

March 2, 2020

M E M O R A N D U M

To: Transportation and Utilities Committee Members
From: Lish Whitson, Analyst
Subject: Council Bill 119742: The Whittaker Alley Vacation

On Wednesday, March 4, 2020 the Transportation and Utilities Committee will consider [Council Bill \(CB\) 119742](#), which would grant final approval to vacate an alley at the southwest corner of SW Alaska Street and Fauntleroy Way SW in the West Seattle Junction. Conditional approval of the vacation was [granted](#) through [Clerk File \(CF\) 312783](#) on April 14, 2014. The vacation facilitated the development of The Whittaker mixed-use development project, including 389 apartments, a Whole Foods grocery store and 18,000 square feet of additional retail space. The Whittaker project has satisfied the conditions of CF 312783.

This memorandum summarizes the Street Vacation process as it relates to CB 119742, describes the effect of CB 119742, and describes the features incorporated into The Whittaker in order to meet the conditions of CF 312783.

Street Vacation Process

The City's [Street Vacation Policies](#) (Policies) guide the City's review of petitions by private property owners to vacate (or remove) right-of-way.^{1,2} Under Washington State law, property owners have the right to petition the City Council to vacate a street or alley abutting their property.³ Vacate, in this sense, means to give up the public use of the street or alley. In order to approve a street vacation, the Council must determine that the vacation will significantly serve the public's interest. The Policies identify two components of the public's interest:

1. Protection of the "public trust" functions of the right-of-way. Public trust functions include circulation, access, utilities, light, air, open space, and views,⁴ and
2. Proposed public benefits. A petitioner must provide long-term or permanent public benefits that (a) benefit the general public, not any individual or organization; and (b) are on top of any requirements placed on the project through the Seattle Municipal Code or other obligations.

¹ "Right-of-way" includes streets and alleys, whether improved or not, and other public land that the public has a right to use for street purposes.

² The Whittaker alley vacation petition was filed under the [previous version](#) of the street vacation policies. In amending the policies in 2018, the Council made substantive changes to the early consultation process, the process for reviewing street vacation petitions, and the street vacation policies. The process and considerations during the Council's consideration of the final street vacation ordinance remained substantively the same between the previous and the current policies.

³ See Revised Code of Washington (RCW) <https://app.leg.wa.gov/RCW/default.aspx?cite=35.79.010>.

⁴ The 2018 update to the street vacation policies recognized the following additional public trust functions: free speech, public assembly, and land use and urban form.

After a property owner files a petition to vacate a street or alley, City departments, coordinated by the Seattle Department of Transportation (SDOT), and the Seattle Design Commission (Commission) review the petition to determine whether it is appropriate to vacate the right-of-way, and whether the public benefits that the petitioner proposes will appropriately balance what the public loses through the vacation with what the public will gain from the project.

Once this review is complete, the SDOT Director provides a recommendation on the vacation to the Council. The Council holds a public hearing and decides whether to conditionally approve the vacation. If the Council agrees to vacate the right-of-way, the Director's recommended conditions will form the basis of the Council's conditions on the vacation.

Conditional approval of the vacation enables closure of the right-of-way. Once a project has been built, and the Council's conditions have been met, SDOT prepares a final vacation ordinance for Council consideration. The final Ordinance provides for the permanent transfer of the right-of-way to the petitioner. CB 119742 is the final ordinance for the street vacation that was conditionally approved under Clerk File 312783.

The Whittaker Alley Vacation

The petition for the Whittaker alley vacation was filed with the City in January 2013 and approved in April 2014. The final vote was five to three in support of conditional approval of the vacation. Pursuant to this conditional approval, the Whittaker project has been built, and the developer provided the required public benefits. CB 119742 would grant final approval of the Whittaker alley vacation, vacating the alley and accepting a property use and development agreement that requires ongoing maintenance of the public benefit features of the project.

The Whittaker vacation affected the alleys in the block at the southwest corner of SW Alaska Street and SW Fauntleroy Way, as shown in Figure 1.

Figure 1. Whittaker Alley Vacation

ALLEY VACATION

- Approximate Area of Alley to be Vacated: 6,600 SF
- Approximate Area of Publicly Accessible Mid-Block Connection: 11,100 SF

LEGEND

ALLEY AREA
NEW MID-BLOCK CONNECTOR
VACATED ALLEY



The block contained a T-shaped alley, the east-west section of which was located 100 feet south of SW Alaska Street. The development has closed that east-west alley and the north 200 feet of the north-south alley segment.

The vacation allowed for (1) a larger development site at the north end of the property to accommodate a grocery store as part of the development, (2) development of two apartment structures, rather than three, (3) a connected parking garage below the two structures, and (4) a mid-block pedestrian crossing located 295 feet south of SW Alaska Street. Public benefits provided in exchange for the vacation included:

1. Widened sidewalks;
2. Public plazas and public “outdoor rooms;”
3. Off-site improvements along 40th Avenue SW;
4. A pedestrian crosswalk and signal improvements at the intersection of Fauntleroy and Alaska;
5. A mid-block pedestrian sidewalk providing an east-west connection through the block;
6. Public art pieces in the plazas;
7. Overhead weather protection along the sidewalks;
8. A new bike lane along Fauntleroy Way SW;
9. Additional public amenities along Fauntleroy and Alaska, such as landscaping, on-street parking and a new bus pull-out; and
10. Funding for public outreach and schematic design for a new park to be built across 40th Ave SW from the project.

Review of the petition took approximately one and a half years:

- West Seattle Project X, LLC filed a vacation petition in January 2013.
- In June 2013, after four meetings on the petition, the Seattle Design Commission recommended approval of the vacation.
- In March 2014, SDOT Interim Director Goran Spearman returned the vacation petition to the City Council but declined to make a recommendation on the petition.
- On March 11, 2014, the Transportation Committee held a public hearing on the vacation petition.
- On April 8, 2014, the Transportation Committee voted 5 to 3 to recommend granting the vacation as conditioned.
- On April 21, 2014, the Full Council voted to grant the vacation as conditioned.

Conditions applied to the vacation are:

1. Approval is only for the project described to the City Council.
2. Street improvements must be designed to City standards.
3. Project must include a mid-block connector that includes the following features:
 - a. Connecting Fauntleroy Way SW and 40th Avenue SW;
 - b. 44- to 50-feet wide;
 - c. Allowing two-way traffic with a drive lane that is 20 to 25 feet wide;
 - d. Providing an 8-foot wide elevated pedestrian sidewalk along the south side of connector that is separated from drive lanes by a 3-foot landscaping strip with continuous overhead weather protection and pedestrian lighting;
 - e. Prohibiting north-south pedestrian crossings within the connector;
 - f. Containing a sidewalk and landscaping on the northeast side of the mid-block connector;
 - g. Limiting vehicular turns onto Fauntleroy Way SW to right turns only;
 - h. Including a loading bay with roll-up doors; and
 - i. Not including a drive-up window.
4. Utility issues shall be resolved to the satisfaction of the affected utilities: Seattle Public Utilities, Seattle City Light and CenturyLink.
5. Development must start within 18 months of conceptual approval and be completed within five years.
6. Developer must provide quarterly reports to SDOT.
7. Developer must build and maintain public benefit elements as follows:
 - a. Voluntary street level setbacks;
 - b. A gateway plaza at Fauntleroy and Alaska;
 - c. A linear plaza along 40th Avenue;
 - d. 40th Avenue streetscape improvements on-site and off-site;
 - e. New pedestrian crosswalk and traffic signal at Fauntleroy and Alaska;
 - f. A cash contribution totaling not less than \$25,000 for public outreach and schematic design for a new park on 40th Avenue S.W.;
 - g. Pedestrian sidewalk with landscaping and overhead weather protection through mid-block connector;
 - h. Inclusion of 27 art pieces and relocation of existing mural on-site;
 - i. Continuous pedestrian overhead weather protection on Fauntleroy Way SW, S.W. Alaska and 40th Avenue S.W.
 - j. New bike lane along Fauntleroy Way SW;
 - k. Widened sidewalks, landscaping, on-street parking and new bus pull-out along Fauntleroy Way SW; and
 - l. Underground utilities.

8. Developer must work with the Seattle Design Commission (SDC) to redesign and replace them with comparable benefits of equal or greater value, if the public benefit items are infeasible.
9. Developer must provide an art plan to SDC for review and approval.
10. Developer must provide the design of the gateway corner of Fauntleroy and Alaska to SDC for review and approval.
11. Developer must provide the design of the green wall along the north side of the Masonic Lodge to SDC for review and approval.

SDOT has confirmed that all conditions have been met and has prepared CB 119742 for Council consideration. This Council Bill completes the vacation process for portions of the alleys in Block 3, Norris Addition to West Seattle in the block bounded by SW Alaska Street, Fauntleroy Way SW, SW Edmunds Street and 40th Avenue SW in the West Seattle neighborhood, on the petition of The Whittaker, a Condominium Association, a Washington non-profit corporation.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst