

May 4, 2026

MEMORANDUM

To: Transportation, Waterfront, and Seattle Center Committee
From: Lish Whitson, Director
Subject: Clerk File 314530: The Yew Alley Vacation

Introduction and Overview

On May 7, 2026, the Transportation, Waterfront, and Seattle Center Committee (Committee) will hold a public hearing on Clerk File (CF) 314530, a petition by The Yew LLC for an alley vacation in the Greenwood neighborhood in Council District 6. The alley to be vacated is located on the north end of the block surrounded by N 85th Street, 1st Avenue NW, N 87th Street and Palatine Ave N.

An early briefing on the vacation was provided to the Transportation Committee in February 2024. Since that time, the Seattle Department of Transportation (SDOT), the Seattle Design Commission, and other City departments have reviewed the petition, and recommend approval with conditions.

This memorandum describes the proposal and the Council actions required to approve the vacation. Attachment 1 to the memo provides background information on the street vacations, and Attachment 2 provides draft vacation conditions for the Committee's consideration.

The Yew

The petitioners own a vacant lot on the south side of N 87th Street, which is bisected by a north-south alley. The alley runs the length of the petitioners' property, and dead ends into the property to the south. The petitioners are the sole property owners adjacent to the alley. The remainder of the alley on the block was previously vacated.

The property is in a Neighborhood Commercial 2-75 zone with an M2 mandatory housing affordability overlay (NC2-75 (M2)). This allows mixed-use commercial and residential development up to 75 feet (approximately seven stories). The NC2 zoning extends east and south. To the west, across 1st Avenue NW, is a Neighborhood Commercial 3-75 zone, which allows more intensive commercial uses without maximum size limits on individual businesses. Across N 87th Street to the north, property is zoned Neighborhood Residential, a predominantly low-rise residential zone.

The petitioner's property is currently vacant. If the vacation is approved, the petitioners would construct a seven-story residential building, containing approximately 101 market rate apartments, over two stories of parking (approximately 55 spaces). Townhouse-style units would be located at street level, with residential flats above.

South of the property is a surface parking lot that serves a three-story mixed-use development, The Sedges at Piper Village. That project includes a surface water detention pond just west of the Yew's site at the southeast corner of 1st Avenue NW and N 87th Street. Across 1st Avenue NW to the west is the Greenwood Fred Meyer store. Across Palatine Avenue N to the east are single-family homes and a seven-story mixed-use building, The Morrow. On the north side of N 87th Street are single-family houses.

Recent development south of N 87th Street has provided full sidewalks along the abutting streets. However, N 87th Street and the Neighborhood Residential areas north of N 87th street were developed prior to incorporation into the City of Seattle and generally lack sidewalks. In this area, the Seattle Department of Transportation (SDOT) has designated 1st Avenue NW a "Healthy Street" and as part of the Healthy Streets program has recently made improvements to 1st Avenue NW. In the 2024 Budget, the Council added a proviso of \$150,000 of the SDOT budget for sidewalks, to fund the construction of a sidewalk on the south side N 87th Street between 1st Avenue NW and Palatine Avenue N, abutting the Yew's property.

Vacating the alley that bisects The Yew's property would transfer ownership of the right-of-way to the Yew's owners and allow for the development of a single larger project covering the entire parcel. The Yew's developers intend to build larger units and provide publicly accessible street-level open space at the corner of N 87th Street and Palatine Avenue N as a result of the vacation.

Public Benefits

If the petition is granted, The Yew LLC has proposed to provide the following public benefits:

- sidewalk widening along Palatine Ave N,
- a new six-foot sidewalk with a six-foot landscaped planter strip on N 87th St,
- sidewalk shoulder expansion along 1st Ave NW,
- ecological enhancements and restoration on the conservation site immediately west of the project,
- decorative metal fence panels and birdhouses at the conservation site, and
- public realm
- enhancements at 1st Ave NW and N 87th St.

Committee Actions Required to Approve the Vacation

The Acting Director of Transportation has recommended conditional approval of the vacation and has proposed six conditions. Attachment 2 uses those conditions as the basis for draft Council conditional approval of the vacation. Key conditions include (1) development of the project as presented to the Council, and (2) implementation of the public benefit features described above.

If the Committee supports the proposed vacation and conditions, it should take the following steps:

1. Vote to add the conditional approval included as attachment 1 to this memorandum to CF 314530. The conditions as drafted would indicate the Council's approval of the project as conditioned and would allow development of The Yew to occur as soon as construction permits are granted by the Seattle Department of Construction and Inspections. The conditions indicate those steps the Petitioners would need to complete prior to the Council granting final approval and transferring ownership of the alley to the Petitioners. The conditions also indicate that the Council will grant final approval if the conditions have been met.
2. Move to recommend conditional approval of the vacation petition contained in Clerk File 314530.

Attachments:

1. Summary of Seattle's Street Vacation Policies
2. Draft Vacation Conditions

cc: Calvin Chow, Deputy Director

Street Vacation Policies

From time to time, property owners seek to permanently acquire the street or alley next to their property from the City, typically to facilitate a proposed development. The process to do so is laid out in the Revised Code of Washington (RCW) [Chapter 35.79](#), Seattle Municipal Code (SMC) [Chapter 15.62](#), and the City Council's [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 must consider in reviewing a street vacation petition:

- are the “public trust functions” of the right-of-way maintained? and
- 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 functions 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)

Public benefits are a required component of street vacations to offset loss of public space. The policies describe public benefits as follows:

The City acts as a trustee for the public in its administration of rights-of-way. Courts have required that in each vacation there shall be an element of public use or benefit, and a vacation cannot be granted solely for a private use or benefit. Therefore, before this public asset can be vacated to a private party, there shall be a permanent or long-term benefit to the public.

The fact that these benefits are provided equally to all members of the public may be most important to those who have the least. To best address the needs of the community, a strong focus on race and social equity is important in assessing the public benefits included as part of a street vacation petition.

Proposed vacations may be approved only when they provide a permanent or long-term public benefit. Because the public permanently loses the street, short-term public benefits or public benefits that solely benefit individuals will not be considered. The following are not considered public benefits:

- Mitigating the vacation's adverse effects;
- Meeting code requirements for development;
- Paying the required vacation fee;
- Facilitating economic activity; or
- Providing a public, governmental, or educational service.

While the nature of the project is a factor in deciding the adequacy of a public benefit proposal, it is not itself a public benefit. (p. 22)

After a petitioner files a complete vacation petition with the City Council, it is sent to the Seattle Department of Transportation (SDOT), the Seattle Design Commission per [SMC Chapter 3.58](#), and other agencies for review. SDOT collects comments from City departments, private utilities, transit agencies, and others with an interest in the City's rights-of-way. After review and recommendation by these parties, SDOT returns the petition, and the City Council considers the petition. The Council is required to hold a public hearing on the petition and then must act on the petition. State law states that approval of vacations is solely a legislative act.

If the Council decides it is appropriate to vacate the right-of-way, it will typically grant conditional approval. That approval is placed in the Clerk File alongside the vacation petition. That conditional approval allows the petitioner to begin developing in the right-of-way.

After the petitioner meets all the conditions and pays all fees, SDOT drafts an ordinance for Council consideration that transfers ownership of the right-of-way to the petitioner. Council's review of that final ordinance is generally limited to confirmation that the conditions set in the Street Vacation conditional approval have been met. If all conditions have been met, the Council should pass the ordinance granting the vacation.

**In the matter of the Petition of the Yew LLC, for the vacation of
the alley located at 8641 Palatine Avenue North, lying within
lot 2 of City of Seattle lot boundary adjustment
number 3009165, recorded in volume 267, page 29 through 32,
under recording number 20091103900009.**

Clerk File 314530

Conditional Approval of The Yew Alley Vacation Petition, Clerk File 314530

The City Council hereby grants approval of the petition of The Yew LLC ("Petitioner"), for the vacation of the Alley in Block 2, Wegner's Addition to the City of Seattle, being the alley in the block bounded by 1st Avenue NW to the west, N 87th Street to the north, Palatine Avenue N to the east, and N 85th Street to the south:

That portion of an Alley 16.00 feet in width lying within Block 2, Wegener's Addition, recorded in Volume 19, Page 1, Records of King County, Washington;

Said portion of Alley lies within Lot 2 of City of Seattle lot boundary adjustment number 3009165, recorded in Volume 267, Page 29 through 32, under Recording Number 20091103900009.

Containing an area of 1,951 square feet or 0.0448 acres, more or less.

The vacation is granted upon the Petitioners meeting the following conditions. The petitioners shall demonstrate that all conditions imposed on the vacation by the City Council have been satisfied and all required fees paid before the vacation ordinance is passed.

1. The vacation is granted to allow the Petitioners to build a project substantially in conformance with the Project proposal reviewed by the City Council and for no other purpose.
2. All street improvements required as part of the Project shall be designed to City standards, as modified by these conditions to implement the public benefit requirements (as set forth in the table below) and be reviewed and approved by SDOT through a Street Improvement Permit.
3. It is expected that development activity for the Project will commence within approximately 2-3 years after this approval and that development activity will be completed within 5 years thereafter. The Petitioner shall not request or be issued a Final Certificate of Occupancy for the Project until SDOT has determined that all conditions have been satisfied and all applicable fees have been paid. If development activity has not commenced within 10 years

after this approval, the Petitioner must seek an extension of the approval from the City Council.

4. The Petitioner shall continue to provide informational updates to SDOT regarding the review and implementation of the proposed and required regulatory elements such as the Street Improvement Permit, the recommendations from the SDC, and the vacation conditions. If Project changes substantially impact any vacation conditions, including the public benefit features required under this approval, SDOT Street Vacations will determine the steps necessary to address the proposed changes. SDOT may require review by the Seattle Design Commission staff to address substantial changes to public benefits or issues and confirm compliance with the conditions in this approval.
5. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council and shown below in Table 1. Before approval of the final vacation ordinance, the Petitioner shall enter into a Property Use and Development Agreement (“PUDA”) or other binding mechanism to ensure that the public benefit elements and conservation site enhancements required under this approval remain open and accessible to the public and outline future maintenance and insurance obligations related to such public benefit and conservation site elements.
6. The final design of the public benefit elements required under this approval shall require the review and approval of SDOT Street Vacations. SDOT may engage with the Seattle Design Commission administration in this review. The chart below outlines the public benefit elements required under this approval and outlines certain features and approximate square footage dimensions, all of which shall be outlined in the PUDA.

Table 1: Required Public Benefit Components

Public Benefit Component	Code Required?	Item	Estimated Value
1: Palatine Ave N, Sidewalk Improvements Provide two feet of expanded sidewalk area upon the Project site along the Project’s Palatine Ave N frontage to promote walkability	No	245 SF concrete sidewalk	\$7,644

Public Benefit Component	Code Required?	Item	Estimated Value
2: N 87th St, Sidewalk Improvements Provide new 6-foot sidewalk connection with 6-foot landscape planter and curb to complete pedestrian connection between Project and existing sidewalk at 1st Ave NW.	No	554 SF concrete sidewalk	\$17,285
	No	554 SF landscape planter with street curb	\$23,268
3: 1st Ave North, Sidewalk Improvements Two-Foot Sidewalk Expansion Provide two feet of additional concrete along the 1st Ave NW frontage of the Conservation Parcel to expand the pedestrian space and improve walkability	No	245 SF pervious pavers, concrete sidewalk, or similar solid surface material if approved by SDOT	\$7,644
4: Conservation Parcel Enhancements and Restoration Remove and replace existing invasive vegetation with native and naturalized species. Implement new landscaping with quarterly maintenance plan, decorative fence panels, and thematic birdhouse elements.	No	Conservation Parcel restoration and planting plan implementation	\$145,910
	N	Ongoing quarterly Conservation Parcel maintenance	\$8,850
	N	Three thematic birdhouses, 8-12 ft in height	\$2,250

Public Benefit Component	Code Required?	Item	Estimated Value
	No	215 linear feet of corten steel or similar decorative fence panels designed by local artist	\$90,300
5: Sidewalk Enhancements at 1st Ave NW/N 87th St Thematic wayfinding signage provides directional information and is thematically integrated into other site artistic elements. Resting blocks provide opportunities for respite in the public realm.	No	Single wayfinding signage element designed by local artist	\$5,000
	No	Two “Resting Blocks” made of stone, concrete, or similar solid material	\$3,000
Total			\$311,151

Granted by the City Council and signed in open session in authentication of its passage on _____.

 President _____ of the City Council