



Seattle City Council

Central Staff – Divided Report

For Consideration at Full Council

Committee: Transportation
Clerk File Number: 314278
Short Title: Petition of Acorn Development LLC for the vacation of the alley in Block 21, Heirs of Sarah A. Bell’s 2nd Addition which is the block between Bell Street, 7th Avenue, Blanchard Street, and 8th Avenue in the Denny Triangle neighborhood of Seattle
Full Council Date: December 14, 2015
Analyst: Lish Whitson

Overview

This Clerk File would grant conditional approval for the vacation of an alley in the Denny Triangle neighborhood on the block bounded by Bell Street, 7th Avenue, Blanchard Street, and 8th Avenue (Block 21). Amazon would acquire the alley in exchange for the value of the property. Amazon would provide the benefits that are enumerated in the attachment as a condition of finalizing the vacation.

History of Legislation

On December 8, 2015, the Committee voted to grant the conditional approval of the requested street vacation.

Yes 4 (Rasmussen, Godden, Bagshaw, Burgess)
No 1 (Licata)

Majority Position (Rasmussen, Godden, Burgess, Bagshaw)

The petition by Amazon to vacate the alley in Block 21 is consistent with prior alley vacation approvals by the Council. The proposed project will result in significant public benefits that were negotiated by City Departments on behalf of the City. The vacation is recommended to be approved by SDOT following extensive interdepartmental review and comment.

The benefits incorporate pedestrian-oriented improvements including an accessible hill climb, street setbacks to widen sidewalks, extending the architectural designs and “vocabulary” from the Bell Street Parkway between 7th and 8th Avenues, and adding intersection safety enhancements.

Bicycle-oriented additions are likewise incorporated in the project. The petitioner will construct bicycle safety improvements including a 7 foot wide elevated cycle track running the length of the block along 7th Avenue and create a buffered bike lane on the north side of Bell Street from Denny to 7th Avenue. These extraordinary benefits will connect the neighborhood and we enthusiastically support them.

The proposed public benefits will create a usable and inviting experience for pedestrians and promote the Green Street design principles enhancing conditions for bicycle riders. These exceed the intent and guidance of the Street Vacation Policies. The City Council has supported and adopted clear vacation policies, guidelines and requirements.¹ Those policies and procedures have helped to ensure that petitioners understand the rules under which they apply for City approval. They also provide department staff with guidance in considering and negotiating vacations. If additional standards or requirements are to be required by the Council such as those proposed by Councilmember Licata they should be proposed and adopted as a part of the holistic review of street vacation policies that was planned for this year and has now moved to 2016. But they should not be imposed arbitrarily upon applicants now. Vacation requirements should be known to all applicants in advance of the application process and not imposed at the end when the petition comes before the Council.

We welcome discussion in the coming year about potential amendments to the Street Vacation Policies including consideration about the public's right to express opinions and promote free speech within newly vacated areas. New concepts are best addressed through an open and public process to amend our policies, so that all projects are treated consistently, rather than through last-minute changes to stated Council expectations.

Minority Position (Licata)

The City Council has adopted policies in the Downtown Amenity Standards (Ordinance 124591) that require the Privately Owned Public Spaces (POPS) be open to all members of the public. These policies ensure that free speech rights allowed in public spaces are preserved in POPS. In part, these standards state:

“Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.” (Section I.B.2, page 6)

¹ 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.

I am concerned that when we give up public alleys and streets for private benefit, these rights may not be maintained.

The Council has heard that people exercising their First Amendment rights to protest have been evicted from public plazas created through the street vacation process. Adding this language to the conditions for this street vacation would align our street vacation approval with our Downtown Amenity Standards and would clarify that when public spaces are created as a result of street and alley vacations, that the public has all rights to use them for First Amendment activities. Because we are not explicitly or affirmatively preserving these rights, I cannot support this vacation.

Attachments:

- Presentation from November 24, 2015 Transportation Committee Meeting
- Report of the Director of the Seattle Department of Transportation on the proposed vacation, dated November 24, 2015
- Street Vacation Policies (Clerk File 310078)
- Downtown Amenity Standards (Ordinance 124591)