



April 14, 2011

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

**Subject: Petition of 4700 California Avenue LLC for the vacation of a subterranean portion of the alley in Block 1, Scenic Park Addition in the West Seattle Junction area of Seattle
Clerk File 309496**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of 4700 California Avenue LLC (the "Petitioner") for the vacation of a subterranean portion of the alley in Block 1, Scenic Park Addition in the West Seattle Junction area of Seattle, described as:

Subsurface portion, beginning four feet below the surface, of the northern 145 feet of the alley in Block 1, Scenic Park Addition, being the alley in the block bounded by SW Edmunds Street, California Avenue SW, SW Alaska Street, and 42nd Avenue SW, as recorded in Volume 15 of Plats, page 34, Records of King County, Washington.

The subterranean area proposed for vacation includes approximately 2,320 square feet of right-of-way.

BACKGROUND

The project site is located within the Urban Village Boundary identified in the West Seattle Junction Neighborhood Plan. The site includes two parcels separated by the alley. The east parcel is addressed as 4203 SW Alaska Street and includes the north 5 feet of Lot 35, and all of Lots 36 through 44. The west parcel is addressed as 4706 California Avenue SW and consists of Lots 1 through 5. Both parcels are in Block 1, Scenic Park Addition. The block is bounded by SW Edmunds Street, California Avenue SW, SW Alaska Street, and 42nd Avenue SW in the West Seattle Junction neighborhood of Seattle.

The project site includes the northern portion of the block; the southern portion of the block is outside of the project area and will remain as currently developed. The portion of the alley to be vacated is approximately 16 feet in width and 145 feet in length and approximately 4 feet below grade. The portion of the alley outside of the project area is 16 feet in width and approximately



425 feet in length. The surface portion of the alley is not proposed for vacation and its use will not be altered by the vacation. The alley is currently improved and open and is in use by approximately 11 other property owners on the block. The entire surface of the alley will remain open as public right-of-way from SW Alaska Street to SW Edmunds Street.

The project site is zoned Neighborhood Commercial with an 85 foot height limit (NC-85) and a pedestrian zone overlay.

The project site currently consists of three separate single story buildings on two parcels housing a number of retail businesses. The site includes two surface parking areas, bisected by the alley. The existing buildings currently on the sites are one story and provide space for offices, retail and restaurant uses. These businesses range in size from 442 square feet at the smallest up to 6,361 square feet at the largest. There is 26,419 square feet of existing retail space between the two project sites. Additionally, there are 29 surface parking stalls on the east parcel and 12 surface parking stalls on the west parcel for use by patrons of those retail businesses.

REASON FOR VACATION

The Petitioner is seeking the subterranean vacation of a portion of the alley in order to create a single parking garage below the two new mixed-use buildings. The alley vacation will allow a single, consolidated point of entry to the consolidated garage. The consolidated parking garage allows for more efficiency in the development of the parking and also allows for consolidation of services such as loading and recycling as well as building systems such as HVAC. The alley will provide access for service uses and service vehicles such as loading while the residents will enter the parking garage from 42nd Avenue SW in an entry separate from the service uses.

PROJECT DESCRIPTION

The proposed development consists of two seven-story mixed-use buildings, with six stories of residential over one story of retail. The larger East building, at 42nd and Alaska, is approximately 15,330 square feet of retail space, the smaller West building, at Alaska and California, includes approximately 10,355 square feet of retail space for a total of 25,685 square feet. The project is planned to include approximately 200 residential units between the two buildings, including the approximately 25,685 square feet of retail on the ground level along with residential lobbies. The project will provide 271 vehicle parking stalls and 64 bike stalls. Passenger vehicle parking for both the East and West buildings will be accessed from 42nd Avenue SW. Loading docks and service spaces for both the East and West buildings will be accessed from the alley.

Both buildings will have a taller than usual retail podium, at approximately 18 feet, to attract a wider variety of retail shops. The project will provide over 600 linear feet of retail frontage on 42nd Avenue SW, SW Alaska Street, and California Avenue SW. Both buildings will step back from the southern property line to provide for a mid-block crossing that creates a pedestrian link between California Avenue SW and 42nd Avenue SW.

The public benefit proposal includes the pedestrian walkway through the block providing a connection between California Avenue SW and 42nd Avenue SW. The pedestrian connection

will have a “Z” configuration. From the street, pedestrians will enter the walkway on the Petitioner’s property; they will walk adjacent to the new buildings to the alley then enter the alley and walk approximately 90 feet to the pedestrian connection on the other side of the alley. The public benefit proposal also includes a variety of enhancements to the pedestrian environment including; widened sidewalks, overhead weather protection, benches, art elements, wayfinding signage, bike racks, street trees and landscaping beyond code requirements.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

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

The comment section does not reflect the resolution of the issue or subsequent design changes or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address any issues or concerns. **The comments were received at the beginning of the review process and do not reflect project updates or agreements reached with the community on design changes.**

The following comments were received:

City Departments

Seattle Police Department (SPD): upon review of the subterranean portion of the alley in Block 1, 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): the only concern from Fire is that the load limit be posted at the entrances of the alley.

Seattle Department of Parks and Recreation (Parks): Parks does not have any issues with the vacation of the subterranean portion of the alley in Block 1.

Seattle Department of Transportation (SDOT) Capital Projects and Roadway Structures (CPRS): finds that the proposal may be conceptually feasible from the structural aspect. Since the vacation is proposed to begin approximately four feet below the surface of the alley, particular caution and attention is required for the removal or diversion of the underground utilities and any other related appurtenance. Structural review will be required at the 30%, 60% and 90% PS&E contract plans along with related technical documents (soil report, EIS, specifications, etc) must be submitted for review.

Since the alley is used for public access, the structure supporting the alley below should be designed to support at least "HS20" on the alley. The structure under the alley may require annual inspection by SDOT or the owner may hire a professional engineer to inspect and send SDOT the report. The concern is public safety as the structure supports the public alley right-of-way.

SDOT Street Use and Major Project Divisions: have no issues or objections to the vacation.

SDOT CPRS Design: requests that the applicant be required to provide pedestrian lighting connecting the development to California Avenue SW in the street improvement permit.

SDOT Traffic Management Division: has reviewed the petition and does not object to the vacation but does encourage the developer to provide secure bicycle parking within the garage as well as public bicycle parking for use by patrons of the retail spaces.

Department of Planning and Development (DPD) Planning Division: The West Seattle Junction neighborhood plan element of the Seattle Comprehensive Plan encourages actions and policies that "reinforce the pedestrian orientation" (WSJ-P5) of the West Seattle Junction neighborhood commercial area and "enhance pedestrian access" (WSJ-P10) throughout the neighborhood.

The alley vacation is proposed to accommodate parking for two mixed-use buildings including 200 residential units and 29,600 square feet of retail. The site is zoned Neighborhood Commercial with a Pedestrian designation, and is located within a shopping district with high levels of pedestrian activity. The proposal to provide pedestrian amenities as a public benefit provides a logical relationship between the introduction of additional vehicles as a result of the subterranean parking garage, and the existing pedestrian orientation of the neighborhood.

The project is also located at the central intersection of the West Seattle Junction shopping district. In addition to widening the sidewalk along California SW, the project should ensure that significant volumes of pedestrians can be accommodated at the intersection of California Avenue SW and SW Alaska Street.

Overall, the 15-foot pedestrian walkway will provide an important circulation link east-west for pedestrians. The proposed retail along the southern edge of the walkway, the proposed upper level plaza and (presumably) open-able windows from units above will provide a measure of safety through the introduction of people into the spaces at all hours.

However, the planned 90 feet of alley that will connect the two mid-block pedestrian walkways presents some concern. The alley is proposed to be 16-feet in width, and will share space with automobiles, dumpsters and pedestrians. The potential for conflicts between autos and pedestrians could be mitigated by widening this portion of the alley; and by introducing lighting, signage, and features such as plantings, paving or benches that communicate to future drivers that this portion of the alley is also a pedestrian travel route.

DPD Land Use Division: According to the Petitioners, the purpose of the vacation is to create a single parking garage below grade to provide parking for two new mixed-use buildings to be developed on either side of the alley. The vacation would allow a single consolidated point of entry to this common garage, if granted a departure from Land Use development standards, from 42nd Avenue SW.

The right-of-way proposed for vacation is a subterranean portion of the northern 145 feet of alley in Block 1, Scenic Park Addition. The Petitioner proposes that the vacation begin approximately four feet below the surface of the alley. The surface of the alley will remain as a public alley.

The alley is 16 feet in width and open and improved from SW Alaska Street to SW Edmunds Street and currently serves 11 property owners on the block. The proposed development is described as consisting of two mixed-use buildings, the one to the west with a footprint of approximately 13,330 square feet and the one to the east across the alley, of approximately 25,860 square feet. The buildings are proposed as residential over a retail base. The overall development would provide 196 residential units and 29,630 square feet of retail area on the ground floors.

The design would provide a mid-block pedestrian walkway that would connect 42nd Avenue SW with California Avenue SW. The walkway, approximately 15 feet in width would be located at the south property line of each development parcel, thus commencing approximately 235 feet south of the SW Alaskan Way on the east parcel and approximately 130 feet south on the west parcel and thus requiring pedestrians to utilize 90 feet of the alley to connect from one walkway to the other. The cross-block pedestrian corridor connecting the alley with 42nd Avenue SW would complement and expand the pedestrian corridor which is part of the Harbor Properties project under construction on the adjacent property to the south.

DPD has received Master Use Permits (#3007764 & 3007765) for development of the proposed new structures. The two sites are zoned Neighborhood Commercial 3 with an 85-foot height limit, and both are overlaid as a pedestrian zone. The proposed development is compatible with the size, scale and character of intended development in the area. Light and air functions would not be adversely affected by the proposed alley vacation. The subterranean portion of the alley proposed for vacation would not appear to interfere with any utility functions as utility functions would remain in the upper portion of the alley. No potential private and public views would be altered. No existing view corridors would be affected by the proposed vacation.

Development associated with the alley vacation would not appear to conflict with current transportation policies. The proposed vacation would not result in intrusions of residential development into a commercial zone or the intrusion of the commercial zone into a residential zone. If the proposed alley vacation is approved, the parcel sizes that would result above grade would remain generally compatible with other commercially-zoned parcels that currently exist in the immediate area.

Design Review Board process: At the first two early Design Guidance meetings held before the Southwest Design Review Board (April 10, 2008), the applicants presented as the preferred alternative two above-grade structures whose ground-floor retail wrapped around into the alley

and for which the sole access and exiting from the underground parking was from 42nd Avenue SW. The pedestrian activation of the alley as an element of the design did not receive enthusiastic support either from the public present or the Board members. The Board noted that the outside street perimeter of the project was much more important than the alley activation. The Board generally agreed with public comments that the design needed to provide more clearly for traditional alley functions like deliveries and dumpster loading.

Nor did the Board speak too favorably of the pedestrian corridor being proposed between California and the alley. They expressed the opinion that it broke up the desired continuity of retail entrances along California Avenue SW and, if it were to be a desirable item, should ideally be located further south in the block.

Perhaps most importantly, the Board indicated they did not believe that the applicants had demonstrated alternatives for providing "more refined transition in height, bulk and scale" for the building located at the corner of California Avenue SW and SW Alaska Street which had been their directive in recommending a second Early Design Guidance meeting. The members of the Board were in agreement that in order to gain their recommendation of approval of the overall design of the project the applicant would have to present a design that demonstrated a dramatic shift in the massing of the western building. Linked to this, and important for present considerations, was the Board's comments that it would be disinclined to recommend a departure for vehicle access from 42nd Avenue SW unless the massing guidance was attended to. Were the Board to remain disinclined, parking would need to be accommodated from the alley, intensifying pedestrian and vehicle interaction along this stretch of the alley.

DPD recommends that the subterranean street vacation be granted, provided the proposed design allows for unobstructed pedestrian passageways along one or both sides of the alley adjacent to the properties to be developed. These should be safely located totally outside the vehicular portions of the alley. In addition, the alley design should allow for traditional alley functions to be enjoyed by other owners and business operators sharing the alley. Otherwise, the subterranean segment of the alley in question would not affect the land use related functions for which alleys are valuable. The primary long-term effect of the change in development potential directly attributable to the vacation lies in the enhanced viability for residential and commercial development of the sites which abut the existing right-of-way intended for subterranean vacation. In both the short term and long term there would not appear to be any appreciable detrimental effects on the functions, including circulation, access, light, air, open space and views, of nearby public places and streets.

Seattle City Light (SCL): SCL engineers have reviewed the alley vacation and it has been determined that the overhead distribution system will need to be undergrounded. About 17 customers will be affected by this design and about 9 or 10 of customers will not need electrical services after construction. Some customers will need to be converted from overhead service to underground service. The overhead transformers that are there now will need to be undergrounded.

The pole at the north end of the alley will need to be relocated and the communication lines will either need to be fed underground from the east or the north to a new pole in the alley at either end of the sub grade parking structure.

Seattle Public Utilities (SPU): The existing alley drains from the south to the north at approximately 0.3% grade Plan No. 83-12. SPU requests a condition specifying: The developer is not to impede or change the current and existing surface drainage. The existing catch basin for drainage at the north end of the alley shall be replaced with a new type 241 catch basin with new curb drainage. SPU requires that a 6 foot minimum dedicated right-of-way below existing grade is needed to reinstall the new catch basin.

Seattle Design Commission: reviewed this project at its regular meetings of November 20, 2008, January 15, 2009, and March 5, 2009 and took the following actions:

November 20, 2008 Action: the Commission thanks the Design Team for their presentation of Conner Homes West Seattle Junction partial subterranean alley vacation proposal, and unanimously approves the urban design merits, with the following comments:

- The Commission encourages the design team to carefully consider pedestrian flows during and after construction.
- There are concerns about the alley and sidewalk perimeters; Commissioners encourage wider sidewalks along all street frontages of the project to allow nodes or eddies to allow pedestrian rest opportunities.
- The Commission encourages continuous connection of mid block pedestrian flow.
- There are concerns that the alley is tapered where it meets SW Alaska Street and the appropriate balance between retail and public space. The Commission encourages the design team to consider eddies or nodes of respite opportunities along the frontage of the project, as well as enhancing the nodes at alley entries.
- The Commission encourages more retail spillage into the alley.
- The Commission encourages considering the site lines to the loading docks and terminals.
- There is a concern about the duplication of ramps at 42nd Avenue SW. The DC strongly encourages a coordinated design response that avoids redundancy between separate parcel developments.
- Commissioners encourage a greater pedestrian buffer from the traffic along California Avenue SW.
- Commissioners hope to see more definition of the landscape design elements.

January 15, 2009 Action: the Commission thanks the design team for their presentation. In a four to five vote, the Commission voted not to approve the public benefit package of the project and asks that the following items be addressed:

The public realm impacted or created by this project includes 1) the public streets, 2) nodes were entries or transitions to other passages or spaces occur, 3) the through block passages 4) the alley.

Public streets:

- The Commission would like the design team to focus more resources and energy on the public space along the streets. It is more probable that the greatest pedestrian volumes will occur in the public right-of-way on Alaska and California than on the alley and through block passages.
- A balance must be achieved between the function of the garage entrance on 42nd Avenue SW and the pedestrian streetscape and safety. The entrance should be as narrow as permitted, the sidewalk should read as continuous and care should be taken to make the pedestrian experience on 42nd Avenue SW as pleasant as possible.
- The width of the sidewalks along the streets, especially in light of these being transit oriented streets in the hub of a lively neighborhood, should be appropriate to the volume of pedestrians and the capacity to support retail activities within the sidewalk. The project designers are encourage to:
 - Examine successful streets in Seattle that provide for a lively street life, with retail activities extending into the sidewalk. Apply those characteristics and dimension to this project.
 - Coordinate sidewalk/streetscape design with the Rapid Ride facilities being developed by King County Metro. These shelters, waiting areas and information signs should be considered as design influences to this project.

Nodes:

- The Commissioners appreciate the idea of creating nodes and asks the designer to consider strengthening the nodes. The nodes should be legible as clear getaways or portals from one public area to another. Common wayfinding elements installed at each of the nodes will give clarity to the pedestrian ways as a comprehensive network.

Midblock passages:

- The Commission is concerned about the efficacy of the midblock passages and clarity of the wayfinding. It asks the designers to think about how the message is imparted that the passageways continue on to the next street and do not just end at the alley. Perhaps art and/or signage offer a solution.
- Please refine the solutions proposed along the midblock passages to create congruence of design of the site and the property that abuts it. Clarify the differing character of the east and west midblock passages and the themes that are proposed here.
- The Commissioners point out that there is much potential in the midblock passages because they are removed from the street. They encourage the team to refine the design with this in mind. Consider placing the furniture and other elements in a way that takes advantage of this otherness to create spaces instead of just encouraging people to move through.

Alley:

- The fact that the project borders both sides of the alley for only a portion of the alley poses a unique design challenge. The design must both tie into the segment where

functions, pedestrian amenities and other features cannot be controlled by the project proponents, and rise to potential for setting a positive precedent for later development. To this end, clarity of the wayfinding system is crucial.

- Commissioners understand that in West Seattle many alleys serve an unusual function, including being host to business entrances and encouraging pedestrian activity. At the same time there is residual concern about finding a balance in what is a working alley and also a pedestrian environment.

March 5, 2009 Action: the Commission would like to thank Weber Thompson and the project team for the very thorough presentation including new drawings and diagrams in response to previous Design Commission comments. The Design Commission approves the Public Benefits package for the subterranean alley as presented, including the following:

- Continued public access to the Alley at the street level.
- Widened sidewalks and building entrances along California, Alaska and 42nd Streets and the Alley.
- Landscape and planting strips and upgrades to sidewalk paving with scoring and color on California, Alaska, and 42nd Streets.
- Upgrades to the Alley including paving scoring and color, bollards and a landscaped plaza at the building entrance off the Alley.
- Public mid-block passages articulated with the building façade, paving scoring and color, landscaping, lighting, street furniture, bollards and structures from California to the Alley and from 42nd Street to the Alley.

The Commission believes the new and revised graphics have been helpful in describing how the spaces would be beneficial and work within the public realm. In particular, the Commission likes the new occupiable plaza and specimen tree that terminates the mid-block passageway from California to the Alley as opposed to the previously shown green wall. In general, the Commission supports the use of different paving patterns and colors and plant material to create consistency, wayfinding and legibility throughout the public spaces, including the extension of the “rug” paving in the sidewalks, however some concern was expressed about deviating from the City of Seattle standard paving within the sidewalk along Alaska. The Commission expresses some concern that private landscape spaces of the live-work spaces and adjacent benches may cause the mid-block passageway to feel private rather than public and encourages the project team to consider carefully how this area is designed. The Commission suggests that adding bike racks within the mid-block passages would help the passageways feel more like sidewalks and therefore more within the public realm. Additionally, the Commission encourages the use of moveable tables along both mid-block passages so they can be moved into sun or shade depending on which is desirable. In general, the Commission does not have a problem with the garage entrance being located off 42nd Street, although one Commissioner expressed his desire for the entrance to be located off the Alley.

Outside Agencies:

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

King County Department of Natural Resources & Parks, Wastewater Treatment Division (WTD): after reviewing the location at 4700 California Ave SW, it has been concluded that no conveyance lines are within the area of this property.

Qwest Communications: Qwest has existing facilities and will require an easement over the entire alley. In order to underground the existing aerial plant Qwest will need an easement for the width and length of the alley to make the crossings to pick up existing services on the west side.

Puget Sound Energy (PSE): PSE does have a gas main located within the North 61 feet of the Alley (the north 145 feet of which is requested for a subterranean vacation). The petitioner will need to drill a Pot Hole in the alley to determine the depth of the gas main so that PSE can determine if the gas main will be affected and if an easement is needed.

Community Comments in Support:

West Seattle Junction Association (WSJA): supports the subterranean vacation with the following contingencies:

1. The Petitioner shall revise the Public Benefit portion of the petition to better match the private benefit afforded to the Petitioner by the vacation.
2. The Petitioner shall, during construction, assure that any temporary closure of the alley does not exceed 24 hours.

The public benefit proposed by the Petitioner is inadequate in comparison to the private benefit afforded to the Petitioner. The Petitioner has the opportunity to build a single parking garage to be shared by two buildings. The savings in construction costs alone will be substantial and should be shared, in kind, with the community that lends support to the vacation of City property.

- The proposal is to widen the sidewalks along California Ave SW from 12 to 14 feet. WSJA recommends the sidewalks be widened from 12 to 17 feet.
- The width of the improved alley after construction is not stated. WSJA recommends the improved alley be a minimum 22 feet in width.
- The width of the improved sidewalk along SW Alaska Street is not stated. WSJA recommends this sidewalk be widened by five feet from its current width.
- Petitioner proposes a \$10,000 contribution to improve Junction Plaza Park. WSJA recommends a \$25,000 contribution to the park.
- Petitioner proposes to provide 100 parking spaces for the retail. WSJA recommends an additional 25 retail parking spaces as a benefit to the public.

The WSJA does not support any closure of the alley beyond short term (24 hours) needs during construction of the garage and buildings. There are 11 vibrant businesses that require usage of this alley for commercial and utility activity. Closure of this alley for any extended period of time will be disruptive and damaging to our business (and later, residential) community.

As the Petitioner moves through the Design Review process:

- Utilization of the design guidelines stipulated in the West Seattle Junction Urban Village Design Guidelines (dated August 26, 2001)
- Assuring that the California Ave SW and SW Alaska St building is designed to an appropriate height, bulk, scale and character that is compatible with surrounding building architecture.
- Provision of contiguous retail and commercial store frontage along California Ave SW, SW Alaska St and 42nd Ave SW.
- Relocation of public utilities underground or within building.
- Location of residential pedestrian entry along SW Alaska Street (not on California Ave SW).
- Assuring that sidewalks along California Ave SW and SW Alaska St remain open to pedestrians during project constructions.
- Assuring that on-street parking remains available during project construction.
- Placement of all construction equipment (crane) on-site and not in any public right-of-way for duration of construction.
- Provisions of off-site parking for all construction workers during each phase of project construction.

WSJA looks forward to seeing positive improvements to the project prior to approval of the subterranean vacation.

West Seattle Chamber of Commerce: wishes to offer its endorsement of the subterranean vacation. Construction of the underground parking facility as currently presented in the design will be greatly enhanced if allowed to complete this project with a single point of entry. Construction of a facility of this size dictates allowing the developer to maximize the efficiencies and opportunity during construction and we have no objection.

We do encourage Conner Homes to recognize that our endorsement is accompanied by our urging to recognize the cost savings with benefit returned to the community as prescribed by the West Seattle Junction Association.

We harbor serious concern over the closure of the alley for any extended period without allowing for adequate access.

Adam Faber: I write in support of granting a permit to temporarily close part of the alley during construction of the mixed-use development proposed for the corner of California and Alaska. The development is an exciting opportunity for our neighborhood, bringing in new retail

spaces and residences that will help infill the neighborhood in a positive, environmentally responsible way.

Community Comments in Opposition:

Junction Neighborhood Organization: we are in favor of responsible development that is designed to reflect the character and unique charm that defines our community. This project however, does not meet our standards, nor have we felt this proposal is a reflection of the neighborhood in which we live. We ask that you consider the following concerns:

- Public benefit: the public benefit that has been proposed in exchange for the vacation and significant design departures is inadequate. In most development proposals the adjacent public benefit is significant and truly reflects the size of the request. This project has minimal public benefit primarily relegated to the mid-block pedestrian connection, which was necessary for them to create a courtyard area for the live-work units to meet the minimum green factor required, as well a miscellaneous benches, trash bins and street trees. Early on in the proposal a financial contribution to the adjacent Junction Plaza Park was included but this has since been rescinded. This park is directly adjacent to the proposed structures and is of great benefit to our entire community.
- Massing: the intersection of California and Alaska is the most significant corner in our neighborhood, if not all of West Seattle. This is our Junction, a place where our community comes to meet neighbors, shop our locally owned businesses, browse our Farmers Market, as well as work, play and celebrate. In order to preserve our Junction we are currently proposing that DPD consider new view corridor setbacks to protect public access to light and air at a major historical commercial main street. We believe the Conner Homes project should meet these proposed setbacks:
 - Along Californian Ave SW between SW Edmonds and SW Dakota, and along SW Alaska between 44th Ave SW and 35th Ave SW.
 - Upper-level setbacks: structures on lots must provide an upper-level setback for the façade facing California Ave SW and SW Alaska or parks, for any portion of the structure greater than 44'-0" or 4 stories in height, whichever is lower.
 - Any portion of the structure shall be set back at least 30 feet from the property line at California or Alaska or parks above 44 feet or four stories in height, whichever is lower.
 - The first four feet of horizontal projection of decks, balconies with open railing, eaves, cornices, and gutter shall be permitted in required setbacks.
- This project has the potential to create a greater pedestrian experience at the street level by widening sidewalks, including the existing design elements (lamps, landscaping, etc) that the West Seattle Junction Association has incorporated into the charm of our Junction.
- The community has asked at every opportunity that this project be a blend of historical character that exists in the Junction and the newer and modern designs that are proposed. This detail is lacking, we have yet to see a proposal that incorporated the character, brick and masonry details, or even attempts to create a structure that fits within our Junction. The proposals presented so far have perplexed the design review board and the

community, forcing us to use valuable public comment time to repeat the same concerns over and over with little change in the proposal.

- We have asked that the residential entry to the West building be moved from California to SW Alaska as is the precedent of both the Hamm and Campbell buildings that are adjacent to this site.
- The Design Review process for these projects failed this community. Two projects (3007764 & 3007765) were reviewed as one. Connor Homes presented the project as a single entity with two buildings (East and West) at all the design review meetings. DPD supported this by allowing the project to be reviewed as one. However, this is not the case: these are two separate but related projects that will ultimately be issued two master use permits. By reviewing them as one, the community was forced into focusing our comments on the structure that had the greater impact (the West building), and was not given the opportunity to review or comment on the East building with the exception of the parking garage entrance.
- Due to lack of adequate space and time for the Design Review meetings, public comment was limited by the Design Review Board and the DPD planner. We showed up, often in large numbers, because this project is important to us and the process allows the public to comment. Time limitations, inadequate space and requests from the planner and review board to shorten comments denied many in attendance the opportunity to voice suggestions and concerns. In addition, on at least two occasions the proposal was not posted to DPD's website in the required 5 days prior to the review board meeting. This limited the public's access to the project and our ability to comment.
- The proposal provided at the last three Design Review board meetings was lacking in details. Conner Homes provided pictorial proposal with no details of design, measurements of massing, information on materials, or views from the pedestrian level. As to residents of this community, these details are what help us to understand the project, to comment with context, and to utilize the limited opportunities we have to comment in a way that will help guide the project.

City Council has the ability to right these wrongs and to correct the failures of this process and of this design. We urge you to bring back these two designs and to separate the Design Review processes. We further urge you to require a true public benefit-one that has lasting impact on the community in exchange for the significant departures that the developer is requesting. We ask that you respect the voice that we as residents have in the hope that the community we are building is a community we can be proud of. Please take action!

Letters in support of Junction Neighborhood Organization comments: letters were received from Erica Karlovits, Melanie King, and Bertrand Patrick in support of the Junction Neighborhood Organization comments and noting the difficulty of traffic impacts from growth in the area.

Rene Commons: expressed support for the Junction Neighborhood comments and noted:

- Value of alley vacation vs. public benefit: the below grade vacation for subterranean parking public property value may be ½ of if it was at grade. However, the value of the

alley area to be vacated needs to be based on building FAR that it may support under the zoning NC-85'.

- Other cost saving benefits that the Applicant gains by utilizing the City's public property: cost savings of not providing offsite parking to support their proposal (FAR gained due to additional parking); money saved by essentially constructing two separate buildings at the same time (constructing one garage for the entire site once); and being allowed to access off of 42nd SW instead of the alley (departure from code).
- Where are the benefits to our community? What is the Conner proposal giving back to us, the community? Nil, with the exception of standard trees and shrubs. Community organizations asked for the facing park to please be integrated and the request was ignored. Free underground parking for shoppers? Not binding and will most likely be a pay lot.
- The equity of exchange of alley vacation for public benefit is clearly deficient in the plan currently proposed and approved by the Design Review Board.
- I ask for you to deny the alley vacation so that this project can be resolved between DPD, the community and the Applicant and remanded as 2 separate projects (not one) allowing fair time for thorough review of each project and ensure the public benefit. This is a \$55 million dollar project in the heart of our historic West Seattle Junction neighborhood. It is the first hi-rise on California in the 2-block central core. This site will become THE most significant example and set the expectation level standard for future buildings in the center of our Urban Village.

Alan Harrison: As the Executive Director for ArtsWest, I am deeply troubled by the project, especially this portion of it. We believe:

1. The public benefit offered is paltry and insufficient, only a few thousand dollars of improvements in exchange for a potential half million dollar loss in business revenue during construction is insulting to the community;
2. The owner has never shown himself or his company to be responsible builders with a care in this community, nor have they shown significant support for any West Seattle nonprofit or community organization;
3. The vacation will lead to massive disruption in the businesses-especially the restaurants-in the Junction, especially those on that block that depend on alley access 24 hours a day; this kind of disruption causes people not to visit the Junction, which causes business downturn in an already tight economy.

If the developer were to increase the public benefit twentyfold; provide easy, alternate, free accessways for the businesses dependent on the alleyway; and commit substantial (\$50,000+) funds not only to Junction Plaza but another \$100,000+ to the nonprofits and community organizations that are the backbone of the Junction we might be more inclined to approve because it would show that the company has the intention of being a good neighbor in West Seattle and not merely an out-of-area carpetbagger, which is the behavior this company has heretofore exhibited. Until that express written commitment toward these ends, we strongly protest the action and ask that you deny the petition.

Nancy Folsom: I respectfully request that the City deny the petition. I live and shop in the Alaska Junction. I am discouraged by the construction of condominiums on 42nd Avenue SW because it has made shopping the merchants along that stretch of CA nearly impossible. I understand that at least one business is so damaged that they will be moving out of the Junction altogether.

I believe the proposed project will hurt our local businesses. Just when the City seems to be more interested in developing urban villages, it has the opportunity to either support an existing, vibrant example by denying this petition, or to undermine its own goals by approving the petition.

Indeed the new residents of all these condominium projects will be glad for the robust and lively core that predates their arrival.

Petition in Opposition: signed by approximately 775 people stating: the project will impact our ability to do business and will have severe negative economic effects on the businesses in the Junction area. This impact will be compounded by inhibiting the use of the alley during construction. During this time we will not be able to access parking freely at the rear of the business along the alley way. There will be the impact of not having ability for customers to load and unload in the alley way and access the businesses. This also will make it very difficult for deliveries to take place during the construction. These daily deliveries are vital to sustaining the business along the alley way.

Letters in Opposition to closing the alley: nine letters were received that expressed concern about closing the alley for extended periods of time noting that the closure would impact small businesses that support the local community and provide true character to the neighborhood. To impact deliveries, traffic patterns, and add more load to California Avenue is not a viable option.

RESPONSE TO COMMUNITY COMMENTS

This project ignited considerable controversy during the early portion of the review both to SDOT in its review of the vacation and to DPD for its review of the Master Use Permit and the DPD Design Review process. The controversy focused on two main areas of concern, first there were issues with the scale and design of the proposal, and second there were concerns about the closure of the working alley for extended periods of time. While resolution of these types of issues is mainly within the purview of DPD, it was not feasible to proceed further with the subterranean vacation without resolution of the outstanding issues.

Following completion of the work of the Design Review Board for the Southwest District, a number of community representatives contacted DPD and the Mayor's Office and asked that work continue on resolving design concerns that the community felt were not adequately addressed by the Design Review Board. This project site is a prominent location in the Junction and has been regarded as a gateway. The development of this site is considered to be a key player in the vitality and character of the surrounding neighborhood. The community expressed concern that development of such a significant property in the neighborhood should respond more to community priorities.

DPD agreed to facilitate a series of meetings between the developer and community representatives that addressed a wide range of design issues. These meetings ultimately stretched out for over a year and in the fall of 2010, an agreement was reached on the list of issues. The agreement was signed between these community representatives and the developer in December of 2010. The agreement contained a number of commitments that DPD has now included in the revised MUP. In this signed agreement, the developer commits to the following:

1. To re-engage the community and solicit neighborhood participation in the design of cornices, sills, canopies, soldier courses, art, lighting and other details at construction document phase.
2. Include an art panel program with historical representations in the north ground plan façade of both buildings.
3. Incorporate dark bronzed window framing at retail level.
4. Endeavor to reduce the planting strip on California 5' to 4' increasing sidewalk width to 8'6", subject to SDOT approval.
5. Install special pavement detail providing texture and wayfinding elements throughout the mid-block passage.
6. Carry brick elements from West building to the north façade of the East building. Preferably a light gray color rather than the red brick of the West building.
7. Work with Harbor Properties to explore opportunities to integrate the East building plaza with the Mural Building plaza including signage, pavers and other design elements. Install a wayfinding sign at the plaza entrance that denotes the connection to California Avenue SW. Complete plaza design details as part of construction documents.
8. The set of streetscape amenities including benches and pedestrian lighting proposed for the West building will be carried to the East building. Landscaping on SW Alaska Street will be designed to integrate with Junction Plaza Park across the street.
9. Applicant will contribute \$5,000 towards development of Junction Plaza Park upon construction permit issuance.

The document also states: In signing the agreement the developer agrees to implement each element and the community signators to the agreement specify that they will not appeal the DPD Director's MUP decision and will not oppose the subterranean alley vacation, contingent upon implementation of the construction plan which leaves the alley operational throughout every phase of construction.

The design concerns were addressed as noted above and the construction closure issue was addressed as well. The alley will remain open throughout the construction period by the use of an alley detour that will route alley traffic from SW Alaska Street to 42nd Avenue SW. During construction the alley will extend from 42nd Avenue SW to SW Edmunds Street until the connection to SW Alaska Street can be reopened. The excavation for the project will proceed in two phases to provide for this alley routing.

With the completion of this agreement and the provision for the alley to remain open, it does appear that the controversy around the project has been largely resolved.

POLICY FRAMEWORK

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

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

ANALYSIS

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

The Policies define the components of public interest as:

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

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

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

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

Transportation Impacts: Since this vacation is only for a subterranean portion of the alley, the existing alley right-of-way will remain open and accessible and the alley will function in the same fashion after the vacation as it does today. The alley is currently improved and open from SW Alaska Street to SW Edmunds Street. The alley serves the Petitioner as well as 11 other property owners on the block. The alley is used for the customary alley functions such as access to individual buildings, service activities such as loading and solid waste pickups. In addition, as with a number of blocks in the West Seattle area, the alley also provides for customer parking and access to the back entries of stores and restaurants and is used as a short cut for pedestrians.

The function of the alley will not change following the vacation and the use by other property owners on the block should not be significantly impacted. The alley will be widened adjacent to the Petitioner's property to meet current alley guidelines. The alley is currently 16 feet wide and standards now require that the alley be widened to 20 feet.

When vehicles can use an alley to access property it helps to contain traffic impacts within the alley and helps to reduce curb cuts and the impact on pedestrian environment around a block. SDOT and the City's Land Use Code recognize the value of alleys for these purposes. However, the City has also established a mechanism for changes or departures from code requirements when appropriate. Design Review Boards can grant certain departures from code requirements when a departure would best serve the community and the project. This project was granted a design departure by the Design Review Board and the departure will allow the project to provide access for residential vehicles from 42nd Avenue SW rather than from the alley. The alley will remain the access point for service vehicles. As this departure was thoroughly discussed and subsequently granted by the Design Review Board, this departure was considered by SDOT as an element of the project.

While the function of the alley will not change following the vacation and redevelopment of the site, the record reflects a significant amount of concern on the part of adjacent businesses owners and the larger community about alley closures related to construction activity. Normally construction impacts would be regulated by DPD as it issued permits for the construction of the project. However, the concerns with this project were important enough to address before the project moved forward for City Council consideration. The Petitioner has an approach to the construction that will provide an alternative route for the alley so that alley access can be maintained throughout the construction period.

The alternative route would connect the southern portion of the alley to a new and temporary alley segment between the existing alley and 42nd Avenue SW. The construction of the project would occur in two phases. The first phase would be along SW Alaska Street. This work would necessitate the closure of the existing alley at the northern end adjacent to the Petitioner's

property and the opening of the temporary alley segment to 42nd Avenue SW. When the excavation and foundation work for phase one is completed, the existing alley can be reopened and the temporary connection to 42nd Avenue SW would be closed. Work would then begin on phase two excavation which would occur at the project site fronting on 42nd Avenue SW. This two phase approach for the excavation work on the site will ensure that the other businesses on the block have a functional alley for the duration of the construction period.

An issue particular to a subterranean vacation is the structural integrity of the below-grade parking garage. After the construction of the project, the Petitioner's garage will essentially be holding up this portion of the public alley. The Petitioner has provided the plan sheets to SDOT that show the garage is designed to accommodate the weight limit required by SDOT. In addition, SDOT will want to receive inspection reports to ensure the structural integrity of the alley over time. SDOT will work with the Petitioner on the timing requirements of the future reporting. The Fire Department has requested that the "load limit" for the alley be posted at each end of the alley.

Another issue unique to subterranean vacations is a consideration of the depth of the proposed vacation. The City needs to consider how much of a public alley must remain over the private parking garage. There must be enough space to provide an appropriate roadway surface and to provide for utility infrastructure, if necessary. The Petitioner has proposed that the vacation begin four feet below the surface but early in the review SPU had identified that it might need as much as six feet in the location of its facilities to provide for adequate space. The Petitioner has continued to work with SPU and it does appear that the SPU facilities, including a catch basin that needs to be relocated, will be located outside of the vacation area. It does appear that the proposed four feet depth is feasible but as plans move forward this will need to be confirmed by SDOT and SPU.

A traffic analysis was performed by The Transpo Group in 2008 and the analysis concluded, in part, that:

- With the addition of the project traffic, all of the study intersections and site access points operate at LOS D or better during the weekday PM peak period.
- The intersections do not meet the City's criteria for a high collision intersection. The proposed traffic is not expected to significantly impact traffic safety within the study area.
- The project is proposing to provide enough parking to City code and estimated parking demand.
- The proposed development would not have significant impact on transit services or non-motorized facilities in the surrounding area.
- City concurrency standards would be met with this project indicating adequate capacity exists to serve the increase in travel demand resulting from the proposed project.

- Specific off-site mitigation measures are not required to reduce/offset potential site-generated traffic impacts.

The vacation should be conditioned on the requirement that the construction closure plan be followed to keep the alley open; that SDOT continue to review the structural plans and develop a reporting plan, that the weight limits for the alley be posted at each end of the alley, and that the depth of the vacation be confirmed by SPU and SDOT.

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.

One major question during the review of this vacation petition was whether the existing City Light pole at SW Alaska Street could be removed and the facility placed underground. While City Light was initially interested in removing the pole it later appeared that the cost would be prohibitive. The Petitioner has continued to work with City Light and is now committed to removing the pole at SW Alaska Street. Removal of this pole was a high priority for the community and for SDOT. Working with City Light, the Petitioner will relocate the alley overhead City Light lines to a new pole south of the vacation and install sub grade load break vaults to eliminate the pole mounted transformers. The Petitioner will terminate City Light's overhead line in the alley north of the vacation across SW Alaska Street. The Petitioner will also terminate overhead lines at 42nd Avenue SW at the intersection with SW Alaska Street and will install sub grade load break vaults to eliminate pole mounted transformers and install an underground extension to Jefferson Square services along 42nd Avenue SW.

The Petitioner is also adding pedestrian lighting at SW Alaska Street and 42nd Avenue SW to match the historic replica fixtures in the area.

SPU has also indentified that is has utility infrastructure in the alley that will need to be protected. SPU had originally indicated that the proposed four feet of surface alley may be too shallow and that six feet might be necessary to provide adequate space for SPU. SPU has now conceptually agreed to a proposal from the Petitioner that will allow the vacation area to remain at four feet below grade, provided:

- The proposed layout for the drainage catchbasin must not interfere with the waterproofing membrane of the building during installation and future replacement.
- No other utilities may interfere with the installation of the required drainage structure.
- The surface drainage upstream of the alley must convey to the proposed location of the drainage structure.

The Petitioner has indicated this can be accommodated as the existing catch basin at the north end of the alley can be replaced and accommodated outside the area of the sub grade parking structure.

In addition to addressing the needs of City Light and SPU, the Petitioner will need to provide easements to Qwest Communications. The project will put in two new poles for the existing aerial plant in the alley and the project will provide for sub grade "pull boxes" just outside of the vacation area to provide space for potential future undergrounding of the utility.

Puget Sound Energy's overhead distribution system around the perimeter of the project is proposed to be undergrounded. Following this work, some customers may need to be converted from overhead service to underground service.

The Petitioner has been able to address the utility issues related to the vacation. The vacation should be conditioned to require that the Petitioner complete all the utility work to the satisfaction of the impacted utility.

Light, air, open space and views: Because street right-of-way is open and undeveloped land, streets and alleys can have value as open space and can be important view corridors. Streets can also provide important breathing space in dense urban areas. This petition is to vacate a portion of the alley that is below grade, the surface and the air rights are not altered by this proposal. The alley will remain open and used as public right-of-way in the same manner after the proposed vacation, additionally, the size and scale of the development adjacent to the alley is not increased by the proposed vacation. Public light, air, open space and views up and down the alley are not impacted by this vacation.

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.

One of the distinctions between a subterranean vacation and a full vacation is that a subterranean vacation does not increase the size of the Petitioner's property. The developable parcel owned by the Petitioner is the same size following the vacation. The vacation of the subsurface area is not included in any property ownership or lot calculations for development purposes. This means that the vacation does not allow for a project that is larger than what could be developed without a vacation. With or without the vacation, the parcel is the same size and the development potential is the same.

While the project clearly is not any bigger in scale and the vacation will not change the size of the lot or the pattern of development in the area, the vacation does facilitate the type of development proposed by the Petitioner. The vacation helps by reducing the costs of the parking

garage development and by allowing the separation of the residential vehicles from the service vehicles. So it can be concluded that the vacation makes a contribution to the feasibility of the project, but does not allow for an increase in the number of units or an increase in retail space.

Another consideration is the review of the project and its compliance with the adopted Neighborhood Plan or goals set by the Comprehensive Plan. It is evident from the record that this proposal evinced strong reactions in the community. It is clear that this project site is considered significant and that the development of this property was viewed as a project that would set the tone for other future development in the Junction area. The community has voiced concern about scale but has worked with DPD on these issues through the Design Review process and subsequently through the facilitated discussions of the project.

The West Seattle Junction Neighborhood Plan is supportive of more pedestrian use of alleys and talks about a "green lattice" network of connected open spaces. The plan supports the development of pedestrian connections through blocks to foster pedestrian activity and retain more of a small town flavor in commercial areas. West Seattle currently has several blocks that have small retailers with back entrances on the alley that are well utilized. In its review of the vacation and proposed pedestrian connection, DPD found that the proposal was consistent with the West Seattle Junction Neighborhood plan element of the Seattle Comprehensive Plan but voiced concern about the initial design related to safety and lighting.

City staff and the Design Commission worked to enhance the safety and viability of the pedestrian crossing as the project proceeded through review. The specific elements are more fully discussed in the Public Benefit section of this recommendation. In addition, the community worked with the Petitioner to add some character defining elements to the project that, hopefully, will make this new project fit into the mold of a Junction project.

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

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

The Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large in size or if the project has significant impacts, then the Policies anticipate that the public benefit proposal must also be significant. This project poses some unusual challenges. Since this petition is for a subterranean vacation that does not increase the scale or development potential or traffic impacts of the project, it could be concluded that there are no significant impacts from the project at all. However, it is clear from the review that the proposal

caused some concerns for City reviewers and raised a considerable amount of controversy in the Junction neighborhood. The project was clearly considered impactful by its neighbors. On balance, it must be recognized that the vacation is an important element of the proposed development therefore, a more significant public benefit should be provided. This must be clearly defined as exceeding regulatory standards and be something that is of use and value to the general public.

The public benefit proposal includes two main components: a midblock pedestrian crossing providing pedestrian access between California Avenue SW and 42nd Avenue SW; and enhancements to the pedestrian environment around the project site. Before examining the details of these two elements it is important to consider carefully the proposal for the pedestrian midblock crossing.

The Petitioner's parcels on each side of the alley are of a different size which means that the proposed midblock crossing is not a direct line from California Avenue SW to 42nd Avenue SW. Instead the crossing is in a zig-zag or "Z" shape. A pedestrian would enter from California Avenue SW and walk down the pathway to the alley. At the alley, the pedestrian would need to move south down the alley to reach the crossing on the opposite side that leads to 42nd Avenue SW. This proposal requires that pedestrians share the alley with all the cars, trucks and service vehicles that normally use an alley. This shared space poses questions about pedestrian safety and visibility and the appropriateness of pedestrian use of a working alley. The Petitioner has worked with SDOT, the Design Commission and the community to address safety concerns. The proposal has been revised to include additional lighting, a space for pedestrians in the alley with bollards and landscaping to separate the pedestrians from vehicles, and a landing space for pedestrians entering the alley to define the safe space to walk.

In general, SDOT would not consider that using an alley for a pedestrian amenity was feasible or would constitute a public benefit, but as has been noted, these pedestrian connections are valued in West Seattle and are supported in the neighborhood plan. Absent such guidance the proposal would be difficult to support. However given the desire in the neighborhood to retain and develop items that are unique and off-beat, the proposal can be supported under these specific facts. In addition, the Petitioner has worked to design the space in a way that ensures there is plenty of light and clearly delineated spaces for pedestrians in the alley. Other design features about the connections such as seating, landscaping, signage and adjacent retail activity should help to enliven the spaces and draw the public in to the space both to use it as pedestrian connection and as a space to relax and enjoy the space.

The second element of the public benefit proposal includes enhancements to the pedestrian environment around the project. The goal of these enhancements is to create an interesting and active space for pedestrians to enjoy the neighborhood. An important element is widening the sidewalk to provide more space for walking as well as added amenities. The added width of the sidewalk will vary as the buildings have modulation and retail entries. The sidewalk expansion, at a minimum is an added 4 feet, from the code required 11'-6" to 15'-5" but also expands up to 23'-9" in certain places. An overhead canopy has been added to facilitate walking in the rain, the canopy will be as continuous as possible but will need to be discontinued around certain modulation points in the building design.

In addition to the sidewalk widening, the Petitioner proposes to provide additional space at all of the retail entries. The main setback is at the corner of SW Alaska Street and California Avenue SW, a 600 square foot setback area will be adjacent to a 345 square foot retail entry. Another space at the corner of SW Alaska Street and 42nd Avenue SW sets the building back and provides 500 square feet of space. These setbacks were requested by the community to provide more prominence to the retail entries and provide plenty of space for pedestrian activity around the project site.

The proposal also includes art panels to be installed in approximately 35 places around the building façade. These are envisioned to be small glass panels and larger metal sculptural elements. The Petitioner has committed to continuing to work with the community on the art elements and include art with historical representations in both buildings.

Around the site, the Petitioner will provide bike racks, seating options, decorative lighting, and landscaping. The Petitioner's public benefit proposal has specific numbers of each element to be provided and the amount of proposed public amenities cannot be reduced after the vacation is approved. It is possible that there may be some change in the location of proposed amenities and the exact mix of elements such as between benches and tables and chairs may see some slight change.

The public benefit proposal includes a midblock pedestrian crossing and enhancements to the pedestrian environment around the project. The specific elements include:

Midblock Pedestrian Crossing:

California Avenue SW to the alley:

- A pedestrian walkway from 15 to 17 feet in width;
- Landscaping at the southern boundary and seasonal plantings in pots;
- Special pavers;
- Benches and eight moveable tables with chairs;
- Overhead weather protection at the northern edge;
- Designed to allow for retail use with entries and windows;
- Three decorative pedestrian lights;
- Two bike racks and three trash/recycling bins; and
- Approximately five of the proposed art elements.

Alley passageway:

- A 400 square foot landing/plaza across the alley from the California Avenue SW segment containing a large tree, benches, tables and chairs, lighting, and signage to direct pedestrians in the alley;
- A four foot wide pedestrian space adjacent to the new building on the 42nd Avenue SW side separated from the alley by illuminated bollards and landscaping to provide a separate pedestrian walkway;
- Decorative pedestrian lighting; and

- Colored or patterned concrete to designate the pedestrian paths.

Alley to 42nd Avenue SW:

- A pedestrian walkway up to 15 feet in width;
- Special pavers;
- Five benches;
- Nine moveable tables with chairs
- Landscaping and seasonal pots;
- Wayfinding signage;
- Three decorative pedestrian lights;
- Two bike racks and three trash/recycling bins.

Pedestrian environment adjacent to project:

- Sidewalks widened from code to varying amounts between 15'-5" to 23'-9" in width;
- Art glass installations in 11 locations and 18 larger sculptural art elements;
- Thirteen benches;
- Twelve bike racks and ten trash/recycling bins;
- Landscaping and street trees exceeding code requirement;
- Overhead weather protection;
- Seven decorative street lights;
- Pavement treatments; and
- Wayfinding signage.

Community Agreement:

- Continue to engage the community and solicit neighborhood participation in the design of cornices, sills, canopies, soldier courses, art, lighting, and other details as the design proceeds.
- Include an art panel with historical representations as a part of the art program in the north ground plane façade of both buildings.
- Incorporate dark bronzed window framing at retail level.
- Work with SDOT on the dimension of the planting strip on California Avenue SW with the community goal of reducing the width of the planting to increase the sidewalk dimension to 8'-6".
- Install special pavement detail providing texture and wayfinding elements throughout the midblock passage.
- Carry brick elements from the West building to the north façade of the East building, preferably of a light gray color.
- Work with Harbor Properties to explore opportunities to integrate the east building plaza with Mural project plaza including signage, pavers and other design elements. Install wayfinding signage at the plaza entrance indicating the connection to California Avenue SW.

- The streetscape amenities, including benches and pedestrian lighting proposed for the West building will be carried to the East building. Landscaping on SW Alaska Street will be designed to integrate with the Junction Plaza Park across the street.
- Petitioner shall provide \$5,000 to the Seattle Parks Department for the development of Junction Plaza Park.

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 an 85' height limit (NC3-85')
Street classification	Alley
Assessed value of adjacent property	\$170/square foot (2010 King County assessed value for the property adjacent to the alley)
Lease rates in the vicinity for similar projects	Ranges from approximately \$10.00/square foot/month up to approximately \$25.00/square foot
Size of project, in square feet	West Building: 68,423 GSF residential 10,355 GSF commercial East Building: 130,180 GSF residential 15,330 GSF commercial Combined garage: 90,000 GSF Total size of the project: 304,456 GSF.
Size of area to be vacated, in square feet	The current alley is 16 feet by 145 feet for a total of 2,320. (New standards require an alley 20 feet in width; 20 X 145 = 2,900 square feet after dedication)
Contribution of vacated area to development potential	0%. The vacated area is subterranean so it does not contribute to the development potential of the site.

The Petitioner has worked diligently to respond to concerns about the project identified by SDOT, City reviewers, the Design Commission and especially the community. The Petitioner has worked to address all of the identified issues and has been specific in making project revisions and adding public amenities to address concerns. The proposal has been revised and is a much stronger proposal than was first presented. A generous package of upgrades and

amenities has been included in the proposal. The public benefit proposal meets the criteria established by the City Council and can be supported.

RECOMMENDATION

It is recommended that the vacation be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied, all utility work including easements is completed, all public benefit elements have been developed, and any other easement or agreements have been recorded, and all fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in April of 2011.
2. All street improvements shall be designed to City standards and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:
 - SDOT review of the structural design criterion of the parking garage and determination of structural reports;
 - Signs shall be posted at both ends of the alley identifying the weight limits;
 - Alley design and points of access from the alley; and
 - Confirmation of the proposed depth of the alley vacation as approximately four feet following structural review and utility coordination.
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 has conceptually agreed to a proposal from the Petitioner that will allow the vacation area to remain at four feet below grade, provided:
 - The proposed layout for the drainage catchbasin must not interfere with the waterproofing membrane of the building during installation and future replacement.
 - No other utilities may interfere with the installation of the required drainage structure.
 - The surface drainage upstream of the alley must convey to the proposed location of the drainage structure.

- Seattle City Light will require the Petitioner to relocate the alley overhead City Light lines to a new pole south of the vacation and install sub grade load break vaults to eliminate the pole mounted transformers; Petitioner will terminate City Light's overhead line in the alley north of the vacation across SW Alaska Street; will also terminate overhead lines at 42nd Avenue SW at the intersection with SW Alaska Street and will install sub grade load break vaults to eliminate pole mounted transformers and install underground extension to Jefferson Square services along 42nd Avenue SW; pedestrian lighting will be added at SW Alaska Street and 42nd Avenue SW to match the historic replica fixtures in the area.
 - Qwest Communication will require the project to put in two new poles for the existing aerial plant in the alley and provide for sub grade "pull boxes" just outside of the vacation area to provide space for potential future undergrounding of the utility; and
 - Puget Sound Energy's overhead distribution system around the perimeter of the project is proposed to be undergrounded. Following this work, some customers may need to be converted from overhead service to underground service.
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 the following elements:

Midblock Pedestrian Crossing:

California Avenue SW to the alley:

- A pedestrian walkway from 15 to 17 feet in width;
- Landscaping at the southern boundary and seasonal plantings in pots;
- Special pavers;
- Benches and eight moveable tables with chairs;
- Overhead weather protection at the northern edge;
- Designed to allow for retail use with entries and windows;
- Three decorative pedestrian lights;
- Two bike racks and three trash/recycling bins; and
- Approximately five of the proposed art elements.

Alley passageway:

- A 400 square foot landing/plaza across the alley from the California Avenue SW segment containing a large tree, benches, tables and chairs, lighting, and signage to direct pedestrians in the alley;
- A four foot wide pedestrian space adjacent to the new building on the 42nd Avenue SW side separated from the alley by illuminated bollards and landscaping to provide a separate pedestrian walkway;
- Decorative pedestrian lighting; and
- Colored or patterned concrete to designate the pedestrian paths.

Alley to 42nd Avenue SW:

- A pedestrian walkway up to 15 feet in width;
- Special pavers;
- Five benches;
- Nine moveable tables with chairs
- Landscaping and seasonal pots;
- Wayfinding signage;
- Three decorative pedestrian lights;
- Two bike racks and three trash/recycling bins.

Pedestrian environment adjacent to project:

- Sidewalks widened from code in varying amounts to 15'-5" to 23'-9" in width;
- Art glass installations in 11 locations and 18 larger sculptural art elements;
- Thirteen benches;
- Twelve bike racks and ten trash/recycling bins;
- Landscaping and street trees exceeding code requirement;
- Overhead weather protection;
- Seven decorative street lights;

- Pavement treatments; and
- Wayfinding signage.

Community Agreement:

- Continue to engage the community and solicit neighborhood participation in the design of cornices, sills, canopies, soldier courses, art, lighting, and other details as the design proceeds.
- Include an art panel with historical representations as a part of the art program in the north ground plane façade of both buildings.
- Incorporate dark bronzed window framing at retail level.
- Work with SDOT on the dimension of the planting strip on California Avenue SW with the community goal of reducing the width of the planting to increase the sidewalk dimension to 8'-6".
- Install special pavement detail providing texture and wayfinding elements throughout the midblock passage.
- Carry brick elements from the West building to the north façade of the East building, preferably of a light gray color.
- Work with Harbor Properties to explore opportunities to integrate the east building plaza with Mural project plaza including signage, pavers and other design elements. Install a wayfinding signage at plaza entrance indicating the connection to California Avenue SW.
- The streetscape amenities, including benches and pedestrian lighting proposed for the West building will be carried to the East building. Landscaping on SW Alaska Street will be designed to integrate with the Junction Plaza Park across the street.
- Petitioner shall provide \$5,000 to the Seattle Parks Department for the development of Junction Plaza Park.

Sincerely,



Peter E. Hahn, Director
Seattle Department of Transportation

PH:bb

Enclosures