

July 15, 2022

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Clerk File 314496: Sound Transit 45th Street Alley Vacation Petition

At its July 19, 2022 meeting, the Transportation and Seattle Public Utilities Committee (Committee) will receive a briefing on a petition from Sound Transit to vacate the southern portion of the alley on the block bounded by Roosevelt Way NE, NE 45th Street, 11th Avenue NE and NE 47th Street ([Clerk File \(CF\) 314496](#)). The vacation would allow Sound Transit to issue a Request for Proposals for a developer to build an affordable housing project on a lot owned by Sound Transit that is currently split by the alley. The site is located on the north side of NE 45th Street, between Roosevelt Way NE and 11th Avenue NE, two blocks west of the U District light rail station in Council District 4.

The July 19 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 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.

Sound Transit Site

Sound Transit acquired the two parcels on the north side of NE 45th Street for construction staging for the Link Light Rail project, and in particular the U District station. Since construction of that segment of light rail has been completed, they are exploring options to dispose of the site and are working with the Office of Housing to explore disposing of the site to an affordable housing developer. Early exploration of potential massing of the site has identified that a significantly larger number of affordable housing units may be feasible on the site if the portion of the alley between the two parcels were to be vacated. This vacation would also have the benefit of reducing pedestrian-vehicular conflicts where the alley exits onto NE 45th Street.

The proposal is to vacate the portion of the alley that runs through the Sound Transit property (approximately the southern 120 feet of the alley). North of the South Transit site, the alley serves two properties – a mixed-use multifamily structure on the east side of the block, and an automobile dealership which is currently in permitting to be redeveloped with a mixed-use multifamily development on the west side of the block. Sound Transit is in discussions with the Seattle Department of Transportation (SDOT) regarding how to maintain access to those properties and how to provide utility vehicle access to the Sound Transit property if the alley were to be vacated.

The site is zoned Seattle Mixed-University 95-320 with an M1 Mandatory Housing Affordability designation (SM-U 95-320 (M1)) allowing for a broad range of uses, including mixed-use development, with mandatory affordable housing requirements. Projects on sites larger than 12,000 square feet in this zone may be able to build up to 320 feet, depending on rules requiring spacing of towers. Otherwise, projects are limited to 95 feet. Currently, the two portions of the parcel making up this property are each less than 12,000 square feet in size. Should the vacation be granted, the combined parcel would be over 19,000 square feet and could potentially accommodate a residential tower.

Because this vacation is intended to facilitate the issuance of a Request for Proposals, a specific development or affordable housing proposal has not been proposed. Similarly, a specific public benefit proposal has not been prepared for this vacation. Councilmembers and members of the public have the opportunity help shape the package of public benefits that would be required for development on the site if the alley is vacated.

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?

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 City Council’s policies provide guidance that is particularly relevant to the proposed vacation. The petitioner should address these policies as it proceeds:

Street vacation petitions may be approved only if access is retained to properties on the block where the right-of-way is located and to properties on neighboring blocks or streets.

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)

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 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;... (p. 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 SDOT Director will send a recommendation to Council. The Council will be required to hold a public hearing on the petition. That could occur in the first quarter of 2023.

cc: Esther Handy, Director
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