



July 19, 2010

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

**Subject: Petition of Safeway Stores, Inc. for the vacation of the Alley between Blocks 5 and 6 Plat of West Seattle by U.R. Niesz and Ada B. Niesz
Clerk File 310161**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of Safeway Stores, Inc. (hereafter Safeway or Petitioner) for the vacation of the L-shaped alley in the southern portion of the block bounded by California Avenue SW, SW Admiral Way, 42nd Avenue SW, and SW Lander Street described as:

- **The Alley between Blocks 5 and 6 Plat of West Seattle by U.R. Niesz and Ada B. Niesz being that portion lying between the north margin of SW Lander Street and the south margin of the alley vacated by Ordinance 107509; together with the alley lying between Lots 20 and 22, Block 6 Plat of West Seattle by U. R. Niesz and Ada B. Niesz dedicated by Ordinance 89799.**

The area proposed for vacation includes approximately 5,297 square feet of right-of-way.

BACKGROUND

The project is located at 2622 California Avenue SW. The project site is located in the block bounded by SW Admiral Way to the north, 42nd Avenue SW to the east, California Avenue SW to the west, and SW Lander Street to the south. Safeway owns approximately $\frac{3}{4}$ of the property on the block. The northern end of the block, adjacent to SW Admiral Way, includes several separate lots and small businesses not owned by Safeway and is outside of the project boundaries. Prior to 1966, the block was bisected by an alley running north/south through the full block from SW Admiral Way to SW Lander Street. In 1966, in Ordinance 94514, the City Council granted a vacation to Safeway for the portion of the alley in the middle of the block, adjacent to Safeway property.



To continue to provide alley access to the property owners to the north, and to provide for access for Safeway, two separate L-shaped alleys were created. The northern-most L-shaped alley serves the other property owners on the block and extends from SW Admiral Way south and then turns to the east to exit at 42nd Avenue SW. The southern-most L-shaped alley serves the Safeway store developed in 1966 and extends between 42nd Avenue SW and SW Lander Street. Safeway owns all of the property on both sides of the southern alley. This southern L-shaped alley is the alley proposed for vacation. Since 1966 this block has included the Safeway store and its surface parking lot in the middle of the block which is served by the southern L-shaped alley and several small businesses at the northern end of the block which use the northern L-shaped alley.

Lafayette Elementary school is located directly west across California Avenue SW and to the south is Hiawatha Playfield. Across 42nd Street SW to the east are multifamily structures. To the north, along California Avenue SW and SW Admiral Way there are a number of small scale commercial structures.

As a part of its redevelopment of the site, Safeway sought a contract rezone of the property to zone the entire site as Neighborhood Commercial 3 with a 40-foot height limit (NC3-40). This rezone was approved by the City Council in June of 2010 in Clerk File 309869.

REASON FOR VACATION

Safeway has operated a grocery store on this site since 1961. While Safeway has done various updates over the years, including the alley vacation granted in 1966, Safeway finds that the present store is outdated and too small to adequately serve the area. Safeway would like to both expand and modernize the store. The current store has the main entry facing the parking lot and has blank facades along California Avenue SW, SW Lander Street, and 42nd Avenue SW. The location of the existing L-shaped alley isolates one small parcel from the rest of the Safeway property and creates a difficult site for redevelopment. Safeway is seeking the vacation so that its property can be consolidated and redeveloped as a whole. Without the intervening alley, the Safeway property can be developed as one site and can be designed to better relate to the adjacent neighborhood.

PROJECT DESCRIPTION

The approximately 130,000 square foot site currently includes the existing Safeway store of approximately 35,000 square feet, a surface parking lot with 177 parking spaces, and a Safeway-owned single family house at the corner of SW Lander Street and 42nd Avenue SW. The existing L-shaped alley separates the parcel with the single family house from the rest of the Safeway property.

Safeway proposes the demolition of all of the existing structures and replacing the existing store with a mixed-use development that would include the following elements:

- a 58,688 square foot Safeway store fronting on California Avenue SW and SW Lander Street,

- a continuous transparent storefront with multiple sidewalk entries along California Avenue SW,
- a separate portion of the structure, designated for housing and “flex-work” space, is designed to appear as separate and distinct from the grocery building,
- approximately 22,000 square feet of residential space for 40 apartments in four stories, parking is accessed from SW Lander Street with residential entry and sidewalk access from 42nd Avenue SW,
- approximately 16,000 square feet of “flex-work” space of varying sizes in a three-story portion of the building with some street level storefronts on 42nd Avenue SW,
- a separate 6,800 square foot retail building that will provide a number of smaller storefront spaces to be leased to a variety of retail and restaurants, and
- 227 parking spaces, including 19 residential spaces below the residential portion of the building, 141 spaces on the roof-top of the new grocery store, and 67 spaces in a surface lot.

Access to the site is provided by an east/west driveway, between California Avenue SW and 42nd Avenue SW. This driveway will provide for vehicular and pedestrian access to the parking in the surface lot and the roof-top lot as well as providing for delivery truck access. Delivery trucks will access the store from California Avenue SW and then exit onto 42nd Avenue SW. Access to the below-grade parking for the residential units will be from SW Lander Street. Delivery trucks will enter the loading area from the driveway. This loading area is screened from 42nd Avenue SW by the flex-work spaces which front on 42nd Avenue SW.

The public benefit proposal includes pedestrian enhancements around the site including widened sidewalks, decorative lighting, seating, a covered bike rack, additional landscaping, completion of the existing stylized crosswalks to the park, artistic signage relating to the history of Hiawatha Playfield, and a pedestrian plaza and retail entry at the corner of California Avenue SW and SW Lander Street.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

The proposed vacation was circulated to various City departments, outside agencies and community groups for comment. One of the goals of the broad review provided by the circulation 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 this portion of the review process. After receiving initial comments from City staff, the Design Review Board and the Design Commission expressing concern about the design and public benefit elements of the project, the Petitioner worked to make some design changes and resolve issues. The comments reflect a “snapshot in time” when the comments were received and do not reflect project revisions. The comments are a part of the record and are not revised or amended by SDOT.

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 following comments were received:

City Departments

Seattle Police Department (SPD): after review of the petition that refers to the L-shaped alley in CF 310161, it was determined that the vacation of this area would not hinder public safety efforts provided by the Seattle Police Department.

Seattle Fire Department (SFD): SFD has no objection to the Safeway street vacation petition for West Seattle. There are no apparent adverse impacts to our service delivery.

Seattle Department of Parks and Recreation (Parks): Parks does not have any issues with the vacation of the alley for the Admiral Safeway Store. Although the proposed facility is across the street from Hiawatha Playfield, we do not feel that it will impact our facility.

Seattle Department of Transportation (SDOT) Capital Projects and Roadway Structures (CPRS): through field and as-built plan review of the site, signal and lighting infrastructure do not exist on the site; however, some infrastructure would be affected by changes that would be required to vacate the property. In order to remove the existing City Light poles in the alley, it is likely that a larger pole may be needed on the north side of SW Lander Street. If so, the luminaries on the existing pole on the north side of SW Lander Street would need to be replaced.

SDOT Structural Design: has no concerns.

SDOT Policy and Planning: identifies the following elements as being important to be included in the revised public benefit package:

- Bicycle parking located under weather protection within sight distance of the main entrance to the grocery store.
- Permanent seating (preferably benches) at or near the main entrance to the grocery store along the interior driveway so that patrons who may have difficulty walking have a location to wait for a ride.

SDOT Traffic Management: offers the following comments:

- Removing the alley proposed for vacation from the street system does not appear to create any concerns for traffic operations in the area.
- The Petitioner should indicate which improvements are required by regulation and which are being offered as public benefits.
- The site is across the street from a park. Trucks accessing the site should avoid using S Lander Street, to the extent possible.
- The through-block pedestrian walkway should be designed in a way that separates pedestrian traffic from vehicle traffic, and should not encourage pedestrians to cross California Avenue SW mid-block.
- The Petitioner should work with SDOT staff to ensure that the decorative crosswalk treatments meet current guidelines.

Department of Planning and Development (DPD) Planning Division: This vacation would consolidate the alley and two small parcels at the block's southeastern corner with the large parcel currently occupied by a grocery. The alley comprises approximately 5,300 square feet (0.12 acre), and is currently used as part of the grocery's parking lot and access to its delivery area.

This site is primarily located in a Neighborhood Commercial 2 zone with the southeastern outlying parcels in a Lowrise 3 zone, all within the Admiral Residential Urban Village. The L-shaped alley defines the border between these two zones.

For this urban village, infill growth through new mixed-use development is encouraged to realize a more compact and well-rounded urban village with greater residential density. Street-level commercial uses abutting sidewalks are typically preferred on arterials, with housing on upper floors. The site is one of the largest parcels available for development in this urban village, and it has a role in transitioning from the central Admiral commercial district on the north to the residential and school-oriented uses to the west, south and east.

One important element of achieving a compact and lively urban village atmosphere is continuity of development along the major arterials. This creates a more complete and activated streetscape with multiple destinations for people, which encourages more pedestrian activity. Our review suggests this type of continuity is an important objective for the California Avenue SW edge of this site, and the proposed site plans would reasonably achieve this objective by including two commercial buildings next to California Avenue SW. In addition, the proposed mix of uses and their general orientation on the site appear consistent with overall urban village infill growth objectives.

The proposal's overall site plan includes elements that would help it fit in with its surroundings, while also achieving the project development objectives. However, the proposal only partially meets the objective of providing sufficient public benefit. The overall amount of added public benefit is difficult to discern due to the lack of detail presented. In short, the proposal would only moderately contribute to establishing high quality public spaces and urban design. DPD has the following observations:

1. The public benefit areas are relatively thinly distributed around the edges of the property. This approach falls short in establishing localized features that would be perceived as public gathering spots. Additionally, it limits the potential benefit of these areas to landscaping or widening of sidewalks. These provide only limited added public benefit that supports the vacation.
2. This scarcity of high-quality public gathering spots is illustrated by the failure to provide anything but a couple of benches and a landscaped edge at the site's southeastern corner.
3. The plaza space at the site's southwest corner and other public spaces would primarily be perceived as privately-controlled spaces accessory to the adjacent uses. Canopies and the proximity to business entries would tend to define these spaces as private. In addition, features such as "movable chairs and tables" can be interpreted as tied directly to the business. The current street environment suggests there is enough space for good design

and that the development would benefit significantly from improved design of targeted urban plaza spaces.

4. Certain features identified as public benefits are actually already present at the property. These include a flared curb at 42nd/Lander identified as a curb bulb, space at the northwest corner that is already an unused public space, bollards along the north edge of the existing grocery, and possibly some of the narrow strip of space on the east edge of the property.
5. Features such as added light standards, crosswalk treatments and “compass” sidewalk features would provide some public benefit as aesthetic improvements depending on the quality of design and materials.
6. A proposed off-site improvement, without sufficient detail, is to landscape the south edge of Lander Street, along Hiawatha playfield property. Public benefits do seem possible at this location.
7. Replacement of existing sidewalks would provide a measure of public benefit because a significant portion of the existing sidewalk is cracked and uneven.
8. It is somewhat unclear whether sidewalks are being widened in some locations, seems to be double counting, its benefit features as both plazas and widened sidewalks.
9. Public seating walls have little detail at this time.
10. The description suggests the store orientation would be a public benefit. Without enhanced treatment of the store façade, the added value of the store’s orientation as a public benefit is unclear, although it would be better than the existing black wall.
11. It is unclear how an art piece on Olmsted history would be made and installed.
12. Residential and flex-work spaces are also listed as public benefit features. These are permitted economic uses that do not directly provide any public benefit.

In sum, DPD Planning recommends that additional attention be given to the proposal’s site planning, sidewalk treatments, and architectural design to achieve higher quality public spaces and aesthetic treatments. Providing this added level of detail and design quality would more clearly establish the tangible benefits to the public realm that could be achieved with the development. If sufficient public benefits are identified to address the proposed vacation of a 5,300 square foot alley, DPD recommends approval of this alley vacation.

DPD Land Use Division: these comments are based on the Land Use Policies of the Street Vacation Policies. Development potential on parcels adjacent to the proposed vacation would be expected to change if the vacation were accomplished. According to the Petitioner, the purpose of the vacation is to facilitate the development of the site by consolidating two parcels separated by the intervening alley into a larger development site.

Light and air functions would not be adversely affected by the proposed alley and intended development. It is not believed that the alley right-of-way now serves any utility functions. Open space function might change minutely; there are no appreciable private or public views from the alley which appears to be the remnant of an alley that earlier bisected the block between California Avenue SW and 42nd Avenue SW.

Proposed development on the site would entail portions of a large grocery store and residential units occupying the alley proposed to be vacated. Following approval by City Council, the two

parcels south and east of the alley, as well as the entirety of the alley itself has been rezoned from Lowrise 3 (L-3) to Neighborhood Commercial 3, with a 40-foot height limit (NC3-40). Circulation and access would clearly be affected, given the proposed scenario of development. The L-shaped alley at the north end of the block, however, would remain to service other commercial entities at the northern part of the block. The through block driveway, connecting California Avenue SW and 42nd Avenue SW, providing access to both roof-top and surface parking as well as access to loading bays and trash collecting, should simplify and regularize ingress and egress from the site more than currently provided by the block's southern L-shaped alley.

It would appear that the retention of the northern L-shaped alley serving the commercial properties on the northern portion of the block, together with the mid-block driveway, should provide improved functionality and be functionally adequate for the future potential zoned-capacity buildout of the properties it serves.

The Petitioner has indicated that the proposed vacation would allow for a project that includes: 59,000 square feet of a retail grocery (Safeway) at ground level and a connected 4-story apartment structure with a total of 40 residential units. A separate one-story commercial structure on site would be occupied by smaller retail shops. A three-story structure of approximately 20,000 square feet, facing onto 42nd Avenue SW would contain a variety of flex-work spaces. Parking for 227 vehicles will be provided at and above grade.

The proposal includes a contract rezone from Lowrise 3 to Neighborhood Commercial 3 with a 40-foot height limit to include all of tax parcels 6087100895 and 6087100900, as well as a contract rezone from Neighborhood Commercial 2 with a 40 foot height limit to Neighborhood Commercial 3 with a 40foot height limit to include all of parcels 6087100660 and 6087100665. The rezone allows for a grocery store in excess of 50,000 square feet on the site.

The site lies at the center of the Admiral Urban Village as designated in the Comprehensive Plan. Approximately the same site has been occupied by a successful Safeway store for the past half-century. Redevelopment of the site will include the addition of 40 residential units and some smaller, neighborhood-scale commercial spaces. The proposed development is consistent with the City's Land Use Policies. It is in keeping with the Comprehensive Plan and suitable to the area as outlined in the Admiral Neighborhood Plan. Development associated with the alley vacation would not appear to conflict with current transportation policies.

If the proposed vacation were to be approved, the resulting development site would be compatible with commercial development intended for this site at the heart of the Admiral Urban Village. It is anticipated that the existing non-vacated portion of the alley at the northern portion of the block will meet existing and anticipated alley traffic needs. It has also been anticipated that the Design Review process has resulted in a development that meets neighborhood concerns of height, bulk, scale and character. The subject alley segment formerly was a demarcation line between NC2-30 and L-3 zoning. With Council's approval of NC 3-40 zoning for the entire site, there is now the same commercial zoning north, south, east, and west of the L-shaped alley. The alley segment once vacated would not provide an edge or boundary between zones or areas of differing character.

Conclusion and Summary: DPD recommends that the requested alley vacation be granted. If the proposed alley vacation were to be approved, the resulting development site would be compatible with the commercial and mixed-use development for the Admiral Junction area and the Admiral Urban Village in West Seattle.

Seattle City Light (SCL): SCL has reviewed the petition for the Admiral Safeway Store and notes that there are no SCL facilities in question from the vacation petition. Therefore, SCL will not be impacted from the alley vacation.

Seattle Public Utilities (SPU): 1) There is one catch basin located within the proposed vacation area that the City maintains. SPU requires that Safeway take over ownership and maintenance of this structure and the outfall. They also would need to put on a new lid with the word "private" on it. 2) The shoring design for the building shall make sure that any tie backs used will be below the sewer and storm drains in the surrounding right-of-way.

Seattle Design Commission: reviewed this project at its regular meetings of November 5, 2009 and December 3, 2009 and took the following actions:

November 5, 2009: the Design Commission thanked the design team for the presentation. The Commission approved the urban design merit phase of the proposal to vacate the alley at the south end of the site of the proposed new Admiral Way Safeway. However, the Commission requested a traffic analysis of vehicular movements and volumes on California Avenue SW to inform its decision. The traffic study should address existing and predicted traffic and pedestrian flow patterns as well as any potential problems with the alley entrances and exits.

- Consider that curb cut consolidation may be positive from an urban design perspective but that it may have negative impacts on the traffic flow patterns, connection to the street, and use by pedestrians.
- Commissioners are concerned about possible traffic impacts to pedestrians going to and from the school located across California Avenue SW from the site. There is also concern about the impact of service vehicles on pedestrians.
- The Commission recommends the study of a "right in-right-out only" solution on the California Avenue SW entrance to minimize traffic conflicts and ensure pedestrian safety.
- The design team is asked to provide dimensions of areas vacated, areas enhanced, elements provided by code, existing conditions versus modified, larger scale sections, and details for future presentations.
- Increase the line of sight of the roof parking ramp.
- Recommended that the presenter bring the landscape plan and the LA.
- Is supportive of the direction of the public benefit.

December 3, 2009: the Design Commission thanks the design team for the presentation of the public benefit proposal for the project and for a more detailed explanation of traffic and access

plans that was requested. After considering the traffic information, the Commission dismissed the concerns it voiced at the previous meeting.

The Commission approves the public benefits package with a seven to two vote.

The public benefit consists of the following:

- A “shared street” running midblock between 42nd Avenue SW and California Avenue SW containing high quality street furnishings and paving materials. The proposed “shared street” pedestrian crossing is 6 feet wide X 270 feet long. The drive is 24 feet wide X 270 feet long. The Seasonal Display and Special Events area is 9 to 15 feet wide and approximately 2,146 square feet.
- Increased building setbacks of 1 foot to 7 feet along California Avenue SW, 1.5 feet to 9.5 feet along 42nd Avenue SW, and 4.5 feet to 11 feet along SW Lander Street allowing for wider sidewalks.
- Provision of seating walls and benches, and higher quality landscaping and pedestrian street lighting along California Avenue SW. Pedestrian lighting will be the same as existing fixtures along California Avenue SW.
- A furnished plaza at the corner of California Avenue SW and SW Lander Street. The plaza will be approximately 22 feet by 36 feet with the ground plane approximately 0 to 2 feet below sidewalk level. The plaza is intended to further activate this corner, where there is an entrance to Hiawatha Park, and to serve as a place where the public can come and sit, meet, etc.
- Signage by the Friends of Seattle Olmsted Parks, in collaboration with Parks, on the history of Hiawatha Park that will be mounted along the south façade of the Safeway building. There will be three plaques, approximately 3 feet wide by 4 feet tall.

The Commission appreciated the urban qualities created by the project and applauds Safeway’s decision to create a more urban retail experience on the site. It notes the multiple entrances along California Avenue SW and large amount of glass proposed along the grocery store sides of the building and understands that this is not the general rule for large stores like this. The design shows sensitivity to its neighborhood setting. Commissioners also commend the placement of the proposed public plaza at the corner of California Avenue SW and SW Lander Street where it can receive optimal sun exposure and is near the entrance to Hiawatha Park. Providing for wider sidewalks along the site is also appreciated, as is the provision of historic plaques to draw attention to the story behind Hiawatha Park. Commissioners appreciate the formalizing of the shared street into a distinct pedestrian feature, through provision of texture on the ground plane, a lack of curbs, and pedestrian level lighting, among other things. In a part of town where the blocks are so long, this is a feature that will likely be welcomed by the community. The project exemplifies the complexity of defining public benefit and discerning if what is proposed meets the scale of what is being given up by the public.

The Commission has the following recommendations:

- Explore how a more expansive and public look and feel of the plaza at California Avenue SW and SW Lander Street can be created. Explore solutions to the issue of the grade change that requires people to go down steps into the plaza.

- The Commission would like to see more effort and explanation of how the shared street will work.
- Consider limiting vehicles access to the shared street to reduce conflicts with the pedestrian traffic. Provide green to make the shared street space feel like “breathing room” for the community.
- Investigate the possibility of intermittent public use of the shared street and how different programming such as festivals or seasonal events might be accommodated within that area.
- Consider how bicycle facilities can be integrated into the design.
- Think of the bus connections to the site and how they are integrated into the design.
- Further consider the signage with an eye to the context of the site, and providing clarity not clutter.

Note: the two dissenting votes are based on the opinion that the public benefit package as presented is insufficient. The ability of the shared street to function as a public space is questioned because there is no way to close it off, even temporarily, to vehicular traffic.

Outside Agencies:

King County Department of Transportation: King County has reviewed the request and has no objection to the vacation.

Qwest Communications: Safeway has paid for the relocation of Qwest facilities with the exception of providing the conduit structure. Qwest can release interest in the Proposed Vacation area as soon as the conduit structure has been provided.

Puget Sound Energy (PSE): PSE has reviewed its records and we do not appear to have any existing or proposed gas facilities affected by Safeway’s request to vacate the subject alley.

Community Comments:

John Dodd: I am a past chair of the Admiral Neighborhood Plan and a current member of the Hiawatha Advisory Council. I am writing on my behalf to urge a safer alternative to the decorative crosswalks that Safeway proposed for the 42nd SW and SW Lander intersection.

Safeway has proposed that three marked crosswalks at the T-intersection of 42nd Avenue SW and SW Lander Street would constitute a substantial public benefit. I strongly disagree. As a frequent crosser of that intersection, I believe it would be safer for pedestrians and drivers if the intersection were treated with textured or stamped asphalt and no crosswalk markings. Since neither sidewalk on 42nd avenue SW can be aligned with Hiawatha’s staircase in the middle of the street end, southbound pedestrians invariably cross SW Lander Street at whichever angle most shortens the connection to the staircase.

I can’t foresee a marked crosswalk doing anything to reduce the number of angled pedestrian crossings at the intersection, but it could endanger the area by lulling drivers into assuming

pedestrians only cross the street in straight lines from the curb corners. It would be smart of SDOT to leave out the crosswalk marking so that drivers would be less sure where to watch for pedestrians, yet might predict from the stamped asphalt street surface that the intersection is unusual and attention should be paid. I think that attractive and non-generic stamped asphalt could be counted as a public art benefit from Safeway that ties in with the park staircase and slows vehicular traffic on the neighborhood street.

POLICY FRAMEWORK

Street vacation decisions are City Council decisions as provided by State statute and have not been delegated to any City department. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. Vacation of public right-of-way requires discretionary legislative approval that must be obtained from the City Council, and the Council may not vacate public right-of-way unless it determines that to do so is in the public interest. The decisions must assure that potential development and use of the vacated right-of-way is in the public interest. The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

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

ANALYSIS

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

The Policies define the components of public interest as:

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

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

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

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

Transportation Impacts:

This proposed alley vacation is unusual as it follows a much earlier vacation which left two nonstandard alleys to serve the block. The full-block alley was disrupted in 1966 when the City Council approved an alley vacation for the middle portion of the block and created two L-shaped alleys to provide for alley services on the block. This vacation is for the southernmost L-shaped alley which only provides access to the existing Safeway store. An important element of the review of an alley vacation petition is to review how access to the property and services will be provided if the alley is vacated. The goal is to make sure that no alley functions are pushed out onto the street. With this design proposal, Safeway has created a mid-block east/west driveway and pedestrian walkway to provide for access to the site. This driveway provides for vehicle access to the surface parking and the roof top parking, it provides for pedestrian access to the store or through the site, and provides for delivery and service access to the loading bay. No alley function will be pushed onto the surrounding streets.

The existing northernmost L-shaped alley will still provide for access and alley services to the businesses at the north end of the block. It will also be possible to exit the surface parking at Safeway from the existing alley. It will be important that the design of the surface parking distinguish the existing alley so that it is clear to the public what remains as public right-of-way.

A Traffic Analysis prepared for Safeway identified that the proposed project would increase traffic by about 2,710 vehicle trips per day and 325 vehicle trips during the PM peak hour. Of these trips, 920 daily trips including 143 PM peak hour trips would be new vehicle trips to the site vicinity. The remaining trips would be trips already on the roadway system; an example would be driving to work and then adding a stop at the Safeway on the way home from work. The Traffic Analysis concluded that the project would add very little to the study area intersections during the PM peak hour, with each study intersection estimated to operate at Level of Service (a measure of traffic delay) C (LOS C) or better in the future with the proposed project. The Traffic analysis found that no off-site transportation mitigation was required to accommodate the proposed Safeway redevelopment.

After a review of the revised proposal, and the Street Vacation Policies, SDOT does not find transportation impacts related to the vacation. The conditions on the street vacation should limit

the curb cuts on the site to three and require that all services, drop-offs and pick-ups be provided onsite as currently proposed.

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

There are no significant utility issues that will need to be addressed. However, Safeway will need to work with City Light and SPU to provide for relocation or acquisition of the existing utility infrastructure.

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 streets can be important view corridors. Streets can provide important breathing space in dense urban areas. This particular alley is an L-shape so it is not possible to see through the alley because of the curve in the middle. While the alley is undeveloped space, it is not useable for any public purpose other than as access to the adjacent property. This alley does not provide for public views and does not provide for important open space on the block.

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 project site is within the planning area for the Admiral Neighborhood Plan which was adopted as an amendment to the Comprehensive Plan. The Admiral Neighborhood Plan contains a number of goals which are applicable to this project, including:

A-G1 Land use within the residential urban village that conforms to Admiral's vision of a neighborhood with a pedestrian-oriented small town atmosphere.

A-P1 Encourage development that conforms with the neighborhood's existing character and scale, and further promotes a pedestrian-friendly environment.

A-G3 A residential urban village with an adequate parking supply to serve customers, residents and employees.

A-G4 People walk, bicycle or ride buses when traveling inside the Admiral neighborhood.

A-P5 Future developments and significant remodels should seek to provide adequate parking.

Consistent throughout planning efforts in West Seattle are themes of retaining the character of small town shopping and placing an emphasis on the street and sidewalk character in ways that enhance walking and biking around the community. The project has been designed to provide a more open and transparent façade than the previous Safeway store and includes residential units and flex-work spaces. A number of design changes were made to the Safeway proposal during the Design Review process that incorporated elements that were important to the adjacent community such as the housing and flex-work spaces. This direction for the development of the site seems consistent with the priorities established by the community and consistent with City Council goals of supporting projects that fit well in their proposed location and support engagement with the surrounding in community.

It is also important to assess whether the loss of the alley creates a building site that allows for a project that is out of scale with the area. As a part of its redevelopment proposal, Safeway applied for a contract rezone. The main purpose of the rezone was to allow for a retail store of over 50,000 square feet. As a part of the review of the rezone, the project was reviewed for its consistency with the proposed zoning designation and the zoning history of the site to determine if there was a match between the zone criteria and the area characteristics. The project was also reviewed for its consistency with the Comprehensive Plan and the adopted Admiral Neighborhood Plan. The rezone was recommended by the Hearing Examiner and approved by the City Council in June of 2010.

While a vacation could alter the scale of a project significantly, that is not the case with this alley vacation. The alley right-of-way is small in size and the alley configuration is nonstandard. The development of the block following the alley vacation is not significantly larger than what could be developed without the alley vacation. The vacation provides for flexibility in the siting of the project and allows the store to be located on the street edge to provide the opportunity for a more active and pedestrian friendly design.

After a review of the Seattle Comprehensive Plan, the Admiral Neighborhood plan, and the rezone approved in Clerk File 309869, SDOT does not find adverse land use impacts that were not mitigated through the rezone process. The vacation should be conditioned to include the design elements that support an active and pedestrian-oriented streetscape as proposed.

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

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

Safeway did face challenges when it first began discussions with City staff and the community about the proposed redevelopment of the site. Both City staff and the community expressed an interest in seeing a project that more closely reflected the community where the project was located, reflected its location in an urban village, and provided a clearer public benefit proposal. Safeway has worked hard to respond to identified issues and has added a number of features to the project including the flex-work spaces, residential units above the store, pedestrian enhancements around the site, and three public plazas. Safeway has been largely successful in responding to the City by creating a store with more transparency, multiple entries and pedestrian amenities around the site.

Streetscape enhancements are proposed around the project site. The enhancements are designed to make the area more inviting to pedestrians, even those not shopping at Safeway, and support an increase in pedestrian activity around the area. Sidewalks will be widened around the new buildings, landscaping will be provided beyond code requirements, additional pedestrian lighting will be added and street furniture including a covered bike rack, historic signage, and seat walls will also be included.

The public benefit proposal includes:

- A public plaza at the corner of California Avenue SW and SW Lander Street. This approximately 22 feet by 36 feet space will include tables and chairs, landscaping, seat walls facing the street, and lighting.
- Increased building setbacks of 1 to 7 feet along California Avenue SW, 1.5 to 9.5 feet along 42nd Avenue SW, and 4.5 to 11 feet along SW Lander Street to allow for wider sidewalks. This adds approximately 900 additional square feet of sidewalk.
- Pedestrian amenities along California Avenue SW, including the provision of seating walls and benches, providing approximately 51 seats, higher quality landscaping including additional street trees and decorative pots, approximately 2,322 square feet beyond code requirements. Sidewalk canopies will be provided on all three streets around the project. The canopies will provide weather protection over approximately 2,714 square feet of sidewalks.
- In addition to the main corner plaza, two additional public plazas are located at the retail entries at the entry adjacent to the driveway access about midblock and at the north end of the project site on California Avenue SW.
- Pedestrian level street lighting will be provided along California Avenue SW, the lighting will be a continuation of the historic light poles already in place along parts of California Avenue SW. Approximately 14 historic light poles will be added.
- Signage by the Friends of Seattle Olmstead Parks, in collaboration with Seattle Parks and Recreation, on the history of Hiawatha Playfield will be mounted along the south façade of the Safeway building. There will be three porcelain enamel plaques, approximately 3 feet wide by 4 feet tall.
- Hiawatha Playfield cash contribution. Safeway will provide the park with \$10,000 for the development of historic signage explaining the history and significance of Hiawatha Playfield.

- Covered bicycle parking is provided at California Avenue SW and SW Lander Street by the addition of a 10 foot canopy adjacent to the plaza. Racks are provided to accommodate approximately 28 additional bicycles beyond that required by code.
- Installation of stylized compass rosettes in the sidewalk at California Avenue SW and SW Lander Street, and at 42nd Avenue SW and SW Lander Street to complete the design already installed in the existing crosswalks.
- Addition of a stylized crosswalk at 42nd Avenue SW and SW Lander Street matching other stylized crosswalks and supporting pedestrian access to Hiawatha Playfield.

The public benefit package proposed by Safeway is consistent with priorities established by the City Council and responsive to concerns expressed by City staff. However, there are elements of the original public benefit proposal that SDOT finds do not provide a public benefit within the meaning of the Street Vacation Policies. Safeway has proposed that its development of a driveway and pedestrian walkway between Californian Avenue SW and SW Lander Street should be considered as a public benefit. Safeway proposes that this provides an important midblock crossing for the public in a very long block and provides opportunities for other amenities that serve the public. SDOT finds that the midblock crossing would have only minimal value to the general public and that this interior space really serves the Safeway as access to the store, to parking, and providing access to the service areas. While these are all important functions, SDOT does not find that this driveway or “shared street” as it is labeled on earlier maps is a public benefit. Historically, the City Council has not found that interior spaces provide a public benefit.

In addition, Safeway has defined the inclusion of housing and flex-work spaces and the orientation of the building adjacent to the street as public benefits. While these elements will support the public benefit elements, these elements seem to support the project’s consistency with land use development goals rather than providing additional public benefit.

However, even if these items are not considered as public benefit elements, SDOT does find that the rest of the proposed package is more than adequate and provides an appropriate level of 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	Neighborhood Commercial 3 with a 40 foot height limit (NC-40)
Street classification	Alley
Assessed value of adjacent property	The Safeway land and building is assessed at \$11,319,200.
Lease rates in the vicinity for similar	Typically between \$10-\$25 per square foot

projects	
Size of project, in square feet	Approximately 130,000 square feet, including a 58,586 square foot Safeway, a 6,682 square foot retail building, 22,000 square feet of apartments and 16,00 square feet of flex-work space.
Size of area to be vacated, in square feet	Approximately, 5,299 square feet
Contribution of vacated area to development potential	The vacated area will permit the development of a 58,000 square foot store.

The revised public benefit package was thoughtfully prepared. The proposal to focus on the public street environment and pedestrian facilities and character seems appropriate given the community goals for a “small town” atmosphere. The elements proposed in the public benefit package will enhance the pedestrian environment around the development and encourage use by the general public as well as those accessing the new Safeway. The public benefit proposal meets the criteria established by the City Council and can be supported.

RECOMMENDATION

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

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in July of 2010.
2. All street improvements shall be designed to City standards and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:
 - Street improvement plan showing sidewalks, street trees, bike racks, street furniture, lighting and landscaping around the site;
 - Design the connection to the northern L-shaped to reflect the existing public alley;
 - Enhancements in the sidewalks, and crosswalk treatments, such as the compass rosettes must meet safety and material standards.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:

- Seattle Public Utilities;
 - Seattle City Light; and
 - Qwest Communications.
4. It is expected that development activity will commence within 18 months of this approval and the development activity will be completed within five years. If the vacation cannot be completed within five years, the Petitioner must request an extension of time from the Transportation Committee. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) for the project until SDOT has determined that all conditions have been satisfied and all fees have been paid.
 5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
 6. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT and SDOT may request additional review by the Design Commission, if necessary. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

The public benefit proposal includes:

- A public plaza at the corner of California Avenue SW and SW Lander Street. This approximately 22 feet by 36 feet space will include tables and chairs, landscaping, seat walls facing the street, and lighting.
- Increased building setbacks of 1 to 7 feet along California Avenue SW, 1.5 to 9.5 feet along 42nd Avenue SW, and 4.5 to 11 feet along SW Lander Street to allow for wider sidewalks. This adds approximately 900 additional square feet of sidewalk.
- Pedestrian amenities along California Avenue SW, including the provision of seating walls and benches, providing approximately 51 seats, higher quality landscaping including additional street trees and decorative pots, approximately 2,322 square feet beyond code requirements. Sidewalk canopies will be provided on all three streets around the project. The canopies will provide weather protection over approximately 2,714 square feet of sidewalks.

- In addition to the main corner plaza, two additional public plazas are located at the retail entries at the entry adjacent to the driveway access about midblock and at the north end of the project site on California Avenue SW.
- Pedestrian level street lighting will be provided along California Avenue SW, the lighting will be a continuation of the historic light poles already in place along parts of California Avenue SW. Approximately 14 historic light poles will be added.
- Signage by the Friends of Seattle Olmstead Parks, in collaboration with Seattle Parks and Recreation, on the history of Hiawatha Playfield will be mounted along the south façade of the Safeway building. There will be three porcelain enamel plaques, approximately 3 feet wide by 4 feet tall.
- Hiawatha Playfield cash contribution. Safeway will provide the park with \$10,000 for the development of historic signage explaining the history and significance of Hiawatha Playfield.
- Covered bicycle parking is provided at California Avenue SW and SW Lander Street by the addition of a 10 foot canopy adjacent to the plaza. Racks are provided to accommodate approximately 28 additional bicycles beyond that required by code.
- Installation of stylized compass rosettes in the sidewalk at California Avenue SW and SW Lander Street, and at 42nd Avenue SW and SW Lander Street to complete the design already installed in the existing crosswalks.
- Addition of a stylized crosswalk at 42nd Avenue SW and SW Lander Street matching other stylized crosswalks and supporting pedestrian access to Hiawatha Playfield.

Sincerely,



Peter E. Hahn, Director
Seattle Department of Transportation

PH:bb

Enclosures

