



December 4, 2012

Honorable Tom Rasmussen, Chair  
Transportation Committee  
Seattle City Council  
600 Fourth Avenue  
Seattle, Washington 98104

**Subject: Petition of City Investor XX, LLC for the vacation of the northern 273 feet of the alley in Block 93, D.T. Denny's First Addition to North Seattle in the South Lake Union area of Seattle  
Clerk File 312425**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the vacation petition from City Investors XX, LLC (hereafter City Investors or Petitioner) for the vacation of the northern 273 feet of the alley in Block 93, D.T. Denny's First Addition to North Seattle in the block bounded by Mercer Street, Westlake Avenue N, Republican Street, and 9<sup>th</sup> Avenue N in the South Lake Union neighborhood of Seattle, described as:

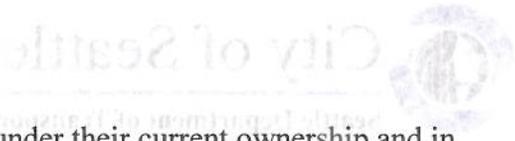
**All of that portion of the alley as shown in Block 93 D.T. Denny's 1<sup>st</sup> Addition to North Seattle, according to the plat recorded in Volume 1, page 79, Records of King County Washington, lying north of a line drawn 20.00 feet north of the south line of Lot 10 of said plat projected east; said alley being bounded by Mercer Street, Westlake Avenue North, Republican Street, and 9<sup>th</sup> Avenue North.**

The alley proposed for vacation includes approximately 4,368 square feet. The new alley segment proposed for dedication includes approximately 2,200 square feet.

## BACKGROUND

City Investors owns most of the property on the block bounded by Mercer Street, Westlake Avenue N, Republican Street, and 9<sup>th</sup> Avenue N. The block currently includes a north-south alley approximately 16 feet in width lying between Mercer Street and Republican Street. City Investors owns the entire west half of the block fronting on 9<sup>th</sup> Avenue N between Mercer Street and Republican Street. City Investors also owns five parcels on the northeast corner of the block at Mercer and Westlake Avenue N. On the southeast corner of the block, at Westlake Avenue N and Republican Street, are two privately owned properties that are outside of the project area. These two properties are in use as the Antique Liquidators, and MBI Seattle, an office furniture





sale and distribution facility, both properties will remain under their current ownership and in their current use after the new City Investors project is completed on the rest of the block.

The project site includes approximately 80,986 square feet of space. Currently most of the site is in use as a surface parking lot providing 228 spaces. A small scooter rental facility is located in a temporary building on the site that will be demolished. A vacant building on the site will also be demolished for the project. The site slopes in a northeasterly direction nearly 15 feet across its 412-foot length, from a high point on the southwest corner to a low point at the northeast corner.

The site is currently Seattle Mixed 65 (SM-65) with a base height of 65 feet with provisions in the Land Use Code that increase the height limit to 85 feet. This block lies within the Seattle's South Lake Union Neighborhood and is within one of the City's six Urban Centers, the South Lake Union Urban Center.

City Investors proposes to vacate the northern 273 feet of the alley that lies between its parcels. A new alley segment is also proposed to serve the new project and the two existing businesses that will remain. The new alley segment would connect between the existing alley segment on the southern portion of the block that will remain and Westlake Avenue N, forming an L-shaped alley often referred to as a "dog-leg" alley. The new L-shaped alley would provide a connection between Republican Street on the south side of the block and Westlake Avenue N on the east side of the block.

## REASON FOR VACATION

The existing alley bisects the parcels owned by City Investors, making it impossible to develop the site with a consolidated proposal. Without the vacation, each side of the block would be developed with a ¼ block or ½ block rectangular building on each side of the existing alley. Without the alley vacation the building along 9<sup>th</sup> Avenue N would be 412 feet in length. While this would likely work to provide adequate office space, it does not provide any flexibility to move the buildings around the site to create open space or to orient the buildings to maximize light. Combining the two parcels with the proposed vacation will allow for a single development plan on the site and a more efficient shared below-grade parking structure. The consolidated development of the combined parcels allows for the various elements of the project to share utilities and services such as elevators, stairs, and mechanical, electrical, and fire suppression systems that would need to be duplicated in separate structures.

The proposed vacation is not being requested to increase the development potential of the site or the overall project. Rather, the alley vacation is being requested to eliminate vehicular access onto Mercer Street; to develop what the Petitioner believes is a more attractive site; to allow flexibility in building placement, orientation and design; and to increase flexibility in the design of the below-grade parking.



While the vacation adds land to the project size, the proposal also requires the dedication of a new alley segment and open space is an element of the design. The net development potential of the site will actually decrease by approximately 29,000 square feet.

City Investors proposes the vacation to increase its flexibility in the development of the site. Specifically, City Investors has provided the following list as its reasons for the vacation:

- The vacation eliminates vehicular access to Mercer Street, as requested by SDOT, removing a potential impediment to traffic flow.
- The vacation allows the northern building to be oriented east-west while the southern building is oriented north-south, creating a courtyard between 30 and 50 feet wide between the northern and southern buildings. Since the blocks in this part of South Lake Union are over 400 feet long, breaking down the blocks into two buildings and maintaining a rhythm of similar cross-block connections reinforces a more intimate, pedestrian-oriented scale.
- Building services (loading area and parking entrance) on the east and west half the block could be shared and co-located.
- More efficient underground parking could be provided.
- The vacation would provide opportunities for enhanced public benefits.

## **PROJECT DESCRIPTION**

City Investors proposes to develop a 6-story, 85-foot tall, commercial office complex on the site. The development would contain two buildings, a northern rectangular building along Mercer Street and a southern L-shaped building with its long edge facing 9<sup>th</sup> Avenue N. The development includes a total of approximately 375,000 square feet of office space, approximately 15,000 square feet of street-level retail and restaurant space, and below-grade parking on three levels for approximately 546 vehicles. An east-west cross-block connection that the Petitioner has named the Galleria is proposed to provide plaza space and a pedestrian connection between 9<sup>th</sup> Avenue N and Westlake Avenue N. The space will vary in width from 30 to 50 feet, it will provide space for micro-restaurants, seating, landscaping, and perhaps art and wayfinding. This space includes approximately 11,800 square feet of space and is proposed as a major element of the public benefit. Two aerial connections are proposed to be built at approximately 34 feet above grade and extend over the Galleria to connect the two buildings. The two aerial connections are two-stories in height and connect the buildings on the third and fourth level and they both also include an exterior, roofless link on level five. A glass roof is proposed over most of the Galleria to provide weather protection and as a design element. The public benefit proposal also includes building setbacks to expand the pedestrian space, additional landscaping, bicycle amenities such as a fix-it station and a bike share space, and enhancements at the existing streetcar stop such as signage, seating and ticket machine. Sustainable features are also incorporated into the design such as using reclaimed water for irrigation, incorporating rain gardens along 9<sup>th</sup> Avenue N, and targeting LEED Gold for the project.

Access to parking and for services such as loading would be through the existing alley that will remain and the new alley segment proposed to connect on Westlake Avenue N. All vehicle access to the site will be interior to the site using the public alley. The new alley segment and the Galleria pedestrian connection are separate. Pedestrians and vehicles do not share the same space.

### **CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)**

The proposed vacations were circulated to various City departments, outside agencies and community groups for comment. The purpose of the broad review of the petition is to identify issues that need to be addressed. The comments, closely reproduced below, reflect the statements made by the reviewers and any issues identified during the initial portion of the review process. The comments reflect a “snapshot in time” when the comments were received and do not reflect any project revisions, updates or responses to comments. All the comments received are a part of the record and are not revised or amended by Seattle Department of Transportation.

The comment section does not reflect the resolution of the issue or subsequent design changes or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address any issues or concerns. The Petitioner has responded to some of the comments received and the *response provided by the Petitioner is included in italics*.

The following comments were received:

#### **City Departments**

**Seattle Police Department (SPD):** the SPD Traffic Section has no objection to the requested partial alley vacation.

**Seattle Department of Parks and Recreation (Parks):** Parks has no objections or concerns regarding the proposed vacation.

**Seattle Department of Transportation (SDOT) Capital Projects (CPRS):** supports the public benefits for the block as appropriate. However, there is a concern that it appears the owners and their architects have consistently not provided for a way to “activate” Mercer Street itself. Mercer is a very busy street from a traffic perspective, but SDOT’s Mercer Corridor Project improvements are intended to support and encourage the creation of a more vibrant, activated street, with direct retail access. We would like to see, for example, entrances/doorways to the building on Mercer Street and would be interested to hear other ideas from the owner’s architects on how to encourage an active, inviting environment along Mercer Street itself as opposed to focusing all access and public benefits off side streets and creating a “wall-of-buildings” effect along Mercer.

***Petitioner response:***

- ***Although Mercer is a class 2 Pedestrian Street requiring no retail, the Design Commission recommended exploring ways to activate the street-and specifically to explore adding retail entrances to Mercer.***
- ***A number of improvements have been made to the plan since it was first circulated. The alley vacation itself eliminates auto access onto Mercer resulting in a continuous, more pedestrian friendly, streetfront. Elimination of the curb cut also allows the addition of one tree for a total of 7 trees along Mercer. This is particularly important in this location because there is no full-block landscaped median on Mercer between Westlake and 9<sup>th</sup> Ave. Other blocks have this median, and it serves to soften the impact of the busy street.***
- ***The building is set back from the property line 1,100 SF, and landscaping is provided in the setback, which in part makes up for the lack of landscaping in the median. There are seating elements and overhead weather protection along Mercer Street. There is a bulb out with landscaping at the corner of Mercer and Westlake. The revised Mercer design, approved by the Design Commission, has 44 percent retail uses along its frontage. Finally, there is retail at the corner of 9<sup>th</sup> Avenue N and Mercer Street and at the corner of Westlake and Mercer Street. Both retail locations have entrances opening onto Mercer Street.***

**SDOT Policy and Planning and Traffic Management Divisions:** has some clarifying comments about the proposed vacation.

Public plaza/pedestrian connection:

- We would like more information about how the public plaza and pedestrian connection will be designed to invite users other than the building's tenants into this space? Specifically, we would like to see a design of the entrances of the plaza, which encourages people to wander off the sidewalk into the plaza area. The design details for the plaza and pedestrian connection should include materials, landscaping, visibility, lighting (especially as it will be open to the public 24 hours/day). We also suggest a shadow analysis to better understand how solar access will be provided at the space. Shadows associated with the two aerial pedestrian connections between the two buildings should be analyzed. The design of the plaza/pedestrian connection area should also consider Crime Prevention Through Environmental Design (CPTED) standards to ensure that there will be no dark corners or other areas of concern for the users.
- Additional details about the two aerial pedestrian sky bridges are needed so SDOT can evaluate other impacts of the structure onto the public benefit.
- How will the space be activated? In addition to the building tenants, who are the potential users of the public plazas and pedestrian connection?
- How will the pedestrian connection at mid-block be designed to prevent pedestrians from crossing the street at mid-block? SDOT discourages crossing arterial streets at mid-block connections.

- Clarification is needed to understand what portion of the open space proposed by the applicant is needed to meet the Seattle Municipal Code (SMC) requirements. The public benefit space must be in addition to the SMC requirements.
- Wayfinding will be necessary to inform pedestrians about the public plaza and mid-block connection. Wayfinding elements should be integrated and consistent with SDOT's wayfinding system.

**Bicycle enhancements:**

- As part of the public benefit, the applicant has indicated interest to install a Bike Share Station within private property along 9<sup>th</sup> Avenue N. SDOT's approval of the proposed station location is required to ensure it is consistent with the future deployment plan which is being developed by the Puget Sound Bike Share Board.
- 9<sup>th</sup> Avenue N has the potential to become a great bicycle network connection from Westlake (adjacent to Lake Union) into downtown. Because the City has not yet had the opportunity to design the expansion of the 9<sup>th</sup> Avenue N bicycle facilities, it is appropriate to have the applicant design and incorporate, to the extent feasible, bicycle facilities along 9<sup>th</sup> Avenue N along the development frontage. In addition, the applicant should make additional public benefit proposals to ensure that the bicyclists using the site can access it as well. It would be good to have the applicant not only provide "additional support for public safety" but also include within the public benefit proposal implementation of the bicycle enhancement and improvement areas.

**Streetcar stop:**

- Will the building provide an awning for additional streetcar waiting amenities? How will the building interface with the streetcar stop?

**General questions:**

- The petition states that there will be three levels of below grade parking. How many stalls will be built? What will the bicycle parking and other end-of-trip facilities for tenants of the building look like? Please provide details.

**Petitioner response:**

- ***The plan has much more detail than when first presented for review.***
- ***The revised design incorporates the Design Commission recommendations. This includes new retail at the corner of 9<sup>th</sup> and Mercer, adding about 50 percent retail and lobby frontage along 9<sup>th</sup>, creating the possibility of future retail on Republican, providing new landscaping around the site and through the plaza, and creating a seamless look between the sidewalk and the plazas. The effect is to create an open invitation to passersby. The Pedestrian Galleria, which sits beneath the building links and connects the two plazas, will be programmed for activity and visual interest with***

*indoor-outdoor spaces, seating areas and micro-eateries. Canopies will provide overhead weather protection along Westlake and portions of Mercer.*

- *The intent for the plazas at Westlake and 9<sup>th</sup> and the Galleria is to invite anyone who want to enter and linger, whether they are purchasing food, walking through the space or just sitting. Approximately 75% of the Galleria frontage is either retail or lobby.*
- *In order to discourage pedestrians from crossing 9<sup>th</sup> Avenue N, a very rigorous landscaping of shrubs and groundcover to stop the desire line.*
- *A number of CPTED elements are included in the project including natural surveillance, lighting and landscaping. The streetfront is activated which will supply eyes on the open spaces through the day and well into the night. All the lighting is intended to create a place where people feel safe. The building entries are transparent and building exits will fully shielded fixtures. Any place where people will stop to carry out a task (ATMs, keycard entries, bus stops) a higher light level is planned. While planting will be lush, it will be kept low so there will not be a place to hide. Between the low plantings and high tree limbs there will be a clear visual access around the site.*
- *The design for the plaza and pedestrian connection has more detail with respect to landscaping, visibility and lighting.*
- *None of the open space is required to meet SMC requirements. The entire public benefit space is in addition to SMC requirements.*
- *A shadow analysis is being prepared to show solar access to the public space and shadows resulting from the links.*
- *Wayfinding elements will be provided on Westlake and 9<sup>th</sup>, they will be consistent with SDOT's wayfinding.*
- *SDOT has confirmed this location as appropriate for facilities for the Bike Share Plan.*
- *Details are being worked out to develop bicycle facilities on 9<sup>th</sup> Avenue as part of the public benefit. So far, this includes up to 400 SF for the future bike share program for a bike box on the corner of 9<sup>th</sup> Avenue N and Mercer. Also proposed is a public bike fix-it station which allows cyclists to perform basic repairs, located near the bike share on 9<sup>th</sup>. The access point for cyclists to reach the bike share and fix-it station is still being designed.*
- *There will be below-grade parking for 529 vehicles.*
- *On Level A, adjacent to the parking garage entry ramp, there is an area for bike storage for 120 bikes and room to expand if necessary. Showers and lockers will be on the same level. In addition, there are 20 bike racks at grade.*

**SDOT Roadway Structures:** does not have any concerns with the proposed vacation.

**Department of Planning and Development (DPD) Planning Division:** DPD notes that development potential on parcels adjacent to the proposed vacation would be expected to change if the vacation were approved. According to the petitioner, the purpose of the vacation is to allow for maximum flexibility in designing a project in response to the site conditions around the block. There is no reason to believe that any future development abutting the alley would be

restricted by the vacation since the portion of the alley vacation would be replaced by an extension of the alley east to Westlake Ave N.

There might be some slight impact on light availability attributable to the alley vacation. The effect of shadows on Mercer Street to the north would not be appreciably greater, given the height and massing of the proposed development, compared to development without the vacation. The availability of air and impacts on open space is not appreciable. It is not known whether the alley serves any utility functions but it appears existing functions could be adequately redirected.

Private views from taller buildings to the south may be altered by the vacation. There do not appear to be any potential public views that could be blocked by the vacation. The proposed vacation and development would not likely block any views of Lake Union significantly more than the current alley configuration with a new development.

Circulation and access could be affected by the vacation. The proposed vacation would create circulation in an L-shape across the block, connecting Republican Street and Westlake Ave N. The South Lake Union streetcar runs along Westlake Avenue N. Westlake Avenue N also experiences heavy volumes of pedestrian traffic, which is likely to increase with the Mercer Street improvements and improved pedestrian connections between Lake Union and the South Lake Union neighborhood. The proposed vacation would result in additional vehicular traffic at the Westlake Avenue N street frontage, where there is currently no alley crossing the pedestrian realm or Streetcar route.

At the Early Design Guidance meeting, the Board expressed concern about pedestrian safety at Westlake Avenue N as a result of the proposed alley vacation, and also expressed concern about how the proposed alley configuration would interrupt potential retail street frontage at Westlake Avenue N. The Board directed the applicant to demonstrate how the design of the alley configuration would maximize safety for pedestrians. The Board also directed the applicant to design the Westlake Avenue N street frontage to maximize human activity at the street.

DPD finds the proposed development is consistent with the City's Land Use policies and suitable to the area. Development associated with the alley vacation would not appear to conflict with current transportation policies.

The proposed alley vacation would disrupt a continuous pattern of north-south alleys in this block and the blocks to the south. The existing pattern currently connects Denny Way with Mercer Street across 5 blocks.

The proposed alley vacation would reduce the potential queuing on Mercer Street for vehicles entering the alley, or queuing of vehicles in the alley exiting to Mercer Street. It appears that the proposed vacation would result in net improvement to Mercer Street circulation but could have a negative impact on overall alley connectivity in this area. SDOT should weigh in on the proposed alley configuration as it relates to the net impact to vehicular circulation in the area.

The proposed alley vacation would result in vehicles crossing the pedestrian and Streetcar corridor at Westlake Ave N. This access point should be designed for maximum pedestrian safety, safe interaction with the Streetcar route, and the Westlake Ave N street frontage should be designed to enhance human activity. This could include retail storefronts, facades with visual interest, pedestrian amenities, such as large overhead weather canopies, or other techniques.

At the Early Design Guidance meeting, the Board provided the following comments on the proposed public benefit:

1. The location and design of the crossing should be designed to respond to the UW mid-block crossing to the west.
2. The Board would like to see a lighting plan at Recommendation stage, demonstrating how the connection will be safe, well lit, and include maximum natural lighting with supplementary lighting strategies as needed.
3. Orientation of retail to the pedestrian connection is problematic; consider using the retail spaces to activate the street frontages and draw people into the mid-block crossing.
4. The corners of the building adjacent to the west end of the crossing should be eroded to enhance the connection with the UW Medicine mid-block crossing to the west.
5. The crossing should be designed to clearly appear public and not a private courtyard.
6. Design the connection to minimize wind tunnel effects and maximize pedestrian comfort.

The Design Review Board also expressed concern about the impacts of this pedestrian connection on the pedestrian activity at Mercer Street. The proposed connection could draw pedestrians away from this street frontage. The Board gave the following direction:

1. The Board noted this façade appears potentially problematic, due to the retail entries fronting on the pedestrian connection and the building turning its back on Mercer Street.
2. The Mercer Street façade should include a visible major pedestrian entry.
3. The use, at that façade, of meeting rooms is also potentially problematic since these uses are often unoccupied.
4. The design of this façade needs to include significant design moves to break down the appearance of the long façade and to create human scale.

If the proposed alley vacation were to be approved, the resulting development site would generally be compatible with commercial development intended for this portion of the South Lake Union area. The City is currently considering a rezone of the South Lake Union neighborhood that could allow up to 24-story buildings in this area. The proposed development is 6 stories tall, which meets current zoning requirements and would be far below development potential if the legislative rezone is approved by City Council.

DPD recommends that the requested alley vacation be granted, with conditions related to pedestrian safety and amenities on Westlake Ave N and additional pedestrian amenities at Mercer Street. If the proposed alley vacation were to be approved with these conditions, the

resulting development site would generally be compatible with the development intended for this portion of the South Lake Union area.

***Petitioner response: the intent is for anyone entering the plazas to feel welcome and to enjoy the space whether they are purchasing food, walking through the space or just sitting. The 2 plazas are contiguous with the sidewalk and activated around the corners by retail and lobbies that flow out to the street and into the plazas. Landscape design and lighting elements form a continuous feeling from street to street. The “parasol” covering joins the two plazas and creates a unique outdoor space in the city, with its light-reflecting trellis and gracious scaling of the Galleria.***

***Specific public benefits include:***

- ***Transparency: the space feels open and accessible and provides the ability to see completely through from street to street.***
- ***Trellis element (parasol): the design includes the overhead extension of the parasol beyond the face of the glass links, signaling welcome. A glass cover helps protect people from rain. The art in the space is intended to be integrated and memorable.***
- ***Landscape design continuity: the landscaped open space design forms a unified and continuous environment, and can be enhanced by landscape within the double-height glass links.***
- ***Paving continuity/avoid “threshold”: the plaza spaces along Westlake and 9<sup>th</sup> Ave extend naturally from the sidewalks and create a seamless flow into the Galleria, although the overhead links will be perceived, the design is carefully worked out to avoid a “threshold” feeling at any point. The pavement design forms a continuous unbroken public-feeling space from sidewalk to sidewalk.***
- ***Vitality: the space is programmed for activity and visual interest, with indoor-outdoor spaces and seating areas, and the micro-eateries, all to draw people in.***
- ***Places for people: there will be a variety of well-scaled and inviting opportunities for people to meet, sit, talk, and eat in the space.***
  
- ***We are preparing a shadow analysis and will provide it to you.***
- ***CPTED: a number of elements are combined in the CDTEd approach for this project: including natural surveillance, lighting and landscaping.***
- ***Wayfinding elements will be provided on Westlake and 9<sup>th</sup>. They will be consistent with SDOT’s wayfinding system.***
- ***Very rigorous landscaping will be installed to stop the desire line so pedestrians don’t cross at 9<sup>th</sup> Avenue N.***
- ***None of the open space is required to meet SMC requirements. The entire public benefit space is in addition to SMC requirements.***
- ***SDOT has confirmed that based on the criteria in the business plan, the Block 93 site which is along 9<sup>th</sup> Avenue near Mercer Street and a proposed cross block***

*connection on the site gives the future bike kiosk location good exposure and access. Its location is along 9<sup>th</sup> Avenue which is planned for bike lanes and will provide north-south connection to and within the Center City. The site is also within 1 block of an existing streetcar stop. Several major employers are within 1 block of the proposed site. For these reasons, the general location on the plan appears to be a good location for a future bike station.*

- *We are very interested in developing bicycle facilities on 9<sup>th</sup> Avenue as part of the public benefit for the project. This includes committing up to 400 SF for the future bike share program, a bike box on the corner of 9<sup>th</sup> Avenue and Mercer Street, and a public bike fix-it station allowing for basic bike repairs. Access from the street to the bike facilities is still under discussion.*
- *As part of the public benefit the streetcar station will be incorporated into the building on Westlake Avenue, where the current stop is located. An interactive commuter information kiosk and weather protection for streetcar patrons will be provided.*
- *There will be below grade parking for 529 vehicles.*
- *Bike parking will be provided on Level A in the garage with room for 120 bicycles. More space could be provided if necessary. Showers and lockers will be on the same level. In addition, there are 20 bike racks at grade.*

**Seattle City Light (SCL):** has extensive electric facilities within the proposed vacate area. SCL is working with City Investors on a relocation plan to accommodate the vacation request. For that reason, SCL has no objection to the vacation of the portion of the alley subject to the following condition we request be made a part of the vacation petition:

SCL issues shall be resolved to the full satisfaction of SCL prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with SCL to provide for the protection, conversion, and/or relocation of its electric facilities. This work may also include the reservation of easement rights for SCL within the proposed vacation area, the acquisition of additional easements over the property, or the acquisition of the electric utilities by the Petitioner, all of which shall be at the Petitioner's sole responsibility and expense. Petitioner shall be solely responsible for all costs associated with the removal, underground conversion, and/or relocation of SCL's electric facilities, including all costs related to the restoration of electric service to other properties affected by the vacation, if SCL's electric facilities are relocated and /or converted to underground as a result of the vacation.

***Petitioner response: the Petitioner intends to provide alternate infrastructure to replace the displaced systems and has been meeting with representative from SCL to coordinate the relocation of the infrastructure in accordance e with SCL requirements.***

***The Petitioner acknowledges sole responsibility for all costs associated with the removal and relocation of SCL infrastructure, including all costs related to the restoration of electric services to other properties affected by the vacation.***

**Seattle Public Utilities (SPU):** has reviewed the proposed vacation and has the following conditions.

**SPU Sewer and Drainage:**

New Alley (2,158 SF)

1. Positive grading of the new alley configuration for proper drainage shall be required. Absolutely no drainage shall be trapped within the new alley configuration.
2. A new drain (catch basin) on the downstream side (standard) of the alley shall provide a direct connection to the combined sewer in Westlake Ave. This drain and pipe will be owned and maintained by SPU. No curb discharge allowed.

Vacated area (5,361 SF)

1. See plan sheet 774-437 (page 230) from the Mercer Corridor project. The drain system on the proposed plan is considered private SD as it crosses the north end of the alley vacation. (see side sewer card) There are existing catch basins on the west side with a drain pipe crossing the proposed alley vacation. This is also private SD as it crosses the alley vacation.

**SPU Water:**

Water service for lot 5 appears to be unaffected by the location of the new alley.

With these conditions, SPU can support the alley vacation.

**Petitioner response:**

1. *The Petitioner acknowledges the requirement for positive drainage. The grading for the alley will be configured to provide positive drainage without creating a closed contour alley. Natural drainage paths will ensure positive drainage.*
2. *The Petitioner acknowledges the requirement for a new catch basin and discharge pipe at the downstream side of the alley and that this system will be owned and maintained by SPU.*
3. *The Petitioner acknowledges both private SD systems. Both private SD systems are within the proposed development area and will be removed as part of the project development.*

**Seattle Design Commission:** reviewed this project at its regular meetings of June 21, 2012, July 5, 2012 and August 16, 2012 and took the following actions:

**June 21 Action:** the Design Commission did not approve, by a vote of 4-5, the Urban Design Merit of the Block 93 alley vacation. This is the first of 2 approvals needed before the Design Commission will recommend approval of the vacation to the SDOT Director.

The Commission appreciated the presentation, graphics and the project's retention of some portion of the alley. They found the breaking down of the buildings' scale a positive and appreciated the idea of bike improvements on 9<sup>th</sup> Avenue, and increased areas for pedestrians. The Commission made the following recommendations:

- Do not turn the project's back to Mercer, given that Mercer is currently being reconstructed as an urban boulevard at great cost to the City. Provide information on how you are integrating with the design of Mercer; show elevations on Mercer. Contribute to the public realm of Mercer as a boulevard and consider both it and the mid-block crossing together as you refine your strategy for activation.
- Consider the project's impact on the life of all the adjoining streets—Westlake, Mercer, 9<sup>th</sup>, and Republican. Be strategic about activation on each street.
- Think holistically about parking under consideration of all the new traffic that will be generated.
- Provide information on utilities, including storm water flow in the alley and midblock connection.
- Develop flexible solutions to improve service access to the north building.

Commissioner Fialko voted "no" because the team should look at the design at a greater scale, bigger than one that focused just on the project's spaces.

Commissioner Sato voted "no" because the project took life off the street by focusing activities and entrances inward to the mid block crossing. While the new L-shaped alley makes sense for the cars and trucks, perhaps, the strategy for the plaza/mid-block crossing needs further study as the strategy for the development.

Commissioner Harris voted "no" because the project took life off the streets. While she understood the concept of the new mid-block crossing, it's private and not public, and she would like to see emphasis of activity on the public streets.

Commissioner Vehige voted "no" because, while there is a lot to like about the design and an alley vacation is necessary, the project turned its back to Mercer Street, an urban boulevard, due to taking focus away from Mercer Street.

The Commission offered the following recommendations for the proposed public benefit:

- Propose items that are a true public benefit, such as design elements like building setbacks that expand the public realm, connections to the neighborhood, and landscaping beyond what is required. Providing spaces for retail, even though they may activate the

public realm, do not count as public benefit. Do not count as public benefit design elements that primarily benefit the tenant.

- Fully explain the sustainability features. Think beyond the goal of LEED Gold toward a more integrated sustainability strategy, such as with stormwater solutions. Elevate and make more visible the sustainability story, and incorporate it into the public realm.
- Further think through and refine the design of the food carts and spaces. They need to be pleasant spaces and have access to utilities.
- Consider developing aggressive programs to support alternatives to single occupancy vehicle commutes.
- Expand on ideas for bike infrastructure, both for parking on-site and for passing along the edges of the site.
- Provide information on the private benefits and value of a development where the alley is vacated.

**July 5, Action:** the Commission voted by a vote of 6-2, the project's urban design merit, the first step of a two step process in seeking an alley vacation. The approval was contingent on the completion of the Design Review Board's and the city's review, and that there would be no significant design changes. The Commission made the following recommendations:

- Provide more porosity at 9<sup>th</sup> and Mercer for other, future tenants. Allow for a future connection for other, future tenants into the building from the corner of 9<sup>th</sup> and Mercer.
- Consider more green plantings and setbacks to Mercer from 9<sup>th</sup>.

Commissioner Vehige voted "no" because the strategy to re-knit the project back into the urban fabric was not a good solution.

Commissioner Harris voted "no" because of a concern that the mid-block connection would pull activity from 9<sup>th</sup>, Mercer, and Republican. There appeared to be minimal proposed along 9<sup>th</sup>, Mercer and Republican that would attract pedestrian or provide non-motorized amenities. She agreed that the traffic concerns about access to Mercer were valid.

The Design Commission did not vote on the project's public benefit package, as there was insufficient design detail regarding the proposed public benefits. The Commission anticipated approval at a future review contingent upon the team adopting the following recommendations and providing sufficient design detail for review by the Commission:

**Streetscape amenities:** enhance the benefits in the streets ROWs. The voluntary setback, undergrounding of utilities and greenway could be a public benefit if it was "programmed" for more interactive uses. The building façade and setbacks need to work together. The sidewalk replacement or alley repaving was not a public benefit but a requirement since the project would include shoring. Reducing the curb cuts was not a public benefit.

**Bicycle amenities:** develop and present the bike station in more detail. Show how bikes merge to and from the station and the on-street bike lane. Provide detail for the placement of the

facilities. Coordinate with King County to determine if this would be in their system of bike share stations and provide confidence that the bike amenities will remain a part of the project and streetscape with future tenants.

Streetcar station: further study and develop details for the proposed improvements to the streetcar station. Moving the stop into the building could increase waiting times for the streetcar as disabled pedestrians would have further to walk to get on the streetcar. Perhaps incorporate the station into the building but also leave a seating area on the sidewalk at the stop.

Underground utilities: include the undergrounding of utilities as a public benefit.

Sustainable features: develop a strategy for sustainability and integrate it into the project, rather than a series of "isolated" features. Verify whether sustainability items are voluntary or required. Move the sustainable features and make them more overt and coupled with education and the public interaction with the building. Provide more detail for the sustainable features that are to be counted toward public benefit: plant palettes, types of materials and displays, etc. Please look at art nearby related to sustainability.

Public open space: make the galleria feel public and not private. Specifically, make the center of the mid-block crossing more public looking; also make it more memorable, either through event programming or art. Study more fully the micro-restaurants and how they would draw people in. Consider making transparent the view through to Mercer Street. Study the circulation patterns of 1,800 employees to see how they may affect the placement of objects and the layout of the mid-block crossing.

Artwork: look at other adjacent projects artwork for inspiration and information including Mercer Street; be aware of the other artworks in the area so new artworks can be a dynamic addition. Look at the potential of using artworks that use high technology or technology related to the work of the tenant (if applicable), especially in the covered area.

### August 16 Action:

The Seattle Design Commission thanked the design team for its detailed work with the commission, for responding to recommendations, and for revising the building program.

The Seattle Design Commission approved, by a vote of 7-0, the Public Benefit Package of the proposal to vacate the northern end of the alley that runs parallel between 9th Ave and Westlake Avenues North., north of Republican and south of Mercer Streets, which includes the following items:

- Voluntary building setbacks
- Privately-owned public open space
- Bicycle infrastructure
- Enhanced right-of-way improvements
- Incorporation of Streetcar station

- Sustainable features
- Utilities undergrounding
- Activated frontage

and is subject to the conditions bulleted below. This is the second of two approvals needed to constitute a recommendation to the SDOT Director by the Design Commission to approve the vacation. A complete, detailed list of the approved public benefits, with the bulleted condition items incorporated, is provided in the Approved Public Benefit Summary below. The Summary should be used as reference as the project is developed. The presentation document, BLOCK 93 Alley Vacation Public Benefits, August 16, 2012 provides a reference point for the quality of design and materials that is expected.

#### Conditions

##### Voluntary building setbacks

- The commission supports the setbacks with one exception: study the corner at 9th and Republican to see how it can be made better for pedestrians. Make it feel more public and improve its scale and proportion. Consider increasing the height of the building overhang, perhaps by removing a portion of the second floor.

##### Privately-owned public open space

- Blur the boundary between the private open space and the sidewalk by designing the paving in such a way to make the private open space feel more public. Refine the design of the open space using these six elements to make it feel more public: transparency of the buildings framing the space, the sightlines into the space, the transparency of the overhead links, the unique paving that extends to the public sidewalk, the lack of thresholds, and a unique, memorable art experience.
- Prioritize making the bridge as transparent as is shown in the drawings. Because of its likely effect on energy performance, the bridge design is ambitious and you will be under pressure to alter it.
- Consider removing tree at eastern end of the mid-block crossing. It interferes with the sight lines to and through the space.
- Reduce the bulk of the bridge at the western end of the Galleria. Consider refining the bridge's placement, scale, dimensions and color. Also be sensitive to the underside of the bridge and its design to make its presence from below as light as possible.

##### Bicycle infrastructure

- The commission supports and is excited about the bike share and the fixit station.
- Pursue the bicycle box and the bicycle off-ramp on 9th Ave. N.

##### Enhanced right-of-way improvements

- The commission supports the improvements urged by DPD:
  - o include a bicycle box on northbound Ninth Avenue just south of its intersection with Mercer;
  - o minimize the curb line radius at 9th and Mercer,
  - o replace the painted "block out" north of the on-street parking on Ninth Avenue with a wider sidewalk and/or increased landscaping, and

- o capture all street frontage not needed to accommodate large truck turning movements on Mercer.  
Negotiate these improvements with SDOT and the freight mobility community.

Consider making the docks larger, both in scale and proportion; make them more grand and inviting for pedestrians.

Streetcar station

The commission supports all aspects of the streetcar station.

Sustainable features

The commission supports the sustainable features. Share the performance measures and data with the public and the city.

Utilities undergrounding (on 9th Ave. N.)

The commission supports the undergrounded utilities.

Activated frontage

The commission supports the activated frontages. Find ways to make the retail bleed a little more on Mercer St. A fairly large amount of lineal feet that is tenant devised space (conference room). The Commission remains concerned about activation along Mercer, and though we are supportive of the changes made thus far, we feel this is still an area that needs more work to create the lively street front Mercer deserves

**Outside Agencies:**

**CenturyLink (formerly Qwest Communications):** please be advised that CenturyLink currently has facilities in the area and wishes to retain any and all rights to remain in said area and to add facilities in the future as needed.

At this time CenturyLink has no issues with the proposed vacation so long as provisions are made to retain our rights by either PUE or private easement to cover our existing and future facilities.

***Petitioner response: the petitioner intends to provide alternate infrastructure to replace potential displaced systems and has been meeting with CenturyLink to coordinate the relocation. The Petitioner acknowledges sole responsibility for all costs associated with removal and relocation of infrastructure, including costs related to the restoration of services to other properties affected by the vacation.***

**Puget Sound Energy (PSE):** has conducted a review of its existing gas facilities in the proposed vacation area. PSE has no existing facilities located within the proposed vacation area.

**Community Comments:**

**MBI, Inc:** owns the parcel located at 507 Westlake Avenue N on the block of the proposed alley vacation. While MBI does not object to the development project with which the alley

vacation is associated, the proposed alley vacation does pose some critical issues for the MBI property. We request that any approval of the vacation be conditioned to ensure that the benefits to the MBI property of the existing alley access are preserved in the post-vacation scenario.

The MBI property is used for sales and distribution of the office furniture and equipment. All loading activities for the block occur on the existing alley; but since the MBI building does not have an internal loading dock, the alley itself must be used for loading activities for the building. MBI uses the alley for the temporary parking of trucks and other vehicles to allow loading. In addition, MBI uses the alley for trash removal, a use which will need to be accommodated in the future design. Finally, removal of the alley during the construction process will have significant impacts on MBI.

We request that approval of the alley vacation include the following condition:

The Petitioner shall be required to enter into an agreement with the owner of the MBI building (TPN 1983200090) to address the following issues to the satisfaction of the MBI building owner:

- Loading for the MBI Building.
- Truck access through the reconfigured alley.
- Trash removal for the MBI Building, including dumpster location.
- Construction impact plan (including preservation of alley access during construction).

***Petitioner response: we have met with MBI. Our meetings are going well and MBI has indicated they like the design. We have resolved truck access, loading, trash removal issues and have a construction impact plan. They will continue to load as they do now and we are working with them on several trash removal options. We have asked them to provide SDOT with something in writing about our agreement.***

**John Pehrson:** I am in favor of the proposed alley vacation. I live in SLU, have been active in land use issues, and attended the EDG design review on this project. I do not believe that a curb cut and alley entrance at this location is appropriate on Mercer. Mercer is a major arterial and the major entrance to I-5. On this side of the street traffic is only 3 blocks from I-5. I do believe it is appropriate to have retail activities on Mercer, but an alley entrance and exit would not work.

**Cal Smith, Antique Liquidators:** as the tenant at 503 Westlake Ave N for over 30 years, I have met with Vulcan representatives and have reviewed the proposed alley vacation.

After some thought and consideration, I have expressed to the Vulcan representatives that I do not object to the proposal of reconfiguring the alley into an "L" shaped alley. I understand the new alley would allow enough width for a truck and a sedan to pass through the alley simultaneously which satisfies my initial concern.

I support the preferred scheme of two east-west oriented buildings which creates a new a new mid-block pedestrian connection. Overall, I believe the preferred scheme allows for a better pedestrian experience around the block.

## **POLICY FRAMEWORK**

Street vacation decisions are City Council decisions as provided by State statute and have not been delegated to any City department. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. Vacation of public right-of-way requires discretionary legislative approval that must be obtained from the City Council, and the Council may not vacate a public right-of-way unless it determines that to do so is in the public interest. The decisions must assure that potential development and use of the vacated right-of-way is in the public interest. The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

Rights-of-way are dedicated in perpetuity for use by the residents of Seattle for purposes of public travel and transportation of goods. The dedication carries with it certain public rights to circulation, access, utilities, light, air, open space, and views. City government acts as the public's trustee in administering streets and alleys. 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, in 1993 in Resolution 28605 and in 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.

## **ANALYSIS**

The City's Street Vacation Policies provide that vacation requests may be approved only when they significantly serve the public interest. The Street Vacation Policies provide for a three-step review of any vacation petition in order to determine if the vacation is in the public interest.

The Policies define the components of public interest as:

1. Protection of the public trust;
2. Protection from adverse land use impacts; and
3. Provision of public benefit.

The Street Vacation Policies provide that during the review of the petition, the public trust and land use effects of a vacation should be weighed against the mitigating measures and the public benefits provided by the vacation to determine whether the vacation is in the public interest. In balancing these elements of the public interest, primary importance should be placed upon protecting the public trust in rights-of-way.

**Protection of Public Trust:** The Policies define the public trust functions of rights-of-way as being circulation, access, utilities, light, air, open space, and views. Policy 1 of the Street Vacation Policies addresses the basic purpose of streets. Streets are created to provide for the free movement of people and goods throughout the City, to provide access to individual properties, and to provide space for utility services.

Through the vacation process, an adjacent property owner acquires public street right-of-way for private use or development purposes. Since the vacation is generally about the loss of some portion of a street, the review process must evaluate the loss of that street segment. The review normally looks at the impact on the grid pattern in the area, the impact on the provision of utility services, how the circulation pattern is altered and how that affects pedestrians, bicyclists, vehicular movements, emergency services, and commercial activity.

**Transportation Impacts:** Alleys are intended to provide for access to adjacent properties, to provide for service functions such as loading bays and access to parking and to provide space for utility infrastructure. In reviewing alley vacations the critical question is whether the vacation pushes traditional alley functions out onto the street or otherwise impairs the function of the adjacent streets. The project is being designed so that typical transportation functions of the alley will continue to be provided internal to the site and not on the public street. All of the service, loading, and garage entry points are interior to the site. In addition, a new alley segment is proposed so that the block will continue to have public alley right-of-way that serves the new project and the two existing businesses on the site.

The new alley segment is proposed to provide a connection from the existing north-south alley with an east-west connection to Westlake Avenue N. The corner of the new L-shaped alley must provide adequate width to accommodate the turning movements of service vehicles and delivery trucks that will need to use the alley. The new alley connection to Westlake Avenue N. must be designed in a way that considers the Streetcar stop just to the north of the new alley segment. The design of the alley access must also consider the large pedestrian volumes and provide safe sight lines and mirrors and signage if required by SDOT. The dimensions and design of the alley will require the approval of SDOT. During the review of the design for the alley the turning movements could be restricted and safety features such as signage or mirrors may be required.

This block is a challenge for access. Access from Mercer Street, 9<sup>th</sup> Avenue N, and Westlake Avenue N all raise questions. Access from Mercer Street could impact one of the busiest arterials in the City and this access point was disfavored by SDOT. Access from 9<sup>th</sup> Avenue N could pose some safety issues with bicycles as 9<sup>th</sup> Avenue N is a designated bicycle route. Westlake Avenue N is also a designated bicycle route and the location of the Lake Union Streetcar.

The proposal to provide a new alley segment accessing onto Westlake Avenue N was reviewed by the City's Traffic Engineer and SDOT staff who work on streetcar issues. The review found that access onto Westlake Avenue N was appropriate and would have negligible impacts on the operation of the streetcar. The Traffic Engineer preferred this option over access from either Mercer Street or 9<sup>th</sup> Avenue N as having fewer potential traffic impacts. The streetcar stop is

located to the north of the new alley segment and the stop will provide for opportunities to exit the alley and for the streetcar operator to identify exiting vehicles.

Two other property owners abut the alley and will continue to need the alley for access to their property and for service and loading for their respective businesses. These smaller, older businesses do not have large loading areas outside of the alley and are dependent on use of the alley to move merchandise in and out of the businesses. They are dependent on some nonstandard use of the alley even after the rest of the block is redeveloped to new standards. The Petitioner and the adjacent property owners are working on agreement for their shared use of the alley. The vacation should be conditioned on the completion of an agreement that protects all the users of the alley and protects the interests of the existing businesses that will remain.

The vacation should be conditioned to require SDOT approval of the final design and dimensions of the alley and the completion of an agreement to protect the interests of other users of the existing alley.

**Utility Impacts:** In addition to the transportation purposes, street rights-of-way provide space for utility lines and facilities. The vacation review must consider the impact on any public utilities and both current and future impacts must be assessed. If any utilities are located in the right-of-way, it must be possible for the utility to relocate or terminate those facilities or the vacation is not feasible. The utility should not be negatively impacted in its ability to deliver services, now or in the future, to access its facilities for repair or maintenance, or to update or expand services. Any proposal to relocate or alter utility services must be satisfactory to the utility provider and the costs to accommodate the utility needs are the obligation of the Petitioner.

City Light, SPU, and CenturyLink have all identified that they will be impacted by the vacation. In particular, the issues with SPU required careful review. One of the impacts of a partial vacation and an L-shaped alley configuration is that it creates the possibility of drainage problems at the corner of the alley. SPU identifies this as a “closed contour alley” and requires that the Petitioner provide for positive drainage by grading the alley to accommodate the drainage needs.

City Light has noted that it has extensive facilities in the area proposed for vacation, the utility has an overhead electrical system that would be affected by the alley vacation. City Light has provided conceptual approval to re-route the system underground along the project site.

The Petitioner and development team have been meeting with staff from the utilities and outside agencies on its plans and have developed designs that currently appear to address all the concerns that have been identified. The Petitioner has acknowledged the need to address the issue in a way that satisfies the utilities and understands that they must bear the costs from this work.

The Petitioner has a plan to address the issues identified by City Light, SPU, and CenturyLink.

The vacations should be conditioned to require that this work continue and the final plans address issues to the satisfaction of the City or other agency impacted by the vacation.

**Light, air, open space and views:** Because street right-of-way is open and undeveloped, streets and alleys can have value as open space and can be important view corridors. Streets can provide important breathing space in dense urban areas. This alley is approximately 16 feet in width and extends north and south in the block. There is a line of continuous alleys running north and south from Mercer Street on the north to Denny Way on the south. While the alleys in this five block continuous pattern, are open and improved so that the public could drive or walk through the alleys, they do not provide for public views and do not provide for important open space on the block. It does not appear that there are any public views of South Lake Union, the Lake Union Park or other public spaces from this alley segment.

Following the vacation, the development will provide open space in the middle of the block that provides publicly accessible open space. The proposed development of the block will have more useable open space if the project is granted the vacation than if the block were to be developed around the existing alley.

**Protection from adverse land use impacts:** The second step in the review process is to evaluate the land use impacts of the proposed vacation and subsequent development. The land use portion of the Policies, Policy 4, is concerned mainly with ensuring that post-vacation development is consistent with the land use pattern in the area and with City policies and codes. The Policies specifically state that proposed vacations may be approved only when the development potential that is attributable to the vacation would be consistent with the land use policies adopted by the City Council. The vacation decision will be based on the policies applicable for the type of area where the development is proposed.

This project is located in the Seattle Mixed zone with heights of 65 feet (SM 65') or up to 85 feet and the block is within the South Lake Union Urban Village. The Urban Village designation anticipates a concentration of growth and job development within the Urban Village. The SM zone, as specified in SMC 23.34.126 is applied to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The zone permits a wide range of uses and promotes density to encourage a mixed-use neighborhood. The proposed uses of office, retail, and structured parking are all allowed outright within the zone. In addition, the project proposes to encourage pedestrian activity with widened sidewalks from building setbacks, a mid-block pedestrian connection and other enhancements to the pedestrian environment such as additional landscaping, wayfinding, and an enhanced streetcar stop.

The Petitioner, City Investors, is the largest property owner in the South Lake Union neighborhood. This property owner has exhibited a strong commitment to the economic growth and development of the South Lake Union community as well as a commitment to providing amenities that enliven the area and enhance the community for new workers as well as residents. This Petitioner was granted vacations for three previous projects in the area. The previous projects have included mid-block public space and pedestrian connections as well as streetscape

enhancements consistent with the Terry Avenue Street Design Guidelines. This property owner has also worked with the City on many transportation initiatives, including the streetcar.

This project is designed to be consistent with the zoning and direction for the area. This project at 85 feet will be larger in scale from some of the older buildings in the area. However, this area has seen tremendous growth in recent years and this proposal will be smaller than many of the newer buildings which have been recently completed.

It should also be noted that a proposal to change the zoning in the South Lake Union neighborhood has been forwarded to the City Council and is currently under review. While decisions have not been made about the new zoning it is likely that heights will increase in the area. Had the Petitioner chosen to wait a short amount of time to develop, a larger and taller building would likely have been allowed.

SDOT does not find adverse land use impacts associated with the proposed vacations.

**Provision of Public Benefit:** The Street Vacation Policies note that vacations must provide a long-term public benefit. Vacations will not be approved to achieve short-term public benefits or for the sole benefit of individuals. It is anticipated that the public benefit will include specific and tangible physical elements as the Policies provide that facilitating economic development, meeting code requirements for development or mitigating defined impacts is not a sufficient public benefit.

The Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large in size or if the project has significant impacts, then the Policies anticipate that the public benefit proposal must also be significant. This alley makes an important contribution to the development of the block. While the vacation of the alley is not being used to increase the development capacity or the scale of the project, by eliminating the alley, the Petitioner can develop the entire block in a way that best suits its programmatic needs and can consolidate below-grade functions such as parking and loading. The Petitioner can now develop office space that has a view of a plaza rather than a view of an alley. By eliminating the “back door” of the alley, each building façade has street frontage or plaza frontage. Since the vacations make an important contribution to the project, the Policies require that a significant public benefit be provided.

In addition to addressing the scale or amount of public benefit that must be provided, the Policies are also clear that the public benefit elements proposed must clearly benefit the general public and not merely the tenants of the project. The Policies are also clear that the public benefit proposed for a vacation must be separate and above amenities provided to meet code or other requirements.

The Policies require that the Petitioner provide some factual information about the project site to assist in the review of the public benefit proposal. The goal of including this information is to help in determining if there is an appropriate balance between what the developer achieves from the vacation and what is provided to the general public.

**Public Benefit Matrix**

Zoning designation	Seattle Mixed (SM 65-85')
Street classification	Alley
Assessed value of adjacent property	The land and building is assessed at approximately \$175.00 per square foot
Lease rates in the vicinity for similar projects	Approximately \$15 to \$20 net per square foot
Size of project, in square feet	Approximately: <ul style="list-style-type: none"> <li>• 375,000 sq ft office</li> <li>• 15,000 sq ft retail</li> <li>• 546 parking spaces</li> </ul>
Size of area to be vacated, in square feet	Approximately 4,368 sq ft
Contribution of vacated area to development potential	The vacation provides flexibility in the design and development of the block <ul style="list-style-type: none"> <li>• 497,000 sq ft development potential without alley vacation</li> <li>• 422,000 sq ft development potential with alley vacation</li> </ul>

Assessment of the public benefit proposal has been the most challenging element of this review. The major element of the public benefit is the mid-block pedestrian connection and plaza, labeled the Galleria, which provides a connection between Westlake Avenue N and 9<sup>th</sup> Avenue N. The Petitioner designates the space as two plazas and a pedestrian connection on exhibits and in discussion material. The space is all open and connected and is intended to be used as one continuous open space so it seems more useful to consider the space as a single space. The Westlake Avenue side has a plaza of approximately 1,800 square feet and the 9<sup>th</sup> Avenue side has a plaza of approximately 2,200 square feet while the pedestrian connection between the two spaces includes approximately 7,800 square feet. Overall, the Galleria (the pedestrian connection and two plazas) includes a total of approximately 11,800 square feet of space. This open space is generous in scale; the width varies from approximately 61 feet in width to approximately 42 feet in width and extends across the block from 9<sup>th</sup> Avenue N to Westlake Avenue N, a distance of approximately 220 feet. The space proposed for the Galleria is sufficient in size to provide a strong public benefit.

This petition is unusual and possibly precedent setting in that it includes two aerial connections over the Galleria, a space that is identified as providing a public benefit. The two connections are both two-story with an open-air third story and provide pedestrian connections solely for tenants on the third, fourth, and fifth stories between the two six-story buildings and over the public Galleria.

In SMC 15, the City Council has policies that disfavor aerial connections over rights-of-way, citing that the aerial portion of rights-of-way are an important resource providing light, air, and open space and have an impact on the character of the spaces below. This is the case in SMC 15.64 related to skybridge permits over the public right-of-way as well as in the Street Vacation Policies Guideline 3.6 C related to aerial vacations. One distinction in this proposal is that the aerial connections are not over the right-of-way.

Elements of the proposal that have the potential to make the space feel more private than public are that the public space is in the middle of the block rather than at a public edge, the fact that the uses on both sides of the plaza are private and that there are aerial connections and weather protection creating a roof over the public space.

This is not the intention of the Petitioner or the design team. Their goal is that the space is welcoming to the public and will be active and open for 24 hours per day. In response to concerns about the aerial connection the Petitioner has responded:

A distinction should be made between skybridges over public rights-of-way which require City Council approval and overhead links on a private site. If this had been a skybridge over a public right-of-way, there would have been a discussion with the Design Commission and the Design Review Board and ultimately the City Council about the design and the potential to remove pedestrians from the public realm by offering them a separate way to get around. In this design, over private property, the only people using the link are building employees. Still, the link is a very important consideration. It is over a publically accessible space and it important to assess whether it could diminish the quality of the public space.

The Petitioner has also worked to address these concerns by incorporating design elements into the project that will welcome the public into the space. The Galleria will have benches, public café seating, pedestrian level lighting, and landscaping. Art elements and/or water features are also to be included. The Petitioner has a clever proposal to incorporate small, micro restaurants into the plaza area. Providing space for this food trend would offer something different in this space that should have appeal to the general public. This would allow for a more casual feel in the plaza and the tables and seating provided would not be reserved by a single larger restaurant space.

The roof over the space will be entirely transparent with the goal of providing a respite to the public on rainy days. The aerial connections will also be very transparent and will be almost entirely made of glass to create as open a feel as possible. The third level of each of the two

skybridges is open and not glassed in. The third level will also have landscaping incorporated into the design.

To contextualize the possible impacts and address the previous comment that this midblock public benefit plaza and aerial connections may be precedent setting, this is the fourth alley vacation proposed recently in South Lake Union that includes mid-block pedestrian connections and public plazas and the first with two aerial connections. The three previous Council-approved projects have resulted in high quality improvements that are active, engaging, and considered as successful urban spaces. Only one of the three included a single aerial connection. Other street vacation proposals for commercial/office projects in the vicinity have taken active steps to minimize the number of aerial connections over public plazas while still meeting the needs of the business program and building users.

In addition to the plaza/mid-block connection other elements are proposed as part of the public benefit package, the chart provided below details all the elements of the public benefit. The proposal includes setbacks around each side of the building sites. These setbacks create more sidewalk space and enhance the public realm for pedestrians. The additional space also allows for additional amenities such as more street trees, street furniture, pedestrian lighting, overhead weather protection, and wayfinding.

The project also provides an enhanced space for the existing streetcar stop. The stand-alone stop will be replaced with a spot incorporated into the new building. The building will include a ticket dispenser and interactive commuter information kiosk for the streetcar and well as seating and overhead weather protection for riders.

The 9<sup>th</sup> Avenue side of the building along a designated bicycle route, will include amenities for cyclists. The Petitioner will provide approximately 400 square feet, on their property, for a bike share station to support the development of a network of bike share facilities. A bicycle fix-it station is proposed. This fix-it station will have tools that will allow for bicycle repairs to be made on the spot. A Bike Box (an intersection safety design to prevent bicycle/car collisions. It is a painted green space on the road with a white bicycle symbol inside to clarify bicycle and car movements) will be incorporated into 9<sup>th</sup> Avenue N and 20 bike racks will be provided around the site.

**PUBLIC BENEFITS MATRIX**  
 VULCAN PROJECT - Block 93

DECEMBER 11, 2012

PUBLIC BENEFITS	DESCRIPTION	REQUIRED	PROPOSED
<b>1 PUBLICLY ACCESSIBLE OPEN SPACE</b>	PUBLIC OPEN SPACE ENHANCES THE PEDESTRIAN EXPERIENCE WITH RETAIL ACCESS, LANDSCAPE, SEATING, CAFÉ SPACES AND WEATHER PROTECTION.	NOT REQUIRED	
	A. WESTLAKE "PLAZA"	NOT REQUIRED	1,800 SF
	B. 9TH AVENUE "PLAZA"	NOT REQUIRED	2,200 SF
	C. PEDESTRIAN GALLERIA	NOT REQUIRED	7,800 SF
	D. PUBLIC BENCH SEATING	NOT REQUIRED	250 LF
	E. PUBLIC CAFÉ SEATING	NOT REQUIRED	1,300 SF
	F. OVERHEAD WEATHER PROTECTION (CANOPIES & BLDG OVERHANGS)	NOT REQUIRED	7,000 SF
	G. LANDSCAPED AREAS	NOT REQUIRED	2,500 SF INCLUDES 6 TREES
	H. GALLERY PARASOL	NOT REQUIRED	TBD (ARTIST COLLABORATION)
	J. WATER FEATURE	NOT REQUIRED	800 SF
<b>2 STREETScape AMENITIES</b>	A. STREET TREE UPGRADES (CALIPER)	NOT REQUIRED	(1) MERCER STREET (5) WESTLAKE AVE N (6) 9TH AVE N (3) REPUBLICAN STREET
	B. PLANTING IMPROVEMENTS IN R.O.W.	REQUIRED TREES: (0) MERCER STREET (4) WESTLAKE AVE N (9) 9TH AVE N (3) REPUBLICAN STREET	ADDITIONAL TREES: (7) MERCER STREET (5) WESTLAKE AVE N (10) 9TH AVE N (3) REPUBLICAN STREET 3,700 SF OF PLANTING AREA
	C. OVERHEAD WEATHER PROTECTION (CANOPIES) ON WESTLAKE AVE N AND PORTIONS OF MERCER STREET.	NOT REQUIRED	3,100 SF STEEL/GLASS CANOPY
	D. OVERHEAD WEATHER PROTECTION (BUILDING OVERHANGS AT PEDESTRIAN AREAS) ON PORTIONS OF MERCER STREET & 9TH AVE N.	NOT REQUIRED	1200 SF BUILDING OVERHANGS
	E. SEATING ELEMENTS IN R.O.W.	NOT REQUIRED	100 LF
	F. PEDESTRIAN LIGHTING	NOT REQUIRED	
	G. PEDESTRIAN WAYFINDING ELEMENTS ON WESTLAKE AVENUE N AND 9TH AVENUE N.	NOT REQUIRED	(1) WESTLAKE AVE N; (1) 9TH AVE N.
	H. DOG BAG DISPENSERS ON 9TH AVENUE N., WESTLAKE AVENUE N. AND REPUBLICAN STREET	NOT REQUIRED	(1) WESTLAKE AVE N (1) 9TH AVE N (1) REPUBLICAN STREET
	J. STREETScape IMPROVEMENTS: THERE ARE A NUMBER OF STREETScape IMPROVEMENTS THAT COLLECTIVELY ACTIVATE THE STREET AND INVITE THE PUBLIC IN. THESE INCLUDE PROVIDING RETAIL FRONTAGE WHERE NOT REQUIRED ALONG MERCER STREET, 9TH AVENUE NORTH AND THE PEDESTRIAN GALLERIA AND UNDERGROUNDING UTILITIES ALONG 9TH AVENUE NORTH.	WESTLAKE AVE N: 75% RETAIL / LOBBY OTHER STREETS: 0% RETAIL	WESTLAKE AVE N: 100% RETAIL / LOBBY / PUBLIC
	<b>3 BICYCLE INFRASTRUCTURE</b>	A. PUBLIC BICYCLE RACKS	(19) PUBLIC BICYCLE
B. FIX-IT STATION ON 9TH AVENUE N		NOT REQUIRED	(50 SF) FIX-IT STATION LOCATED ON
C. BIKE BOX		NOT REQUIRED	1 BIKE BOX ON 9TH AVENUE N
D. PROVISIONS FOR FUTURE BIKE SHARE STATION		NOT REQUIRED	(400 SF) FOR FUTURE BIKE SHARE PROGRAM TO BE LOCATED ALONG 9TH AVE N.
<b>4 VOLUNTARY BUILDING SETBACK</b>	VOLUNTARY BUILDING SETBACKS ARE PROPOSED WITHIN THE PROPERTY LINE TO ENHANCE THE LANDSCAPE DESIGN, ENHANCE THE SIDEWALK AND PROVIDE EXTERIOR AREA ADJACENT TO RETAIL	NOT REQUIRED	
	A. ALONG WESTLAKE AVENUE NORTH	NOT REQUIRED	290 LF; 2,400 SF
	B. ALONG MERCER STREET	NOT REQUIRED	185 LF; 1,100 SF
	C. ALONG 9TH AVENUE NORTH	NOT REQUIRED	315 LF; 2,400 SF
	D. ALONG REPUBLICAN STREET	NOT REQUIRED	74 LF; 450 SF
<b>5 SUSTAINABLE FEATURES</b>	A. INCORPORATE GREEN FACTOR INTO PROJECT	NOT REQUIRED	GREEN FACTOR TARGET
	B. TARGET LEED GOLD	NOT REQUIRED	LEED GOLD COMMITMENT
	C. INCORPORATE RAINGARDENS AT 9TH AVENUE N	NOT REQUIRED	1,300 SF
	D. INCREASE PUBLIC AWARENESS OF INCORPORATED SUSTAINABLE MEASURES THROUGH INFORMATIONAL MATERIALS AND/OR DISPLAYS.	NOT REQUIRED	TBD WITH ARTIST COLLABORATION
	E. GREEN ROOFS	NOT REQUIRED	13,000 SF
	F. RECLAIM RAIN WATER FOR IRRIGATION	NOT REQUIRED	100% OF ANNUAL IRRIGATION NEEDS AT GRADE (R.O.W., BUILDING PERIMETER AND PUBLIC OPEN SPACE) - 7500 S.F.
<b>6 STREETCAR STATION</b>	A. INCORPORATE SLU STREETCAR STATION INTO BUILDING AT WESTLAKE AVENUE N	NOT REQUIRED	NE CORNER OF BUILDING
	B. PROVIDE INTERACTIVE COMMUTER INFORMATION CENTER KIOSK	NOT REQUIRED	(1) WESTLAKE AVE N
	C. PROVIDE SEATING AND WEATHER PROTECTION FOR STREETCAR PATRONS	NOT REQUIRED	ADJACENT TO BUILDING

The Design Commission also included in its recommendation that the undergrounding of utilities on 9<sup>th</sup> Avenue N and the provision of street level retail be included in the public benefit package. However, the City Council has never included either of these elements as public benefits. The provision of retail can certainly add life to a space and provide a reason for the public to visit a spot or linger. This type of commercial activity is really opposite of the public character that Council has worked to achieve with the public benefit. The goal of amenities provided by the public benefit should be to create a space where the public is welcome and invited to be even when they have no money to spend and no business reason to be there.

The work to underground utilities could enhance the public right-of-way but it appears here the undergrounding is more related to the development than to creating something for the public. Both of these elements add to the project in positive ways but should not be considered as separate elements of the public benefit proposal.

## **RECOMMENDATION**

Should the City Council grant the vacation, it is recommended that the vacation be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied and all fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in December of 2012.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:
  - Street improvement plan showing sidewalks, street trees, bike racks, access from the street to the bike share station and fix-it station, street furniture, lighting, art or artist-made elements, and landscaping around the site;
  - The design on the new alley segment, including the geometry of the turn and the connection at Westlake Avenue; and
  - Agreement between all property owners on the alley that protect use and access for all owners.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and

provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:

- Seattle Public Utilities;
- Seattle City Light; and
- CenturyLink Communications.

4. It is expected that development activity will commence within 18 months of this approval and that development activity will be completed within 5 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) for the project until SDOT has determined that all conditions have been satisfied and all fees have been paid.

5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.

6. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT will request additional Design Commission review when the design is further developed to the 60% level and may request additional review as necessary. The public benefit requirement includes the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

**PUBLIC BENEFITS MATRIX**  
 VULCAN PROJECT - Block 93

DECEMBER 11, 2012

PUBLIC BENEFITS	DESCRIPTION	REQUIRED	PROPOSED
<b>1 PUBLICLY ACCESSIBLE OPEN SPACE</b>	PUBLIC OPEN SPACE ENHANCES THE PEDESTRIAN EXPERIENCE WITH RETAIL ACCESS, LANDSCAPE, SEATING, CAFE SPACES AND WEATHER PROTECTION.	NOT REQUIRED	
	A. WESTLAKE "PLAZA"	NOT REQUIRED	1,900 SF
	B. 9TH AVENUE "PLAZA"	NOT REQUIRED	2,200 SF
	C. PEDESTRIAN GALLERIA	NOT REQUIRED	7,800 SF
	D. PUBLIC BENCH SEATING	NOT REQUIRED	250 LF
	E. PUBLIC CAFE SEATING	NOT REQUIRED	1,300 SF
	F. OVERHEAD WEATHER PROTECTION (CANOPIES & BLDG OVERHANGS)	NOT REQUIRED	7,000 SF
	G. LANDSCAPED AREAS	NOT REQUIRED	2,500 SF INCLUDES 6 TREES
	H. GALLERY PARASOL	NOT REQUIRED	TBD (ARTIST COLLABORATION)
	I. WATER FEATURE	NOT REQUIRED	800 SF
<b>2 STREETScape AMENITIES</b>	A. STREET TREE UPGRADES (CALIPER)	NOT REQUIRED	(1) MERCER STREET (5) WESTLAKE AVE N (6) 9TH AVE N (3) REPUBLICAN STREET
	B. PLANTING IMPROVEMENTS IN R.O.W.	REQUIRED TREES: (0) MERCER STREET (4) WESTLAKE AVE N (9) 9TH AVE N (3) REPUBLICAN STREET	ADDITIONAL TREES: (7) MERCER STREET (5) WESTLAKE AVE N (10) 9TH AVE N (3) REPUBLICAN STREET 3,700 SF OF PLANTING AREA
	C. OVERHEAD WEATHER PROTECTION (CANOPIES) ON WESTLAKE AVE N AND PORTIONS OF MERCER STREET.	NOT REQUIRED	3,100 SF STEEL/GLASS CANOPY
	D. OVERHEAD WEATHER PROTECTION (BUILDING OVERHANGS AT PEDESTRIAN AREAS) ON PORTIONS OF MERCER STREET & 9TH AVE N.	NOT REQUIRED	1200 SF BUILDING OVERHANGS
	E. SEATING ELEMENTS IN R.O.W.	NOT REQUIRED	100 LF
	F. PEDESTRIAN LIGHTING	NOT REQUIRED	
	G. PEDESTRIAN WAYFINDING ELEMENTS ON WESTLAKE AVENUE N AND 9TH AVENUE N.	NOT REQUIRED	(1) WESTLAKE AVE N; (1) 9TH AVE N.
	H. DOG BAG DISPENSERS ON 9TH AVENUE N., WESTLAKE AVENUE N. AND REPUBLICAN STREET	NOT REQUIRED	(1) WESTLAKE AVE N (1) 9TH AVE N (1) REPUBLICAN STREET
	I. STREETScape IMPROVEMENTS: THERE ARE A NUMBER OF STREETScape IMPROVEMENTS THAT COLLECTIVELY ACTIVATE THE STREET AND INVITE THE PUBLIC IN. THESE INCLUDE PROVIDING RETAIL FRONTAGE WHERE NOT REQUIRED ALONG MERCER STREET, 9TH AVENUE NORTH AND THE PEDESTRIAN GALLERIA AND UNDERGROUNDING UTILITIES ALONG 9TH AVENUE NORTH.	WESTLAKE AVE N: 75% RETAIL / LOBBY OTHER STREETS: 0% RETAIL	WESTLAKE AVE N: 100% RETAIL / LOBBY / PUBLIC
	<b>3 BICYCLE INFRASTRUCTURE</b>	A. PUBLIC BICYCLE RACKS	(19) PUBLIC BICYCLE
B. FIX-IT STATION ON 9TH AVENUE N		NOT REQUIRED	(50 SF) FIX-IT STATION LOCATED ON
C. BIKE BOX		NOT REQUIRED	1 BIKE BOX ON 9TH AVENUE N
D. PROVISIONS FOR FUTURE BIKE SHARE STATION		NOT REQUIRED	(400 SF) FOR FUTURE BIKE SHARE PROGRAM TO BE LOCATED ALONG 9TH AVE N.
<b>4 VOLUNTARY BUILDING SETBACK</b>	VOLUNTARY BUILDING SETBACKS ARE PROPOSED WITHIN THE PROPERTY LINE TO ENHANCE THE LANDSCAPE DESIGN, ENHANCE THE SIDEWALK AND PROVIDE EXTERIOR AREA ADJACENT TO RETAIL.	NOT REQUIRED	
	A. ALONG WESTLAKE AVENUE NORTH	NOT REQUIRED	290 LF; 2,400 SF
	B. ALONG MERCER STREET	NOT REQUIRED	185 LF; 1,100 SF
	C. ALONG 9TH AVENUE NORTH	NOT REQUIRED	315 LF; 2,400 SF
	D. ALONG REPUBLICAN STREET	NOT REQUIRED	74 LF; 450 SF
<b>5 SUSTAINABLE FEATURES</b>	A. INCORPORATE GREEN FACTOR INTO PROJECT	NOT REQUIRED	GREEN FACTOR TARGET
	B. TARGET LEED GOLD	NOT REQUIRED	LEED GOLD COMMITMENT
	C. INCORPORATE RAINGARDENS AT 9TH AVENUE N	NOT REQUIRED	1,300 SF
	D. INCREASE PUBLIC AWARENESS OF INCORPORATED SUSTAINABLE MEASURES THROUGH INFORMATIONAL MATERIALS AND/OR DISPLAYS.	NOT REQUIRED	TBD WITH ARTIST COLLABORATION
	E. GREEN ROOFS	NOT REQUIRED	13,000 SF
	F. RECLAIM RAIN WATER FOR IRRIGATION	NOT REQUIRED	100% OF ANNUAL IRRIGATION NEEDS AT GRADE (R.O.W., BUILDING PERIMETER AND PUBLIC OPEN SPACE) - 7500 S.F.
<b>6 STREETCAR STATION</b>	A. INCORPORATE SLU STREETCAR STATION INTO BUILDING AT WESTLAKE AVENUE N	NOT REQUIRED	NE CORNER OF BUILDING
	B. PROVIDE INTERACTIVE COMMUTER INFORMATION CENTER KIOSK	NOT REQUIRED	(1) WESTLAKE AVE N
	C. PROVIDE SEATING AND WEATHER PROTECTION FOR STREETCAR PATRONS	NOT REQUIRED	ADJACENT TO BUILDING

Honorable Tom Rasmussen  
12/04/12  
Page 31 of 31

Sincerely,



Peter E. Hahn, Director  
Seattle Department of Transportation

PH:bb

Enclosures

