

May 10, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Clerk File 314522: Block Z Alley Vacation

On May 16, 2023, the Transportation and Seattle Public Utilities Committee (Committee) will receive a briefing on a petition from BRE-BMR 8th LLC (petitioner) to vacate the alley on the block bounded by Denny Way, 7th Avenue, Bell Street and 8th Avenue ([Clerk File \(CF\) 314522](#)). The vacation would facilitate the development of two office/lab towers containing a total of 690,000 square feet. The site is located on the south side of Denny Way across the street from Denny Park in Council District 7.

The May 16 briefing is an “early Council briefing” as called for in the City’s [Street Vacation Policies](#). It is intended to provide members of the public with “an early opportunity to provide input on the vacation to the Council, the petitioner and City reviewers.” It also provides the Council with an opportunity “to hear about the vacation and provide early feedback regarding the process.”

This memorandum describes the proposed project and vacation and identifies issues for Councilmembers to consider in reviewing the petition.

Block 7 proposal

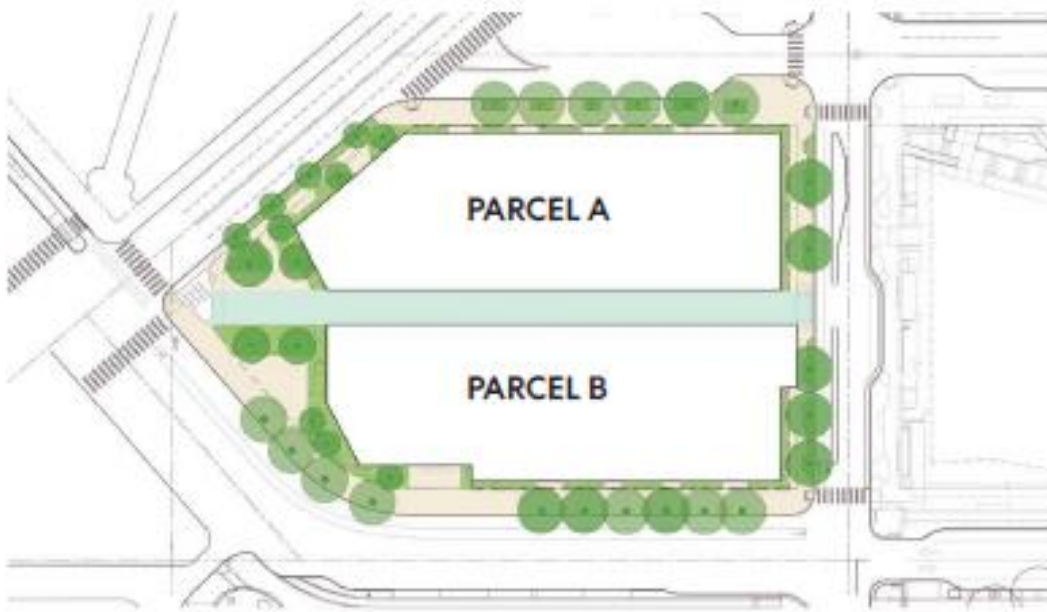
The petitioners have acquired the block bounded by Denny Way, 7th Avenue, Bell Street, and 8th Avenue for redevelopment. The properties owned by the petitioners include a vacant motel on the northeast side of the block and a vacant liquor store on the southwest side of the block.

Because of shifts in the street grid along Denny Way, Block Z is a pentagon. The fifth corner is located at the intersection of 7th Avenue and Denny Way on the northwest end of the block. The alley that is proposed to be vacated runs southeast from this point and ends midblock on Bell Street.

The site is zoned Downtown Mixed Commercial 240/290-440 (DMC 240/290-440). The DMC 240/290-440 zone allows for a broad range of uses, including mixed-use development, with mandatory affordable housing requirements.¹ Nonresidential projects with heights up to 240 feet and residential projects with heights up to 440 feet are permitted. Nonresidential projects are permitted with a Floor Area Ratio up to 8 under specified circumstances.

¹ Those [requirements](#) currently are equal to \$ \$13.50 a square foot for commercial development in this zone and \$10.90 a square foot for residential development.

No Vacation



Vacation



Figure 1: Comparison of development on Block Z with and without the alley vacation (page 46)

The petitioners request that the City vacate the 5,766 square foot alley to facilitate the development of an 18-story tower on the north end of the block and an 11-story tower on the south end of the block. The towers would include a total of 690,000 square feet above grade. Retail space would be located at ground level in the south tower. The towers would share a single below-grade parking facility. The four stories of parking below grade would contain 579 parking spaces.

The primary pedestrian entrances to the towers would be located off 7th Avenue. Bicycle parking access would be accessed off Bell Street, where a two-way protected bicycle lane exists adjacent to the site. A single entry and exit from the parking garage and loading areas would be located along 8th Avenue.

Preliminary public benefits proposed by the petitioners would include:

- Extension of the 7th Avenue Cycle Track, connecting a protected bicycle lane that exists south of the site along Bell Street to the Dexter Avenue protected bike lanes north of Denny Way on the other side of the block;
- A pocket park and voluntary setback from 7th and 8th avenues and Bell Street;
- Improved pedestrian crossings on 8th Avenue at Denny Way; and
- Removal of curb cuts at Bell Street and Denny Way.

Street Vacation Policies

In 2018, the City Council updated its Street Vacation Policies to provide greater clarity for petitioners, members of the public, and decision-makers in proposing and reviewing street vacation petitions. The policies identify two related but independent questions that the Council considers in reviewing a street vacation petition: (1) are the “public trust functions” of the right-of-way maintained? and (2) will the public receive a benefit from the vacation sufficient to offset what the public is losing through the vacation?

Public trust functions are the uses of right-of-way. The policies describe the public trust function review as follows:

Streets are dedicated in perpetuity for use by the public for travel, transportation of goods, and locating utilities. The dedication carries with it public rights to circulation, access, utilities, light, air, open space, views, free speech, and assembly, and contributes significantly to the form and function of the city. The primary concern of the City in vacation decisions is to safeguard the public’s present and future needs and to act in the public’s best interest. (p. 7)

The policies provide guidance that is particularly relevant to the proposed vacation. The petitioner should address these policies as it proceeds through the review process:

Vacations of alleys:

While the primary purpose of streets is circulation, the primary purpose of alleys is to provide access to individual properties. Alleys provide space for loading, vehicular access to abutting properties, and space for utility functions such as water, sewer, solid waste, telecommunications, and electricity. In general, alleys in residential, commercial, and mixed-use zones will be retained. Alleys shall be retained for their primary purposes and other public purposes and benefits. (p. 9)

In general, streets and alleys in commercial, mixed-use, and downtown areas will be preserved to facilitate moving goods and people and maintain access to property that is separate from pedestrian routes. In general, these rights-of-way will be retained unless it can be demonstrated that the vacation meets another important public purpose without jeopardizing the area's functioning and its compatibility with surrounding areas. A vacation must preserve access to off-street loading and parking areas and the continuity of street fronts, particularly in areas with pedestrian activity. (p. 16)

Public Benefits:

A vacation shall include a commitment to provide public benefits. The concept of providing a public benefit is derived from the public nature of streets. Streets, whether improved or unimproved, provide important benefits to the public. Among the various benefits are preserving the street grid that provides for consistency in the development pattern and influences the scale and orientation of buildings. Streets provide for breathing space, open space and views, natural drainage, and wildlife corridors. These benefits are in addition to the public functions provided by streets discussed in earlier sections of these policies, including moving people and goods in vehicles, on foot, or by bicycle; and providing for current and future utility services, and for street trees and other amenities. (p. 22)

The public benefit analysis should balance what the public loses through the vacation with what the public will gain from the project. The comparison is intended to be an element of evaluating a public benefit proposal. The public benefit should not merely be compensatory and should provide a benefit to the public. In particular, public benefits that address the needs of those members of the public most vulnerable to the negative impacts of development such as residents with low incomes, people experiencing homelessness, renters most at risk of displacement, immigrants and refugees, and communities of color should be considered by the petitioner. (p. 23)

Several factors will be considered in identifying whether a public benefit package is sufficient, including the:

- Zoning designation, that is, downtown, commercial, industrial, or residential;
- Street classification of the street to be vacated (arterial, residential, or alley);
- Traffic volumes on the street proposed to be vacated;
- Designation of the street in transportation modal plans and functions of the street in modal networks;
- Size of project in square feet;
- Size of the area to be vacated in square feet;
- Vacated area's contribution to the site's development potential, including the percentage increase of the project and additional square feet; and
- Cumulative impacts of vacations in the area.

The following factors are not public benefits, but may be considered when reviewing the public benefit package:

- Project compliance with City policies and goals, including the Comprehensive Plan;
- Proposals designed to improve race and social equity, improve access to opportunity, and reduce the threat of displacement by for example, providing quality jobs or education to communities with low access to opportunity, or increasing the supply of affordable housing beyond City requirements;
- Addressing the effects of the vacation on vulnerable low-income populations and communities of color;
- Providing affordable or special needs housing, job training, or other human services;
- The public nature of the project (library, governmental purposes, low-income housing);
- Ideas resulting from the early community engagement process;
- Neighborhood support or opposition;
- Broad-based community support or opposition;
- Support or opposition from non-governmental organizations, public development authorities, or other government entities;
- Agreements with non-governmental organizations or community-based organizations, such as labor-peace agreements, equitable development agreements, or community benefits agreements to provide benefits beyond those proposed for the street vacation;
- Protecting designated landmarks and other historic/community resources; and
- Protecting environmentally sensitive lands. (pp. 23-24)

Next Steps

The Seattle Design Commission, City departments, and other stakeholders are currently reviewing the street vacation petition. Once their review is complete, the Director of the Seattle Department of Transportation will send a recommendation to Council. The Council will be required to hold a public hearing on the petition prior to action on the petition.

cc: Esther Handy, Director
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