

August 15, 2024

MEMORANDUM

To: Transportation Committee
From: Lish Whitson, Analyst
Subject: CF 314497: T6 Alley Vacation

On September 3, the Transportation Committee will receive a briefing and hold a public hearing on [Clerk File \(CF\) 314497](#), BioMed Realty’s T6 Alley Vacation petition.

BioMed Realty is seeking the vacation of the alley on the block bounded by Thomas Street, 6th Avenue, John Street and Taylor Avenue N to facilitate the phased development of an 8- and 9-story biomedical research complex on that block. The vacation will enable the project to include a single underground parking facility with a single point of entry and exit and improved publicly accessible on-site open spaces. The site is located in the Uptown neighborhood one block east of the Seattle Center, in Council District 7.

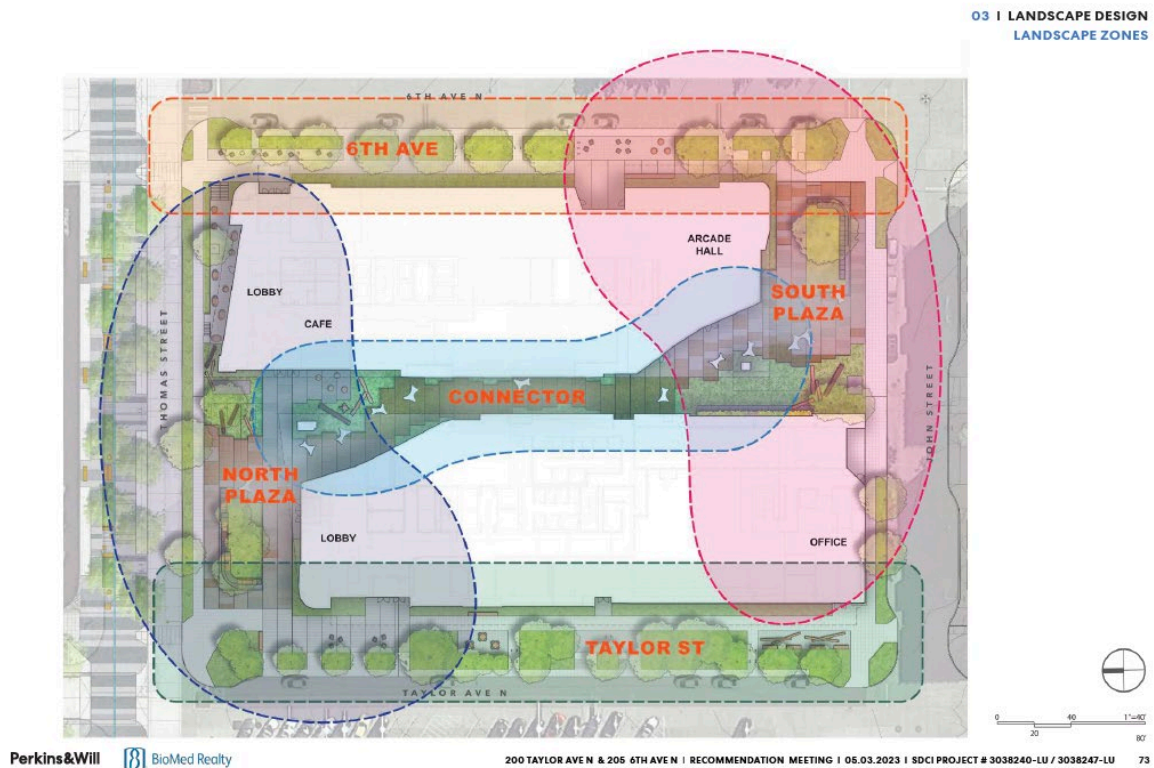
This memorandum describes the proposed development and alley vacation, the public benefits associated with the proposal, and the conditions proposed to be placed on the vacation. Attachment 1 summarizes the City Council’s street vacation policies.

T6 Proposal

Petitioners have acquired the properties on the block bounded by Thomas Street, 6th Avenue, John Street and Taylor Avenue N for redevelopment. An alley bisects the block running north-south. The buildings on the block have been demolished, and the site has been cleared for development. The block is located between Seattle Center and 7th Avenue N (the former southern end of Aurora Avenue N) in a section of Uptown that has seen a lot of development in recent years.

The petitioners seek to vacate the alley in order to allow for the development of a phased project, with one underground parking facility and two Life Science buildings. Publicly-accessible open space would be provided at the northwest and southeast corners of the block, and would be connected by a publicly accessible pedestrian passageway in approximately the current location of the existing alley. Figure 1 is a site diagram from the project’s Design Review [package](#), which shows these areas.

Figure 1: Landscape Zone diagram from the Design Review Recommendation Package, June 2023



Approval of the alley vacation would allow for the development of two Life Science buildings. The Phase 1 West Building would include approximately 239,000 square feet of mixed-use laboratory space and 159 below-grade parking stalls, bike parking, construction of the northern plaza, and a portion of the through-alley connection. The Phase 2 East Building would include 266,000 square feet of mixed-use laboratory space, and 243 underground parking spaces. The southern plaza and the through-alley connection would be completed with Phase 2 of the project. Access to parking and loading for both phases would be through a curb cut off John Street, on the southern side of Phase 1.

In addition to the public benefits the project proposes to provide, the alley vacation would allow for additional open space at ground level, and additional access to street-level uses. In particular, the alley would be retained as a pedestrian space.

An early briefing on the [petition](#) was provided to the Transportation and Seattle Public Utilities Committee in August 2022. Since that briefing, the project and public benefits package have been refined, and the Seattle Design Commission (SDC) and the Seattle Department of Transportation (SDOT) have reviewed the petition and have recommended approval of the vacation with conditions.

Proposed Public Benefits

The petitioners have proposed a number of public benefits beyond site improvements provided pursuant to the City's codes and regulations:

- Contribution to SDOT to complete the [Thomas Street green street improvements](#) between Taylor Avenue N and 5th Avenue N;
- Expanded sidewalks along 6th Avenue N, on the east side of the project;
- Overhead pedestrian canopies at Taylor Avenue N and 6th Avenue N;
- Increased tree planting along Taylor Avenue N, including coniferous trees; and
- Benches and tables added to parklets to provide pedestrian respite and comfort.

While the specific public benefits provided with each vacation are unique to each project, these proposed benefits are generally consistent with the public benefits provided for comparable projects.

Proposed Conditions

The Director of SDOT has recommended conditional approval of the vacation and has proposed conditions that the Council should consider in granting 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, it should add conditions to the Clerk File that reflect the Committee's recommendation. Generally, these conditions are based on the SDOT Director's recommended conditions. These conditions would indicate the Council's approval of the project as conditioned and would allow development to occur as soon as construction permits are granted by the Seattle Department of Construction and Inspections. The conditions would indicate the steps the Petitioners would need to complete prior to the Council granting final approval and transferring ownership of the alley to the Petitioners.

Next Steps

The Committee will receive a briefing and hold a public hearing on the proposed petition on September 3. Central Staff will prepare draft conditions for the Committee's consideration for the September 17 Committee meeting.

If the Committee is ready to act on the petition on September 17, it should vote to add the conditions to the Clerk File and move to recommend conditional approval of the vacation petition. A committee vote on September 17 would allow for a City Council vote as early as September 24.

Attachment:

1. Summary of Seattle's Street Vacation Policies

cc: Ben Noble, Director
Yolanda Ho, Deputy Director

Summary of Seattle's Street Vacation Policies

From time to time, property owners seek to permanently acquire the street or alley next to their property from the City. 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.