for the project currently proposed which includes low-income housing, space for social services, retail and commercial space, public parking, and open space and walkways.

## **REASON FOR VACATION**

The PDA has stated that it is requesting the vacation because it is the only way to accommodate the development program in its ideal configuration on the site and make the project viable. The proposed vacation straightens the western margin of the project parcel and provides a larger area for the public open space and walkway that is planned as the future waterfront entrance to the

Pike Place Market. While the additional area provided by the vacation is small it does facilitate the development on a difficult site. The small additional square footage from the vacation helps deal with the constraints of the building site, including building over the railroad tunnel and the relatively narrow east/west dimension of the project site. The Alaskan Way viaduct is scheduled for demolition in 2016 as part of the Waterfront Seattle project to the west. The vacation of the portion of Armory Way would eliminate right-of-way separating the Pike Place Market Entrance from the future Waterfront Seattle project and allow for a seamless connection between the two projects.

According to the Pike Place Urban Renewal Plan, the PC-1 land area is intended to accommodate approximately 850 public parking stalls (PC-1 includes the project's PC-1N site and the PC1-S site which contains Pike Market Heritage House and a parking garage). The PC-1S site currently contains approximately 550 parking stalls within a parking garage.

The proposed project would develop approximately 300 parking spaces, bringing the total count up to 850, and in compliance with the intended parking count for the PC-1 land use area as called for in the Pike Place Market Urban Renewal Plan. Without the requested street vacation only approximately 254 parking stalls could be built on the PC1-N site and the amount of parking would not be consistent with the plan.

The PDA has identified the following reasons for the vacation:

- The proposed vacation allows for additional public open space along the public promenade above the garage. The vacation allows the building to develop more public roof terrace to improve the pedestrian experience and enhance public enjoyment of water views.
- The proposed vacation contributes to the future integration of the Pike Place Waterfront Entrance and the Overlook Walk portion of the Waterfront Seattle redevelopment.
- The street vacation allows for ideal building size and configuration making the project unique and viable.
- The vacation will allow the proposed building to be configured in such a way as to maximize below-grade parking and provide approximately 300 parking stalls. This will contribute towards meeting the 850 parking stall criterion identified in the Pike Place Urban Renewal Plan for the area.
- The proposed vacation allows for a more efficient parking and circulation layout that meets the requirements of the Pike Place Urban Renewal Plan.
- The proposed vacation allows for the parking within the Pike Place Market Waterfront Entrance Project to partially contribute towards replacing parking that would be eliminated underneath the Alaskan Way Viaduct as part of the waterfront development.

## PROJECT DESCRIPTION

The proposed Pike Place Market Waterfront Entrance project is a 7-story mixed-use development containing approximately 210,000 square feet. The building would have 2 to 4 levels above-grade and include 12,700 square feet of retail and commercial space, 27,000 square

feet of low-income housing (40 units), 1,700 square feet of social service area, and 4 levels of below-grade parking (approximately 300 spaces). Approximately 35,500 square feet of public terrace and walkways with art and views of the waterfront and mountains would be provided.

The project is designed to have the commercial activities on the north end of the site and the residential and service activities on the south end. On the east side at Western Avenue, the commercial portion of the building is designed as a 2-story structure including a rooftop terrace at the level of the Joe Desimone Bridge. The proposed terrace would connect to the bridge at its western end where it reaches over Western Avenue. The residential portion of the building is designed as a 4-story structure with social services on the ground floor. The west side is designed as a series of stairs, terraces and ramps stepping down the slope from the terrace to a pedestrian walk. There would be three main points of pedestrian connection between Western Avenue and the western walk: a breezeway ramp at the northeast corner of the project, a midblock breezeway at the main pedestrian entrance to the entrance lobby approximately under the Desimone Bridge, and a walkway on the south side between the project and the Heritage House. All three points connect Western Avenue with the pedestrian walkway on the western edge of the project. The building is designed to step down toward the north and west preserving a "view cone" from Victor Steinbrueck Park and the upper Market. The project is designed for a future connection to the Waterfront Seattle redevelopment including the proposed Overlook Walk which is planned to connect Victor Steinbrueck Park and the Seattle Aquarium.

Access to the terrace from the upper Market would occur from the existing Joe Desimone Bridge. A stairway from Western Avenue at the northeast corner of the site would also lead to the terrace. The terrace level would include some overhead weather protection, precast concrete pavers, a wooden deck, and multiple seating elements. A pedestrian ramp would lead from the terrace down to the north, with two switch-backs traversing the length of the commercial portions of the building to the first level.

The project garage will have access from Western Avenue. Additional garage access is proposed on the future Elliott-Western connector to be located on the site of the existing viaduct. An internal link would connect the new garage with the existing Market Place Garage to the north. Loading and service access for the commercial part of the project would be provided from Western Avenue and in the garage for residential users.

Approximately 35,500 square feet of public terrace and walkways are proposed. The public terrace would connect to Pike Place Market and would have views of Elliott Bay, Puget Sound, and the Olympic Mountains to the west. The open space at the Pike Place Market level of the proposed building would include overhead weather protection (in places), precast concrete unit pavers, a wooden deck, and multiple seating elements. A ramp would lead down to the north, with two switch-backs traversing the length of the commercial portion of the building to the first floor.

## **CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)**

The proposed vacations were 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):** No objection

*Petitioner acknowledges SFD's comments.*

**Seattle Design Commission:** reviewed this project at its regular meeting on June 5, 2014, and took the following action:

**June 5, 2014:** The Design Commission thanked the project team for their presentation and reiterated the unique nature of the review. With a **vote of 8 to 1**, the Design Commission approved the urban design merit of the proposed partial vacation of Armory Way.

The Commission stated two fundamental and important characteristics make this vacation of City ROW unusual. First, the platted ROW does not appear ever to have been improved for transportation purposes, currently does not have a transportation use, and is unlikely in the future to serve transportation, utility, open space, or other function (the eventual transmission line relocation notwithstanding).

Second, the proposed vacation facilitates the implementation of the Pike Place Market Waterfront Entrance Project at the PC-1 site and the development of public open space, pedestrian circulation, public parking, and a future connection to the Overlook Walk. The vacated land will establish the underlying structure for the initial phases of the waterfront redevelopment. This integration with the public waterfront is unique and unlike any other project in the city. The vacated area is public space and will remain public space.

Given the history of this particular right-of-way, which is very unusual, the present vacation does not set any precedent for future such vacations.

Commissioner Quotah voted against the approval because he disagreed with the assumption that preserving parking or preferred massing are a justification for taking over the ROW and believed additional analysis was needed for justification.

***Petitioner Response***

- 1. The project adds approximately 1,300 sf of open space and approximately 2,600 sf of parking. The parking configuration was studied extensively, and the turning radius is already tight. The vacation affords some relief to these constraints.***
- 2. The replacement of public parking was necessary to receive funding from the State. When the viaduct comes down all parking under the viaduct will be lost. The Pike Place Market Waterfront Entrance Project will replace some of this lost parking. While parking is not a traditional public benefit, Petitioner feels that this background is important to explain the full context and need for the vacation.***
- 3. The project itself has many public benefits and to obtain those benefits, replacement parking is required. The extra space afforded by the vacation is necessary to provide sufficient replacement parking under the agreement with the State and the Pike Place Market Urban Renewal Plan.***

**Pike Place Market Historical Commission:** reviewed this project at its regular meeting on May 14, 2014 and took the following actions:

**May 14, 2014:** Sara Patton said that it was clear that the street vacation was needed for the public benefits and that the public right-of-way is no longer in use. Commissioners concurred that the street vacation would be appropriate and that the Commission should support it.

***Petitioner acknowledges the Pike Place Market Historical Commission comments and support for the public benefits package.***

**Department of Planning and Development (DPD) Planning Division:** The Downtown Urban Center Neighborhood Plan generally discourages street and alley vacations, but the conditions identified for denying a vacation are not relevant to this situation. The proposed vacation will further the development of the PC-1 site within the Pike Place Market Historical District, and the proposed development must be reviewed and approved by the Pike Place Market Historical Commission to ensure that it complies with the District Guidelines and is consistent with the Pike Place Market Urban Renewal Plan. In the Pike Place Market Urban Renewal Plan, the planning criteria for the PC-1 site calls for providing structures to accommodate public parking and for providing direct pedestrian access and circulation to the existing Main Market building, which the proposed project, as facilitated by the street vacation, would appear to accomplish. Furthermore, Exhibit C Land Acquisition of Urban Renewal Plan appears to identify acquisition through vacation of this portion of the street right-of-way to assemble the PC-1 site.

Assuming the PC-1 development is approved by the Pike Place Market Historical Commission, DPD would recommend approving the street vacation. Overall, the proposed development of the

PC-1 site should increase public open space and improve public circulation within the market, as well as enhance connections to adjacent areas—most particularly to the Central Waterfront through public improvements envisioned in the Waterfront Seattle initiative.

**Department of Planning and Development (DPD) Land Use Division:** Please accept these DPD comments on the proposal of the Pike Place Market Waterfront Entrance to vacate a portion of the above described unimproved right-of-way. They are based upon the Land Use Policies section of Seattle's Street Vacation Policies.

DPD's comments follow with policy language in italics.

*Guideline 4.1 Land Use Considerations*

*To determine whether the land use effects of vacation are in the public interest, the following factors will be considered:*

- A. *The long-term and short-term effects of the changes in development potential directly attributable to the vacation on the circulation, access, utility, light, air, open space and view functions of nearby streets and nearby public places;*

Development potential on the parcel adjacent to the proposed vacation would be expected to minimally change if the vacation were accomplished. The vacation would add roughly 1,358 square feet to the western edge of a development parcel that currently is 39,600 sf in size. The larger area would provide some alleviation from the constraint of building over the railroad tunnel that runs through downtown Seattle. The vacation would eliminate right-of-way separating the Pike Place Market Waterfront Entrance from the future Waterfront Seattle project and allow for integration between the two projects. The vacation would not noticeably change the relationship between the development parcel to the east and the 150' wide right-of-way to the west, and would have little to no effect on circulation, access, utility, light, air, open space, and view functions of nearby streets or public places.

- B. *Consistency of land use changes with City land use and transportation policies;*

The area of the proposed vacation lies within the Pike Market Mixed (PMM) zone in the Commercial Core Urban Center Village in downtown Seattle. Land Use Policy DT-LUP4 of the City's Comprehensive Plan states that "the intent of the PMM land use district is to recognize and preserve the unique character, scale and function of the Market and its surroundings; and allow development of a compatible mixes of uses". The vacation would support development of the PC-1 site within the Pike Place Market Historical District, a mixed-use project which is undergoing review by the Pike Place Market Historical Commission to ensure, among other considerations, that it contains uses consistent with the Pike Place Market Urban Renewal Plan. Any land use changes resulting from this vacation would not be inconsistent with relevant City land use and transportation policies.

C. *In commercial and residential zones, the compatibility of the size, scale, and character of potential development with the size, scale, and character of both existing development in the area and development provided for by the zoning code, given typical lot sizes and configurations;*"

Not applicable.

D. *The post-vacation lot size and configuration compared with surrounding properties and with the local pattern of land division and organization. In areas where street rights-of-way provide a strong edge or boundary between zones or areas of different scale and character, the right-of-way may be vacated only when a suitable alternative can be achieved with the proposed vacation. Vacations which would result in intrusions of residential development into commercial and industrial zones or the converse will be discouraged.*

As noted above, the proposed vacation would not substantially change the size or configuration of the resulting lot. Patterns of land division and organization among parcels adjacent to the existing right-of-way would not be affected. Vacation of the small portion of Armory Way would not change the strong edge established by the existing right-of-way to the west of the proposed development site.

#### Conclusion and Summary

DPD recommends that the requested vacation be granted.

#### *Petitioner Response*

- 1. Petitioner acknowledges DPD's comments. Petitioner agrees with DPD's characterization of the project design, the location of the project, and the impact of the project.***
- 2. Petitioner agrees that the proposed vacation is consistent with the Comprehensive Plan. The Pike Place Market Historical Commission has reviewed the project.***

**Seattle City Light (SCL):** SCL has an underground 115kV transmission line within, or within the clearance area of, this portion of Armory Way. For that reason, we request that the following reservation of easement be made within the vacate ordinance:

Reserving to the City of Seattle City Light Department a temporary easement over, under, across, and through the vacated right-of-way of \_\_\_\_\_, including the unrestricted right of access thereto, for the construction, operation, and maintenance of underground electric transmission facilities; including, but not limited to: vaults, electric transformers, electric junction cabinets and/or containers, switches, manholes, handholes, ducts, duct banks, conduits, cables, wires and other necessary or convenient appurtenances thereto.

The easement hereby reserved shall run with the land; shall burden the land, shall be binding upon \_\_\_\_\_ (owner), its successors and assigns, and shall continue and be in full force and effect until such time as the City of Seattle City Light Department permanently removes all of its electric transmission facilities from the proposed vacate areas or shall permanently abandon the proposed vacate area and provides written notice to \_\_\_\_\_ (owner), its successors and assigns, of such permanent removal or abandonment, at which time the easement shall terminate without need of further action being taken by \_\_\_\_\_ (owner) or the City of Seattle.

We do intend to relocate the UG transmission line at some point, but need to reserve this easement now for either the line itself or for proper clearance from other structures.

### ***Petitioner Response***

- 1. Petitioner acknowledges the existence of the 115kV transmission line (T-4 line).***
- 2. Petitioner met with representatives from SCL on May 29, 2014 to explain the proposed project and its relation to the T-4 line. The reservation of easement language was discussed, and the parties agreed that the vacation ordinance would include a reservation of easement. Petitioner sent a letter to SDOT on June 9, 2014 that sets out the full easement language and attaches the minutes from the meeting with SCL.***
- 3. The reservation of easement will allow SCL to access the line and will not impact future decommissioning of the T-4 line.***

**Seattle Public Utilities (SPU):** has reviewed the proposed vacation, and has the following comments and recommendation:

**SPU Sewer & Drainage:** SPU has no existing infrastructure and no future waterfront/ viaduct projects. SPU has and will not have any sewer /storm drain pipes within the street vacation being requested. This appears to be WSDOT right of way that they are requesting the vacation for. WSDOT needs to be informed and have input.

**SPU Water:** Seattle Public Utilities, Utility System Management, drinking water division has no comments or conditions.

**Recommendations:** Seattle Public Utilities has no conditions or recommendations for this street vacation, and no objections to the request for the vacation of a portion of Armory Way (PC1-N site at Pike Place Market)

### **Outside Agencies:**

**CenturyLink (formerly Qwest Communications):** This letter is in response to the notice for the above referenced proposal. Please be advised that Qwest Corporation d/b/a CenturyLink QC currently has NO facilities in the area addressed by this action, and has no objections to said proposal.

**Washington State Department of Transportation:** WSDOT has no concerns with this street vacation.

**Community Comments:**

**Friends of the Market:** Ed Singler, President; Paul Dunn, Vice President on 4, 28, 2014.

The President and I have reviewed the entire document, Street Vacation Petition Summary for a portion of Armory Way (PC-1 N. site at Pike Place Market). We find this requested vacation is consistent with the plans and projections we have been briefed on over the past 18 months.

Because the Board of Directors of Friends of the Market does not meet again till May 19, 2014, we as President and Vice President approve the proposed vacation of the right of way of 1,358 square feet of Armory Way, described in the Project Summary, on behalf of the Friends of the Market.

**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:** The portion of Armory Way proposed for vacation is unimproved and steeply sloped and lies between the elevated portion on the Alaskan Way Viaduct and the PC-1N site. The right-of-way is difficult to access and does not provide for any public services or connections between public spaces. Currently, the area does appear to attract some questionable activity. The main function of the right-of-way is providing a buffer between the viaduct and the project site. It is unlikely that any public transportation function could occur in the location of the proposed vacation. While steep rights-of-way are often utilized in Seattle for public stairs and these public stairs are an iconic element in the City's pedestrian network, the specific location of the proposed vacation would not be an appropriate site for a public stairway. An existing public stairway is just south of the vacation area and is in the best location for moving the public east/west through the area. Part of the new project will be to provide enhanced connections between the market and the waterfront that will far exceed the current functional but shabby existing stairs.

There is no other likely public transportation use of the area proposed for vacation either currently or in the future. No adverse transportation impacts were identified with this proposal.

**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 is the only utility that has identified that they may be impacted by the vacation. City Light notes that it has an underground 115V transmission line within the area of the clearance area on the vacation. While City Light anticipates that it will be relocating the transmission line at some point, an easement will be necessary to provide for clearance and access to the line until such time as the line is relocated.

The Petitioner has met with City Light and discussed the needs of the utility. An agreement on the language needed for an easement has already been reached and the easement can be accepted as a part of the final vacation ordinance should the City Council grant the vacation.

BNSF has a franchise tunnel that is located beneath the PC1-N site within the right-of-way that is proposed to be vacated and this line would overlap the project site. The BNSF tunnel can remain at the same depth as the P4 parking level in the proposed garage. The PC1-N project has been designed to accommodate the preservation of the BNSF tunnel in its current location. The Petitioner has provided information that the protection and preservation of the BNSF tunnel in its current location has been discussed with BNSF on several occasions. These meetings have resulted in a plan for construction requirements for protecting the tunnel during the PC1-N development and the Petitioner has provided documentation of the coordination work done to date. This work should continue as the project team moves forward with the design and construction of the project. The vacation should be conditioned to require coordination between the Petitioner and BNSF to protect the BNSF tunnel during the construction of the project.

The vacation should be conditioned to require an easement that resolves the issue to the satisfaction of City Light and to require coordination with BNSF for the protection of the existing tunnel. SDOT finds there are no impacts to the utility functions which cannot be mitigated.

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. While the portion of Armory Way proposed for vacation is open and undeveloped it is steeply sloped and would be difficult to access or to improve for any public use. The right-of-way is also adjacent to the elevated portion of the Alaskan Way viaduct limiting its desirability as public space.

Approximately 35,500 square feet of public terrace and walkways are proposed. The public terrace would connect to Pike Place Market and would have views of Elliott Bay, Puget Sound, and the Olympic Mountains to the west. The open space at the Pike Place Market level of the proposed building would include overhead weather protection (in places), precast concrete unit

pavers, a wooden deck, and multiple seating elements. A ramp would lead down to the north, with two switch-backs traversing the length of the commercial portion of the building to the first floor.

Following the vacation, the development will provide significant open space that is easily accessible to the general public and have to provide a connection between two important public spaces, the waterfront and the market. While it is possible for the project to be developed without the vacation, the public walkway would be squeezed as the proposal is narrowed to fit on the existing parcel.

The proposed development will have more useable open space if the project is granted the vacation than if the project were developed without the vacation. SDOT finds no adverse impacts to light, air, open space or views.

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

The proposed Pike Place Market Waterfront Entrance Project is located within the Commercial Core neighborhood in one of the City's six designated Urban Centers, the Downtown Urban Center. The project is a medium density mixed-use project which is consistent with intent of Urban Centers. The site of the project is zoned Pike Market Mixed-85 (PMM-85). Per Seattle Municipal Code (SMC) 25.42, permitted uses within the Pike Place Market Zone are to be determined by the Pike Place Market Historical Commission, pursuant to the Pike Place Market Historical District Ordinance.

The site is located within the Pike Place Market Historic District. The project is within the Pike Place Urban Renewal Plan and is subject to the land use and building controls identified for the site which is designated in the Plan as PC-1N. The Plan states that the PC-1N site shall be the location of structures containing public parking for the Project Area and should provide for development of commercial, residential and public spaces to complement the existing Market activity. The proposed project includes low-income housing, retail and commercial space, social service space, public parking, and public open space, terraces and walkways. The proposed street vacation is integral to the overall development concept as it allows more flexibility in building orientation, space and design, improved access and circulation, and a greater amount of public roof terrace and below-grade parking. These uses are all consistent with the land uses outlined in the Plan.

The project is subject to review and oversight by the Pike Place Market Historical Commission. As a part of its ongoing review of the project the Commission reviewed the street vacation

proposal on May 14, 2014. The Commission supported the vacation and noted that the vacation was important to meet the project goals and provide the public benefit. As the project moves forward it will continue to be subject to review by the Commission.

In addition to reviewing whether a proposal is consistent with plans and goals for an area, the vacation review looks specifically at whether the vacation allows for development that is out of scale and character with the neighborhood. This vacation is quite small in scale, only 1,342 square feet. The vacation is requested not to increase the size of the project but to create a parcel that is more square to accommodate the uses planned for the site. The inclusion of the curved 1,342 square feet creates a straight line for the building that provides more space particularly for parking and also for the upper level terrace. The PDA has estimated that the total additional space added from the vacation is approximately 5,556 square feet. The site's development potential without the vacation is approximately 209,279 square feet. The addition of the vacated right-of-way increases the development by approximately 2.58%.

The increase to the project is slight. All of the uses proposed on the site are consistent with zoning and planning for the area. More significantly the modest vacation helps to make the project viable and helps the PDA move forward a project that has been envisioned for over 30 years.

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 size of the proposed vacation is quite small, only 1,342 square feet and the vacation is not absolutely necessary for the project. While the development could likely proceed without the vacation, the ability to acquire the curving portion of the right-of-way allows the building to be more "square" and has greater impact on the development than might be assumed. The parking garage level is the most impacted and given the narrowness of the site, the addition of even the small strip of right-of-way allows sufficient parking to be provided in the garage. While the Policies are clear that parking needs are not a sufficient reason to grant a vacation, providing for parking is a part of the vacation request but not the only reason. The vacation of the small curving right-of-way does allow for more space for the entire project and most importantly from the vacation perspective, it accommodates additional space for the public walkway.

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 recognize that the public character of the project is a factor in evaluating the public benefit but that is insufficient reason alone to grant the vacation.

The requested vacation is small in size, it makes a modest contribution to the development potential, and the project is a public project. While the vacation has been identified by the PDA as important to the viability of the project, balancing the factors outlined in the Policies, the PDA would be required to provide a moderate public benefit.

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	Pike Market Mixed-85 (PMM-85)
Street classification	Street
Assessed value of adjacent property	Much of the property in the area is owned by public agencies the PDA, Parks and SDOT. An adjacent private parcel 197720-0280 has an assessed value of \$681.75 per square foot.
Lease rates in the vicinity for similar projects	Lease rates at the Pike Place Market vary from \$10 per square foot to \$50 per square foot with a median of 435 per square foot depending on use and location within the market.
Size of project, in square feet	Proposal includes: <ul style="list-style-type: none"> <li>• 12,700 sq ft: Commercial/Retail</li> <li>• 27,000 sq ft: Affordable housing</li> <li>• 1,700 sq ft: Social services</li> <li>• 119,126 sq ft: Below-grade parking (approx. 300 stalls)</li> <li>• 35,439 sq ft: Open space-public terrace/plaza</li> </ul>
Size of area to be vacated, in square feet	1,342 square feet
Contribution of vacated area to development potential	The vacation provides flexibility in the design and development of the project and

	adds approximately 5,556 square feet of developable space.
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This project in its entirety is a public project. One of the goals stated by the PDA is that this project “strives to improve the public experience at Pike Place Market”. Consistent with the Street Vacation Policies, the PDA has proposed that the public benefit features include:

1. **Public Plaza:** approximately 35,500 square feet of public terrace and walkways are proposed for the project. The public terrace would connect to Pike Place Market and would have views of Elliott Bay, Puget Sound and the Olympic Mountains. The open space at the Pike Place Market level of the proposed building would include overhead weather protection (in places), precast concrete unit pavers, a wooden deck, and multiple seating elements. A ramp would lead down to the north, with two switch-backs traversing the length of the commercial portion of the building to the first floor.
2. **Future Link to the Waterfront:** the project has been designed to allow a future pedestrian walkway connection to the improved waterfront.
3. **Public Art:** the project includes new outdoor public open space that would integrate outdoor art to enhance the pedestrian experience. The project will include three pieces of public art, including interactive media and a family-oriented play piece.
4. **Public Parking:** the project will provide more than 300 public parking stalls to replace the public parking under the viaduct.
5. **Low-income Senior Housing:** the project will include 40 studio units. Half of the new units will serve seniors at 30% of AMI and the other half for seniors 50% AMI. These units will add to the PDA’s current portfolio of 238 low-income housing units and 93 market-rate housing units.
6. **Social Service Space:** the project will provide approximately 1,700 square feet of space along Western Avenue dedicated to facilities for Pike Place Market’s social service agencies. The social service space will be accessible to the onsite residents, as well as nearby PDA residents. The space could be used to provide services such as health classes, financial planning, and mental health services.

The public benefit proposal from the PDA is quite broad, it outlines services and amenities that certainly provide benefits to the public but some of the elements are outside of the more focused definition of public benefit that is part of the vacation review. The overall list does provide a picture of what the PDA hopes to accomplish with the project and it is clear that the project is consistent with goals for the site that were first articulated more than 30 years ago.

The review of the vacation proposal must look at the public benefits as defined in the Policies. Looking at the proposed public benefit package from a more narrow perspective, the inclusion of 35,500 of public terraces and walkways, seating, public art, and a future link to the waterfront provide a significant public benefit.

Narrowing the list to items 1, 2, and 3, the physical and tangible benefits as generally required by the City Council stills results in important and lasting amenities that will be widely used by the

general public. These amenities have been a part of a community "wish list" for decades and will now finally be provided as a part of the Pike Place Market Waterfront Entrance Project.

The public benefits provided by the project are significant and exceed what might be anticipated as requirements under the Street Vacation Policies. The size and impacts of the vacation are modest but the resulting project and the public benefits provided will implement a long-standing vision for the site.

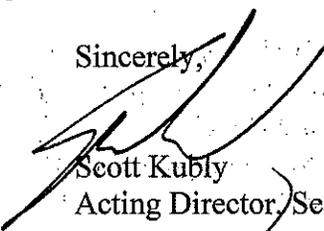
## **RECOMMENDATION**

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

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in August of 2014.
2. Any required 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.
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 City Light; and
  - Coordination with BNSF regarding construction.
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 Street Vacation staff 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 all of the public benefit elements as proposed and accepted by the City Council. The parking, housing, and social service space shall be developed consistent with Ordinance 124122. A Property Use and Development Agreement (PUDA) or other binding mechanism may be required to ensure that public benefit elements, 1, 2, and 3, including the plaza, link to the waterfront and public art remain open and accessible to the public and to outline future maintenance obligations of the improvements, unless such obligations are addressed in other agreements. The final design of these public benefit elements shall require the review and approval of SDOT Street Vacations. 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 or other agreements:
- **Public Plaza:** approximately 35,500 square feet of public terrace and walkways are proposed for the project. The public terrace would connect to Pike Place Market and would have views of Elliott Bay, Puget Sound and the Olympic Mountains. The open space at the Pike Place Market level of the proposed building would include overhead weather protection (in places), precast concrete unit pavers, a wooden deck, and multiple seating elements. A ramp would lead down to the north, with two switch-backs traversing the length of the commercial portion of the building to the first floor.
  - **Future Link to the Waterfront:** the project has been designed to allow a future pedestrian walkway connection to the improved waterfront.
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  - **Low-income Senior Housing:** the project will include 40 studio units. Half of the new units will serve seniors at 30% AMI and the other half for seniors at 50% AMI. These units will add to the PDA's current portfolio of 238 low-income housing units and 93 market-rate housing units.
  - **Social Service Space:** the project will provide approximately 1,700 square feet of space along Western Avenue dedicated to facilities for Pike Place Market's social service agencies. The social service space will be accessible to the onsite residents, as well as nearby PDA residents. The space could be used to provide services such as health classes, financial planning, and mental health services.

Sincerely,



Scott Kubly  
Acting Director, Seattle Department of Transportation

SK:bb

Enclosures

# Pike Place Market Waterfront Entrance

## Transportation Committee

### Street Vacation Presentation

August 12, 2014





**Current Site with Proposed Vacation Area Indicated**

←  
NORTH



NORTH 

Current Pike Place Market Waterfront Entrance Site



NORTH 

**Fully constructed Pike Place Market Waterfront Entrance prior to viaduct demolition**



NORTH 

**Fully Constructed Pike Place Market Waterfront Entrance after viaduct demolition**



Pike Place Market Waterfront Entrance

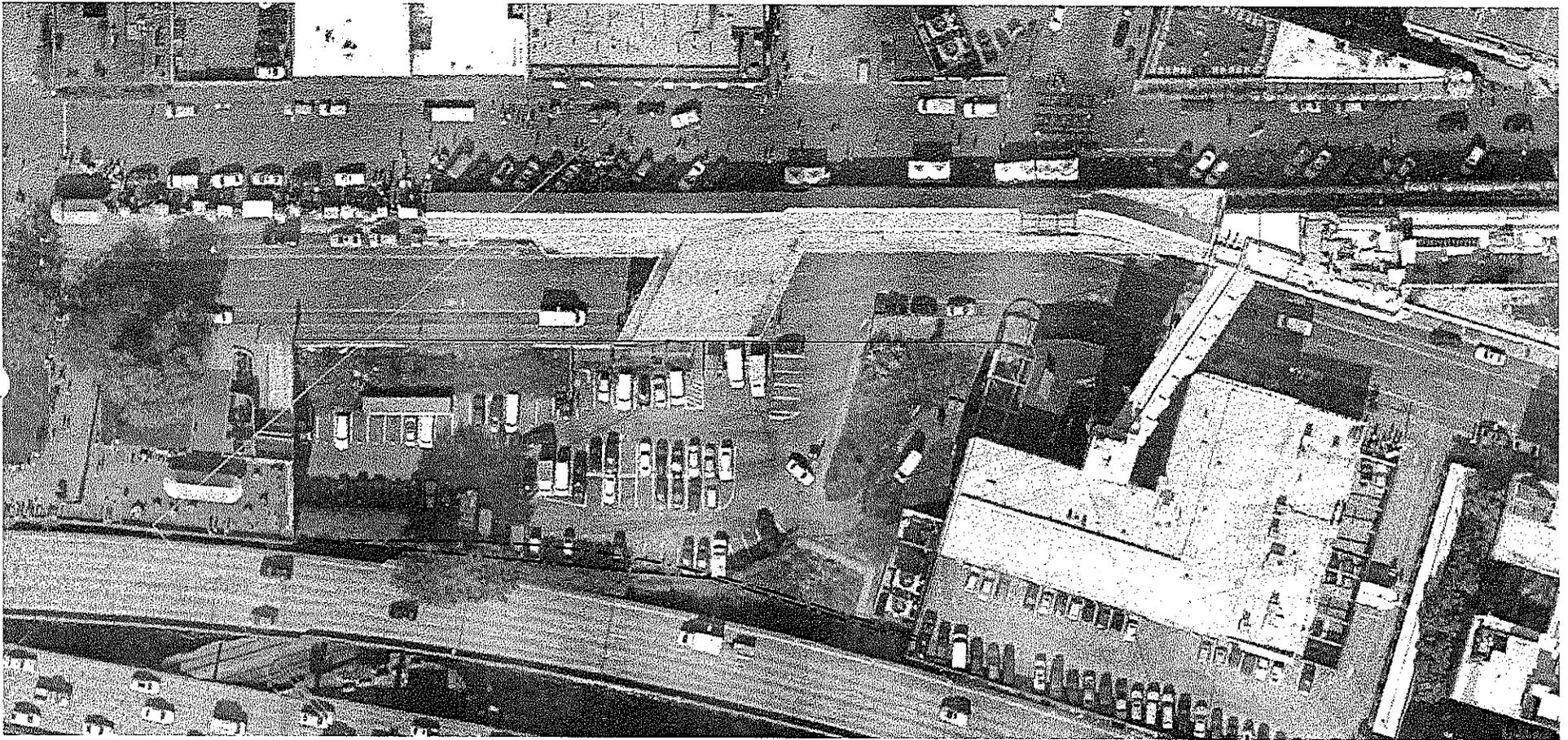


Future Overlook Walk

NORTH



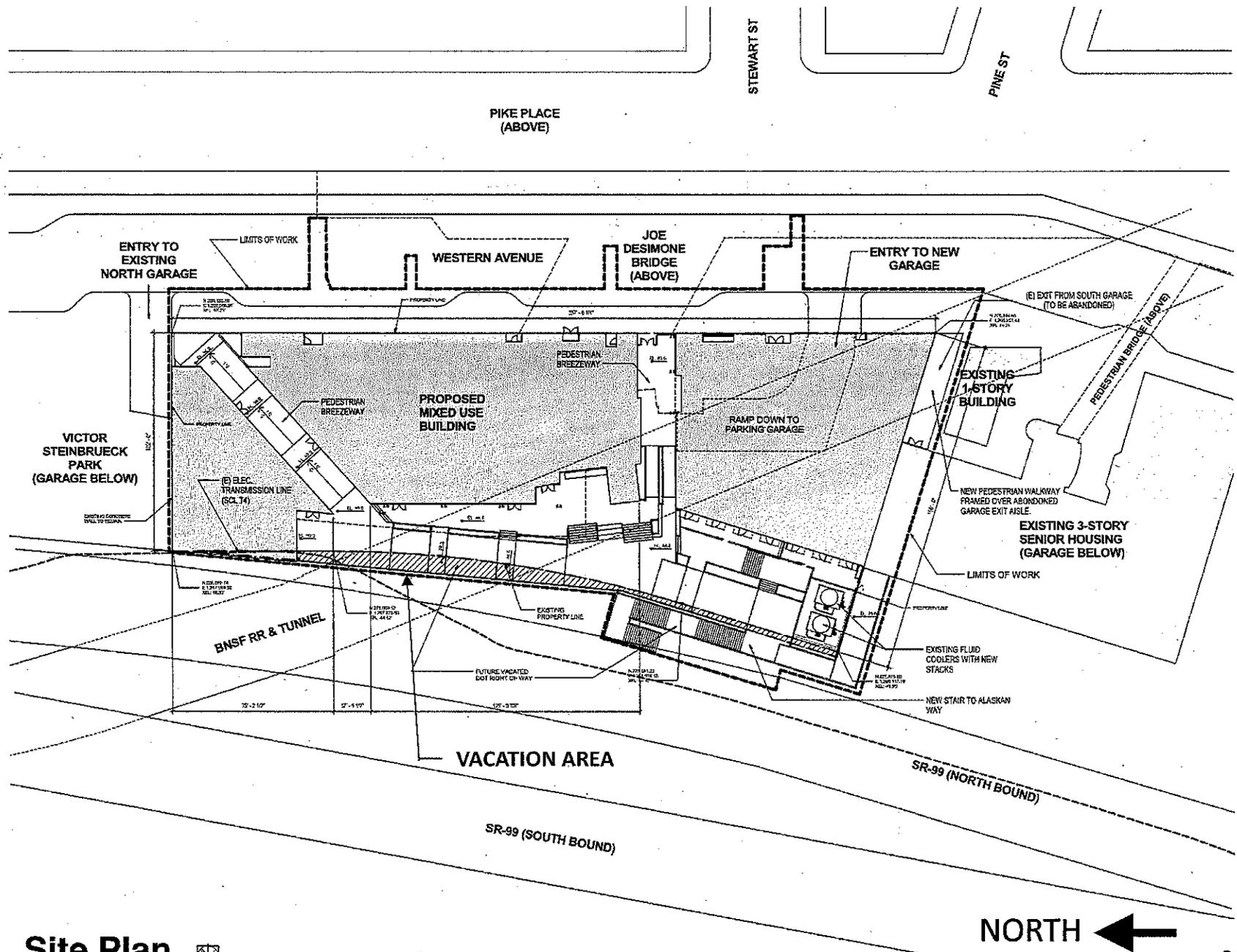
**Pike Place Market Waterfront Entrance with future Overlook Walk (not part of proposal)**



**Current Site with Proposed Vacation Area Indicated**

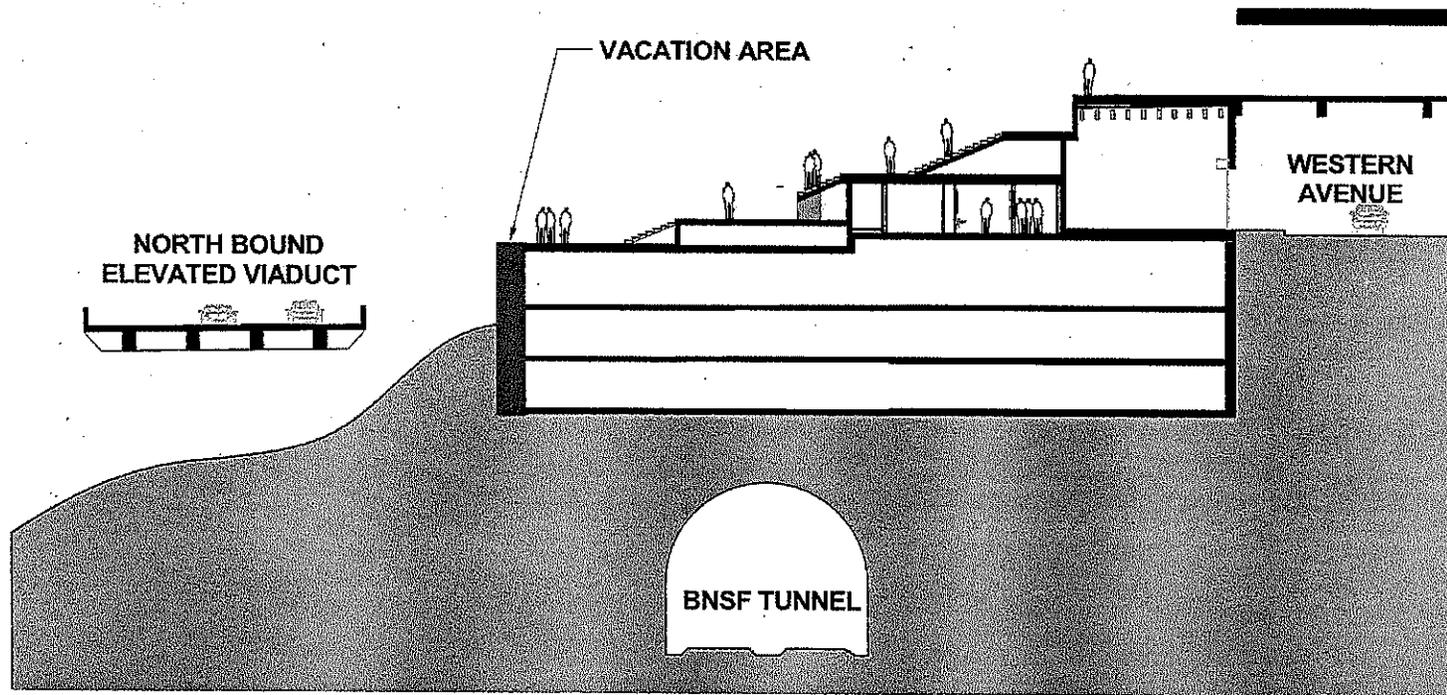
**NORTH** ←

**In 1948, the City established the elevated viaduct over portions of City rights-of-way, including Armory Way, in Ordinance 77088, as amended by Ordinance 77749. Neither the viaduct ordinances nor any subsequent ordinance vacated Armory Way.**



Site Plan 

NORTH 



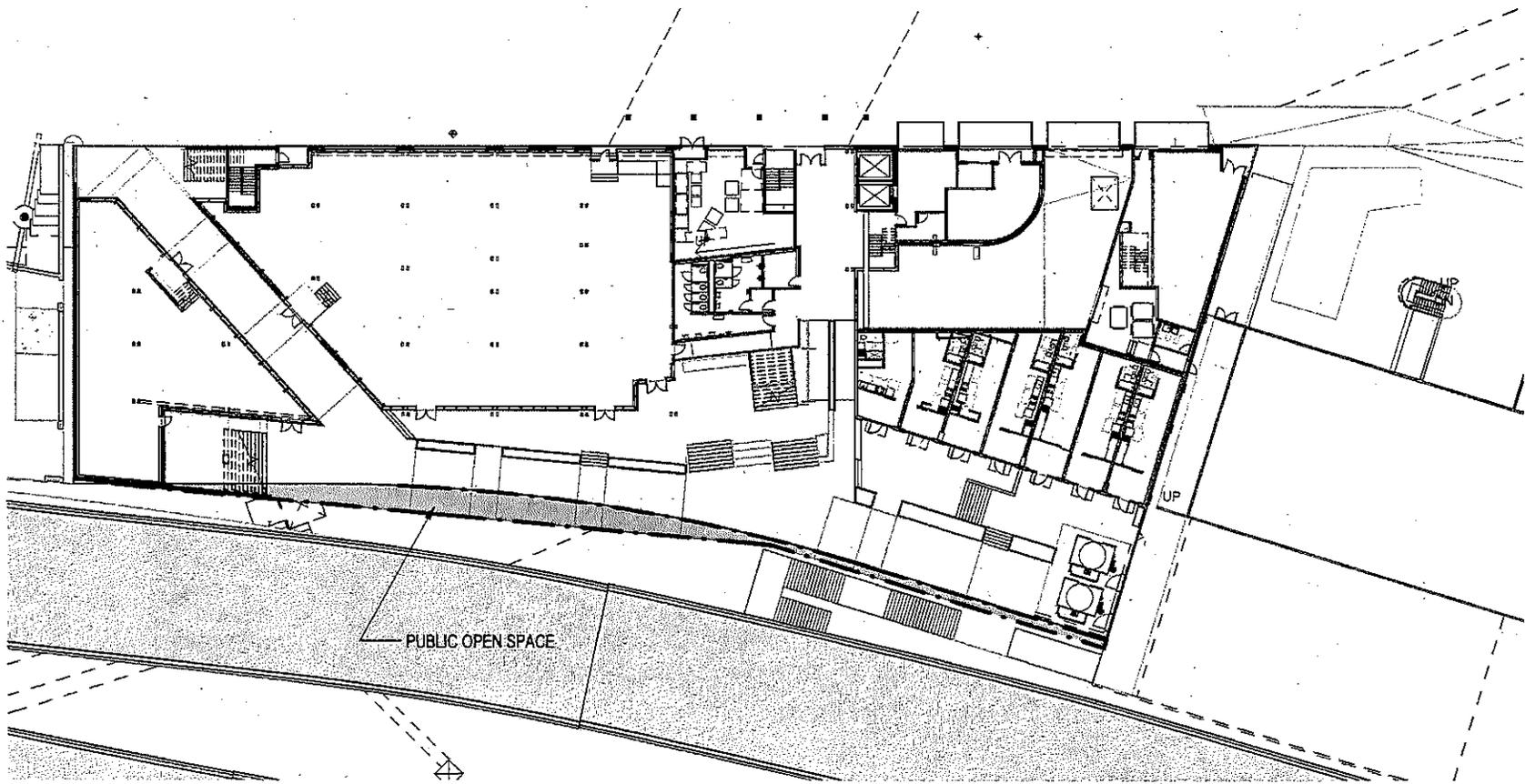
**Site Section**





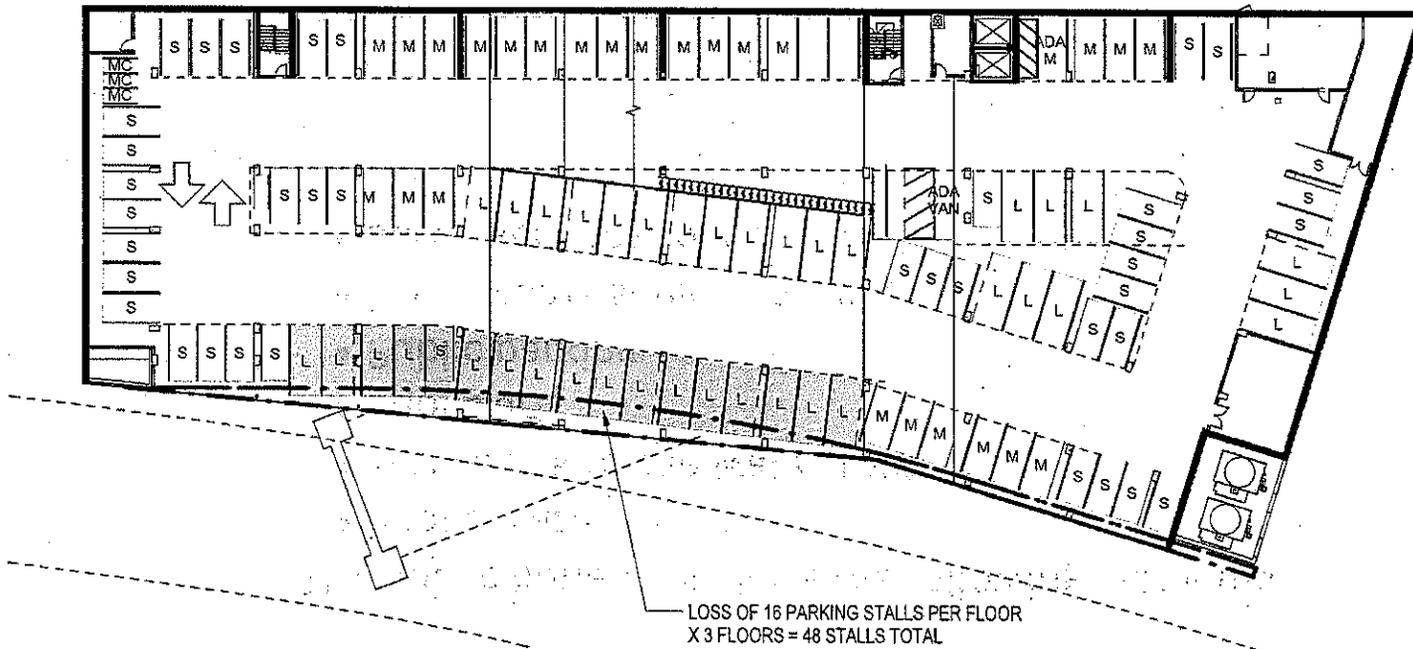
**Current condition of vacation area**

**The subject area is a steep slope, and it is not used for transportation purposes. We found no evidence that this strip of land was ever improved for transportation purposes, but it is still technically designated as Armory Way.**



**Impact to Public Open Space**





### Impact to Parking and Structure

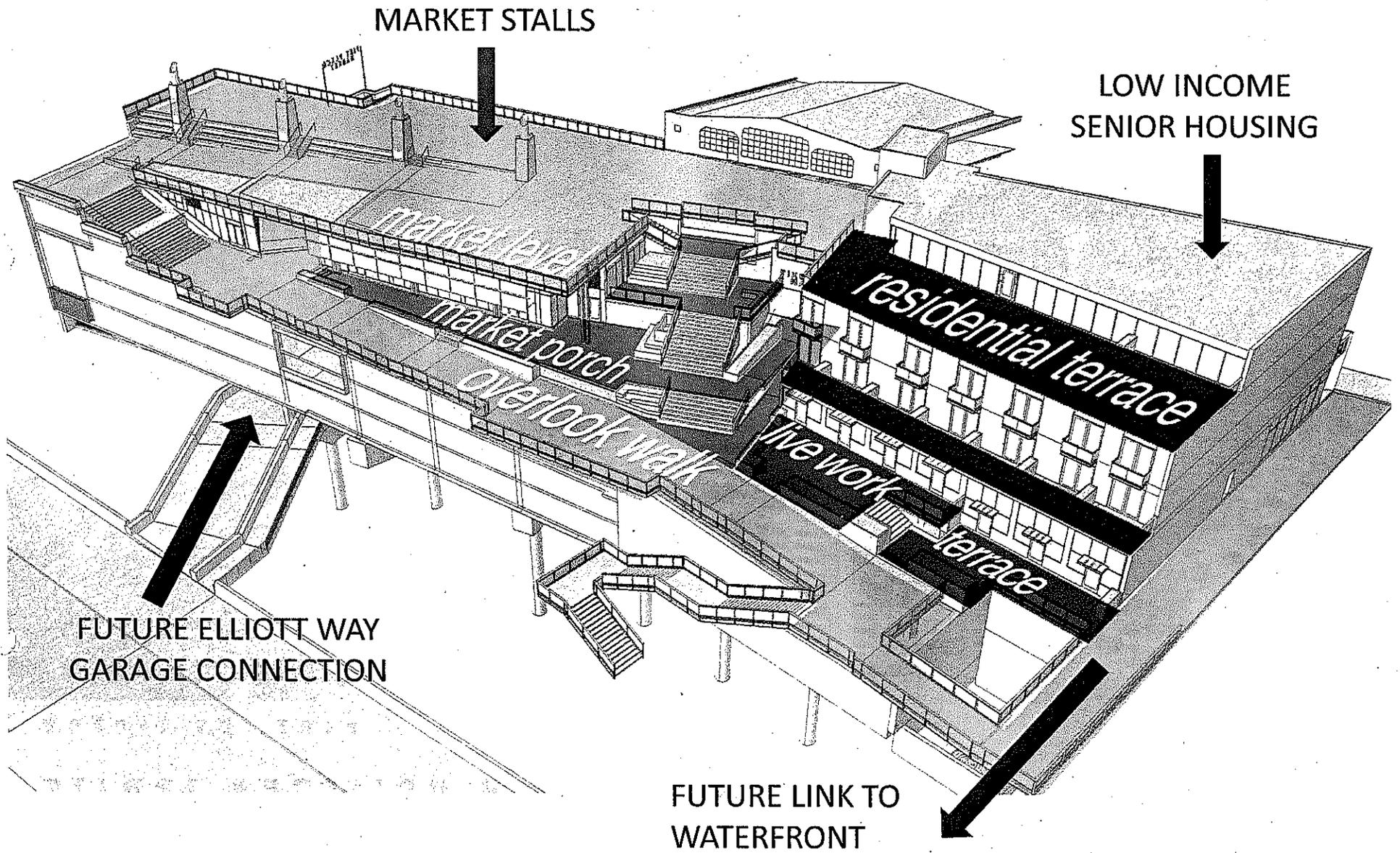


## **Public Benefits Overview:**

This entire project is public in nature and strives to improve the public experience at Pike Place Market.

The public benefits include the following elements:

- Public plaza
- Future link to the waterfront
- Public art
- Public parking
- Low income senior housing
- Social services space



# Pike Place Market Waterfront Entrance

## Transportation Committee

### Street Vacation Presentation

August 12, 2014

