



City of Seattle
Edward B. Murray, Mayor

Department of Transportation
Scott Kubly, Director

December 9, 2014

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

**Subject: Petition of Inhabit Eastlake, LLC for the vacation of a subterranean portion of E. Howe Street between Eastlake Avenue E. and Fairview Avenue E. in the Eastlake neighborhood
Clerk File 313430**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the vacation petition from Inhabit Eastlake, LLC to vacate a subterranean portion of E. Howe Street between Eastlake Avenue E. and Fairview Avenue E. in the Eastlake neighborhood, described as:

That portion of East Howe Street, also known as Bloomfield Street, Hilton Addition to the City of Seattle, recorded in Volume 3 of Plats, page 157, records of King County, Washington, more particularly described as follows;

Commencing at a punched 5/8" brass plug in concrete in cast iron case, down 0.80' feet, 5.00 feet southerly of the centerline of East Howe Street, as it runs east, and the centerline of Eastlake Avenue East;

Thence South 12°48'31" East, along the centerline of Eastlake Avenue East, a distance of 10.46 feet to the centerline of East Howe Street as it runs west;

Thence North 88°58'36" West, along the centerline of said East Howe Street, a distance of 40.44;

Thence South 12°48'35" West, a distance of 15.45 feet to the north line of Lot 1, Block 3, of said Hilton Addition, being 1.82' West of the northeast corner of said Lot 1, also being the True Point of Beginning;

Thence North 88°58'36" West, a distance of 76.86 feet;

Thence North 60°27'03" West, a distance of 62.82 feet to the north line of said East Howe Street;

Thence South 88°58'36" East, along said line, a distance of 124.67 feet;

Thence South 12°48'35" West, a distance of 30.90 feet to the True Point of Beginning;

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The upper limit of vertical space contained within this description shall be an elevation of 50.00 feet;
The lower limit of vertical space contained within this description shall be to the lowest limit of legal ownership;
Said elevations described herein are expressed in terms of the North American Vertical Datum of 1988 (NAVD D88) as of the date of this instrument and are based on City of Seattle Benchmark Number "SNV-5117", being a 2" brass cap, 0.5' south and east of the intersection of back of sidewalks at the southwest quadrant of the intersection of Eastlake Avenue East and Fairview Avenue East, having an elevation of 37.54 feet; Situate in the City of Seattle, King County, Washington;

The alley proposed for vacation includes approximately 3,023 square feet beginning six feet (+) below grade.

BACKGROUND

The proposed below grade street vacation is located in the Eastlake neighborhood. E. Howe Street is platted for the full block from Eastlake Avenue E. and extending west to Fairview Avenue E. Adjacent to Eastlake Avenue E. the E. Howe Street right-of-way is relatively flat but moving west there is a significant topographical change and the street slopes very steeply to its terminus at Fairview Avenue E. Because of the grade change E. Howe Street cannot be improved to provide for a vehicular connection between Eastlake Avenue E. and Fairview Avenue E. Most of E. Howe Street is currently unimproved but there is some surface parking on the upper flat portion of the right-of-way. Separate from this project, an adjacent developer is proposing pedestrian stairs in the right-of-way. Those stairs would connect to the pedestrian improvements planned as part of this project. The E. Howe Street right-of-way is 30 feet in width.

The development site is located at the south end of the Eastlake Residential Urban Village. North of the site, building heights are primarily 2-3 stories; at the project site the buildings will be 3-4 stories, south of the site buildings are generally 4-6 stories. The building site is on an axis with the Howe Street Hillclimb. This is the longest urban stairway in Seattle with 388 steps. The Hillclimb extends from 10th Avenue on Capitol Hill to the base of Colonnade Park east of the site.

The Petitioner proposes to vacate a subterranean portion of E. Howe Street lying between the two properties owned by the Petitioner. The right-of-way is located between two development sites addressed as 1823 Eastlake Avenue E. and 1903 Yale Place E. The vacation is proposed for the eastern portion of the unimproved E. Howe Street right-of-way at Eastlake Avenue E. and extending west toward Fairview Avenue E. for approximately 125 feet. The adjacent properties owned by the Petitioner have different dimensions so the vacation has a diagonal line, rather than a straight line, extending between the property on the north and south of the E. Howe Street right-of-way. The area of the vacation is 30 feet in width and extending towards Fairview

Avenue E. for approximately 125 feet at the longest side and approximately 80 feet at the shortest side. The vacation would begin at six feet (6+) below the surface of the street.

The subterranean vacation includes approximately 3,023 square feet; the entire right-of-way is not needed for the parking garage. The surface portion of E. Howe Street that will be improved with this proposal includes approximately 4,573 square feet. The total area of publically accessible open space may include approximately 5,668 square feet as it will include some plaza area and landscaping outside of the boundaries of the right-of-way; this figure is noted as it may appear in site drawings but improvements proposed through the vacation includes approximately 4,573 square feet.

The site is zoned as Commercial 1 with a 40 foot height limit (C1-40). The area is a Residential Urban Village and is in the Eastlake neighborhood planning area. Eastlake Avenue E. is designated as a scenic route in Seattle Municipal Code (SMC) 25.05.675.

REASON FOR VACATION

The Petitioner has stated that the goal for the project is to create a pedestrian-oriented mixed-use project centered around an urban plaza with small scale commercial uses and maximum light and air for each residential unit. Consistent with community goals established in the Neighborhood Planning process, the Petitioner proposes to redevelop the unvacated surface of E. Howe Street as a public plaza that extends the pedestrian connection from Eastlake Avenue E and connects to new stairs proposed by the adjacent developer and creates a new amenity for the Eastlake community.

The below grade street vacation would allow the two development sites to share a below grade parking structure and common utility infrastructure. The vacation allows for a single point of parking access and a more efficient below grade structure for shared parking and utilities. Creating a more efficient garage allows the project to prioritize street-level uses along Eastlake Avenue E. and Yale Place E. and the unimproved E. Howe Street right-of-way and to create active pedestrian-friendly frontage along all three streets. The single parking access from Yale Place E. would eliminate the need for vehicles to use the E. Howe Street right-of-way for vehicular access to the adjacent sites and allow the right-of-way to be devoted to pedestrian use.

The consolidation of the parking garage below grade does allow for the project to provide more parking in an area where the community has expressed concern about parking. No parking is required by the land use code, however, the 64 parking spaces will allow the Petitioner to provide an approximately 60% parking ratio for the residential units and to minimize the effect of the development on existing parking deficits.

The vacation will also allow for shared utilities and services such as egress stairs, mechanical, electrical and fire suppression systems.

Without the below grade vacation, the building massing above grade would not change. A second parking ingress/egress would be required on the south side of Eastlake Avenue E. which

would include a 22' wide curb cut and elimination of the proposed public plaza. The number of parking spaces would be reduced by one-third to one-half, depending on the utility infrastructure. Each site would require its own utility connections and infrastructure.

PROJECT DESCRIPTION

The project site is currently occupied by a single-story restaurant and a surface parking lot. The restaurant and parking lot will be demolished as part of the proposed project. Eastlake Avenue E. currently has 12' wide sidewalks and three curb cuts along the site frontage.

The proposal is divided into two development sites: the Eastlake Development Site (lot area of 17,400 square feet) and the Yale Development Site (lot area of 10,202 square feet). The development proposal is for two, four-story mixed-use buildings organized around an at-grade public plaza in the portion of the E. Howe Street right-of-way that abuts the development sites. The two buildings are proposed with a single, below-grade parking structure for approximately 64 parking spaces. The below grade parking extends beneath the E. Howe Street right-of-way as proposed by the vacation petition. Due to poor soils in the area the project will also require deep foundations.

The Petitioner has stated that the goals of the project are to create a pedestrian-oriented project centered around an at-grade public plaza; to create architectural conditions for vibrant small scale commercial activity at street level and to maximize light, air, and open space for each residential units; and to redevelop the E. Howe Street right-of-way as a public plaza that extends the pedestrian path from the Eastlake Ave E. through the E. Howe Street right-of-way adjacent to the development and connecting to stairs proposed by the adjacent development. This will help to create a pedestrian connection from I-5 moving all the way to Lake Union.

The three components of the project include:

1. Eastlake Development Site:
 - 4 stories, 44' building heights maximum,
 - Approximately 68,000 square feet enclosed building area (including parking);
 - 1 commercial space of 1,055 square feet;
 - 4 live-work units (4,000 square feet);
 - 58 apartments (36,500 square feet); and
 - Approx. 11,200 square feet below grade parking (includes ½ of right-of-way).
2. E. Howe Street right-of-way:
 - 4, 573 square feet of right-of-way developed as public plaza; and
 - Below grade (6+ feet below) 3,023 square feet to be developed as part of parking garage.
3. Yale Development Site:
 - 4 stories, 44' building height maximum;
 - Approximately 40,000 square feet building area (including parking);

- 1 commercial space (2,100 square feet);
- 1 live-work unit (880 square feet);
- 33 apartments (29,100 square feet); and
- 8, 000 square feet of below grade parking (including ½ of right-of-way).

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 public 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 Fire Department (SFD):

SFD has no objections to the proposed vacation. Please ensure which department will be responsible for building permits/inspection for the subterranean construction in the right of way. DPD may not have Jurisdiction and I am not sure SDOT wants to be in the permit, inspections and Cert of Occupancy business.

Petitioner response: Petitioner appreciates SFD’s review of the petition.

Seattle Department of Parks and Recreation (Parks):

The Parks and Recreation Department has reviewed the proposed subterranean vacation of a portion of East Howe, between Eastlake Ave. E. and Fairview Ave. E. We believe it to be a meritorious proposal that will provide a significant public benefit to the Eastlake Community and the public at large. The petitioner’s proposed surface plaza/walkway within the ROW will provide aesthetic value. More importantly, the proposal will be critically important to achieving a link between the existing I-5 Colonnade Park and the Cheshiahud Lake Union Loop trail system that has long been a dream of the Eastlake Community. The result will be a trail system that will enable walkable access from Lake Union all the way to Broadway on Capitol Hill. This link will finally be achievable with the petitioner’s proposed surface improvements connecting with similar improvements proposed by Washington Holdings within contiguous Howe Street ROW to the west.

Petitioner response: Petitioner heartily thanks Parks for its support of the proposed subterranean vacation and public open space.

SDOT Traffic Management Division:

(2/27/14) The Traffic Management division has reviewed the petition for the proposed vacation of the subterranean portion of E. Howe St between Eastlake Ave E and Fairview Ave E, and offers these comments:

The subterranean portion of the Right of Way is typically reserved for the use of the various utilities. Vacating the subterranean portion of the right-of-way and construction of a below grade structure, would limit our ability to locate and maintain utilities along this section in the future.

The proposed pedestrian facility improvements along the E Howe St right-of-way would help to make a desirable connection between the Eastlake Ave and Fairview, enhancing pedestrian access between Colonnade Park below I-5 to Fairview Ave E and the waterfront. However, vacating the subterranean portion of the right-of-way could limit the City's ability to construct future pedestrian improvements or infrastructure along this segment. As a result Traffic Management has concerns with the proposed vacation.

The Transit Master Plan identifies Eastlake Ave E as a possible route for extension of the South Lake Union Street Car. In addition, the Bicycle Master Plan recommends a future cycle track along Eastlake Ave E. The improvements proposed by the applicant include constructing a bulb out into Eastlake Ave E at Yale St, which would narrow the street width to less than what would be needed to accommodate both street car and a cycle track. As result SDOT would not support the bulb out onto Eastlake Ave E.

(5/6/14) The Traffic Management division has reviewed the petition for the proposed vacation of the subterranean portion of E. Howe St between Eastlake Ave E and Fairview Ave. E, and offers these comments:

- The proposed pedestrian facility improvements along the E Howe St right-of-way would help to make a desirable connection between the Eastlake Ave and Fairview, enhancing pedestrian access between Colonnade Park below I-5 to Fairview Ave E and the waterfront.
- The proposed vacation would allow both of the petitioner's sites to share a below grade connection for parking, with access to the parking coming from Yale Pl E. This connection eliminates the need for an additional curb cut on Eastlake to provide access to the southern sites which would be beneficial to both traffic operations and pedestrian access along Eastlake.
- The Transit Master Plan identifies Eastlake Ave E as a possible route for extension of the South Lake Union Street Car. In addition, the Bicycle Master Plan recommends a future cycle track along Eastlake Ave E. The improvements proposed by the applicant include construction of a bulb out into Eastlake Ave E. at Yale Street. Because this could narrow

the street width to less than what may ultimately be needed to accommodate both street car and a cycle track, the bulb out should be constructed so that it can be easily removed to accommodate future uses of the roadway. In particular, utilities and fixed structures should not be permitted in the bulb out.

(10/16/14)

The Traffic Management Division has reviewed the petition for the proposed vacation of the subterranean portion of E Howe St between Eastlake Ave E and Fairview Ave E and offers these comments:

- Concerns expressed in a previous document sent February 27, 2014 have been worked out through the SIP process. In particular, we understand that Seattle City Light can operate within the existing public right-of-way.
- The proposed pedestrian facility improvements along the E Howe St right-of-way would help to make a desirable connection between the Eastlake Ave and Fairview, enhancing pedestrian access between Colonnade Park below I-5 to Fairview Ave E and the waterfront.
- The proposed vacation would allow both of the petitioner's sites to share a below grade connection for parking, with access to the parking coming from Yale Pl E. This connection eliminates the need for an additional curb cut on Eastlake to provide access to the southern sites which would be beneficial to both traffic operations and pedestrian access along Eastlake.
- The Transit Master Plan identifies Eastlake Ave E as a possible route for extension of the South Lake Union Street Car. In addition, the Bicycle Master Plan recommends a future cycle track along Eastlake Ave E. The improvements proposed by the applicant include construction of a bulb out into Eastlake Ave E. at Yale Street. Because this could narrow the street width to less than what may ultimately be needed to accommodate both street car and a cycle track, the bulb out should be constructed so that it can be easily removed to accommodate future uses of the roadway. In particular, utilities and fixed structures should not be permitted in the bulb out.

Petitioner response: Petitioner acknowledges SDOT comments and has submitted additional design detail and is working with SDOT to coordinate further design refinements.

Petitioner has reached agreement with Traffic to allow a removable curb extension that would project into Eastlake. The curb extension will be approved "as long as there is nothing in it that would prevent SDOT from easily removing it if need be to accommodate a future cycle track or street car design."

SDOT Street Use and Urban Forestry Division:

Street Use has received a Street Improvement Permit (SIP) application for the subject development. SIP number 224445 has been assigned.

Our first design guidance meeting with the applicant is scheduled for Thursday, March 6th. The specific elements of their proposed public benefit are subject to further review and approval via

the SIP process. The design is at a 30% level of development. Some elements (such as the enhanced open space on E Howe St) will require additional design detail to fully evaluate- this will likely be developed over a series of design guidance meetings. At least some (perhaps all) proposed elements can likely be provided.

The stairway access and single point of entry on Yale Pl E are included in their SIP application. Specific engineering details will be refined throughout the SIP design guidance process.

Additional information will be required from the applicant for one element (the enhanced commercial and pedestrian frontage on Eastlake Ave). At least some design details associated with this enhancement (a curb extension projecting into Eastlake Ave), will likely not be approved.

We will need to closely coordinate the public benefit package as it further evolves with the engineering and technical review of these elements which will occur throughout the SIP process.

Petitioner response: Petitioner acknowledges SDOT's comment. The Petitioner has submitted additional design detail and is currently working with SDOT to coordinate further design refinements.

SDOT Roadway Structures:

I have reviewed the proposed petition for the subterranean vacation of the above petition. There is a proposed stairway indicated on the street and it is called out to be built by others. Who is building the stairway? Who has maintenance responsibility of the stairway? Since this is in public right of way, I am assuming the plan will go through street use plan review process.

Department of Planning and Development (DPD) Planning Division:

The DPD Planning Division review of the application for a subsurface vacation of the portion of E. Howe Street identified in Clerk File 313430 and recommends approval of the vacation based on the following analysis:

Public Trust: The proposed street vacation will not result in a disruption of the traffic circulation system because the project is a subsurface vacation and E. Howe Street is unimproved and not currently part of the traffic circulation system.

Land Use Policy: The proposed street vacation of E. Howe Street and the proposed public benefits are consistent with the South Lake Union neighborhood plan goals and policies that have been adopted as part of the City's Comprehensive Plan. Specifically:

EL-G4 A community with pedestrian activity, and attractive close-in and distant views along streetscapes, alleys and shorelines.

EL-P2 Identify, preserve, enhance and create a variety of attractive and interesting views from and of public spaces.

EL-G8 A neighborhood where seniors, children and people with disabilities can stroll and cross streets safely, where bicyclists are safe, buses are frequent and bust stops convenient, where truck access is good and where through traffic, freeway noise and pollution are controlled.

EL-P19 Strive to improve pedestrian facilities including street crossings, sidewalks and other walkways, especially along Eastlake Avenue.

The proposed project advances these neighborhood plan goals and policies by providing for pedestrian connection's off of Eastlake Avenue (once the adjacent project is completed this connection will be complete) a view point from E. Howe Street towards Lake Union and provides for active pedestrian scaled development and potentially uses on Eastlake and the currently unimproved E. Howe Street.

Public Benefit: The applicant proposes a program of streetscape improvements, landscaping, open space, public art and pedestrian connections that will be complete when an adjacent project is complete. It is not clear that all public benefits that are proposed are over and beyond the types of improvements that this type of project might ordinarily provide, but the pedestrian connection and viewpoint will make for adequate public benefit.

Seattle City Light (SCL):

City Light received your request to review the petition from Inhabit Eastlake, LLC to vacate a subterranean portion of E. Howe St. between Eastlake Ave. E. and Fairview Ave. E.

City Light owns and operates electrical facilities within the proposed vacation area. We have no objection to the proposed vacation, provided that the following paragraphs containing certain requirements are made part of the petition:

"Prior to the approval of the street vacation of E. Howe St. between Eastlake Ave. E. and Fairview Ave. E., Petitioner shall provide for the removal and/or relocation of electric utility facilities to 1823 Eastlake Ave. E., or provide for an alternate service connection, including electrical services to any other properties affected by such conversion or removal. This work may also include the acquisition of additional easements over the property of others, the creation of restrictive covenants, deed reservations, or the execution of Seattle City Light (SCL) relocation or work order agreements, all of which shall be in forms and with terms and conditions satisfactory to SCL. Petitioner shall be solely responsible for acquiring any such additional easements and the creation of any such restrictive covenants or deed reservations, all at Petitioner's sole 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.

Seattle City Light issues shall be resolved to the full satisfaction of SCL either prior to the approval of the final vacation ordinance by the City Council, or prior to the vacation ordinance becoming effective.

Evidence of SCL's satisfaction may be delivered by any method agreeable to SCL and SDOT."

Any questions may be directed me or Eivind Perander, SCL Engineering, at 615-1152. Seattle City Light thank s you for the opportunity to review and comment on the proposed vacation.

Petitioner response: we have reached agreement with SCL to provide electrical service for the new buildings from an existing utility pole on Yale. The Petitioner also confirmed to SCL that the Petitioner will remove electrical service to the existing restaurant at 1823 Eastlake Avenue E, which is slated for demolition.

Seattle Public Utilities (SPU):

Seattle Public Utilities (SPU) has reviewed the proposed vacation, and has identified the following concerns and has the following recommendations:

SPU Sewer & Drainage:

There is no current plan for a future SPU sewer or storm drain main lines in E Howe Street between Fairview Ave E and Eastlake Ave E.

The proposed plaza area drainage needs to be designed to be surface sloped (no closed contour) and connect into the combined sewer in either Yale Ave E or Eastlake Ave E. SPU recommends a 6 feet subterranean clearance from the proposed grade established at the gutter or depression line instead of 5 feet.

SPU Water:

The Howe St subterranean vacation should provide a corridor above the garage for a future water main to connect the dead end 8" in Fairview Ave with the 12" W in Eastlake. Access to the water main would have to be provided to SPU.

In addition the proposed vacation area begins approximately 5 feet below grade, SPU would recommend it begin 6 feet below grade, and that the water main design use casing through this area.

Recommendation:

SPU recommends the Proposed Subterranean Vacation of a Portion of E. Howe St.; Clerk File 313430 be approved with the enclosed recommendations.

In addition, SPU has the following condition: All the drainage appurtenances within the public street and above the subterranean vacation shall be owned and maintained by the petitioner and subsequent property owners. They shall also indemnify the City of Seattle.

Petitioner response: Petitioner proposes to collect flow through area drains and bio-retention planters and to pipe flow under the plaza to the combined sewer system on Eastlake. Petitioner is working to reach consensus regarding plaza drainage. The Petitioner has reached agreement with SPU to provide a 6 foot minimum subterranean clearance from the top of the proposed vacation to the proposed grade established at the gutter or depression line.

Petitioner has also reached agreement with SPU to provide a water main casing above the below-grade parking structure as a reservation to feed piping in the future. Work coordinating details is ongoing.

Seattle Design Commission: reviewed this project at its regular meetings on February 20, 2014, and April 17, 2014; and at an administrative review meeting on June 3, 2014, and took the following actions:

February 20, 2014 Urban Design Merit:

The Design Commission thanked the design team for the presentation of the urban design merit of its request to vacate the E Howe St right of way below grade from Eastlake Ave E approximately 120 ft. west toward Fairview Ave S. Urban design merit is the first of two components of the Design Commission's vacation review process. Approval of both the urban design merit and public benefit package constitute a recommendation to the SDOT Director by the Design Commission to approve the vacation. The ultimate decision to grant the vacation lies with the City Council.

The Commission particularly appreciated that the vacation proposal:

1. Builds on neighborhood-scale connections
2. Eliminates the need for curb cuts along Eastlake
3. Creates a public space
4. Offers a link to Lake Union and furthers neighborhood and regional goals for the Cheshiahud Lake Union Loop

With a vote of 9 to 0, the Design Commission approved the urban design merit of the E Howe St subterranean street vacation with the following recommendations:

1. Develop the open space design to balance the destination and connection aspects of the project. Ensure the pedestrian route to the overlook feels welcoming and public.
2. While the design successfully unifies the architecture across the E Howe right of way, in this situation it gives a sense that the open space is private. Refine the design and architecture to welcome and engage with the public. The public space must be clear, inviting, and distinct from the private development.
3. Develop signage, way finding, and lighting.
4. Continue close coordination with the adjacent biotech development at 1818 Fairview to ensure these two projects connect in the best possible way. These should be separate but integrated projects in the ROW.
5. Continue to explore solutions to the siting of the art piece.

April 17, 2014 Public Benefit:

The Design Commission thanked the design team for the presentation of the public benefit package for the E Howe St subterranean vacation. The applicant proposes to vacate a 3,023 sf below-grade portion of the E Howe St right-of-way extending west from Eastlake Ave E, 121'3" along the north side of the ROW and 73'5" along the south. The Commission noted several

improvements to the design since the last review, particularly in the definition of the prow and the consistent building setbacks along the ROW. Overall, the project succeeds in opening to the complicated intersection of Eastlake Ave E, Fairview Ave E, and E Howe St and will improve pedestrian connections between Capitol Hill and Lake Union.

The Commission also commended the team's intentional use of street trees and the opportunity for a variety of activities in the public open space. The Commission particularly appreciated that the team brought a physical model of the art sculpture and emphasized that relocating the power pole at the east end of the E Howe ROW was a good move.

With a vote of 8 to 0, the Design Commission approved the proposed public benefit package, which consists of the following four elements:

1. 30' wide and 70-120' long at-grade public open space in the E Howe ROW
2. Public art
3. Voluntary setbacks on both sides of the E Howe ROW
4. Enhanced ROW improvements along Eastlake and Yale

The approval is subject to the condition that the project returns for an administrative review of three items:

1. Greater detail on material selection and detailing of the elements within the E Howe ROW to ensure it is up to the level expected for public benefit
2. The overall approach to lighting in the E Howe ROW, including lighting of the art piece, and the degree to which the entire lighting scheme contributes to the public setting and complements the art
3. Design of the termination of the prow at the west end of the E Howe ROW and its potential integration with a future stairway connection to the 1818 Fairview project

The Commission also made the following recommendations for the design team:

- Explore how the placement and number of 1) seat cubes and 2) lighting can create a more inviting entry to the open space from Eastlake Ave E. There is concern that the proposed location of lighting might divide the space too much.
- Given the first condition above, provide a higher level of detail overall for the proposed materials and lighting in the E Howe ROW.
- Address the southeast corner of the Yale building with the goal of making the open space feel more accessible to the public, perhaps through transparency.
- Clarify the choice of the sculpture. Consider refining the shape and location of the piece so that it invites people into the public space. Explore opportunities to integrate lighting to support this goal as well.

This is the final time the project will come before the full Design Commission. Pending the aforementioned administrative review, approval of the urban design merit and public benefit package for the project constitutes the Design Commission's recommendation to the SDOT

Director that the subterranean vacation of the E Howe ROW be approved. Ultimately, the final decision to grant the vacation lies with the City Council.

June 3, 2014 Administrative Review:

Recommendation:

The design team has sufficiently responded to the aforementioned points for approval of the public benefit package. The materials and detailing meet the level expected for public benefit. Added transparency at the southeast corner of the Yale building and the refinements to the placement of elements in the ROW were good improvements that addressed and responded to previous Commission recommendations.

The team received the following comments and recommendations as the design moves forward:

Right-of-way details:

- Continue to refine their placement of lighting, seat cubes, and other elements in the ROW to improve opportunities for views and maximize the inviting and public nature of the ROW.
- Keep the materials simple for the prow. We commend the choice of wood and concrete and discourage adding metal railings here.
- Consider ways to increase the drama at the prow by adjusting the grades so the ground slopes away more.

Artwork:

- Ensure the art is fully integrated with the landscape architecture in the ROW.
- Pay particular attention to the detailing where the art meets the ground, which does not currently seem fully resolved or thought through.
- Be more intentional with the lighting of the sculpture.
- Continue to refine the scale, proportion, and placement of the artwork in the space—an area of concern for the Commission.

This is the last time the Commission anticipates reviewing this project. Fulfillment of the administrative review conditions constitutes Design Commission approval of the public benefit package and a recommendation to the SDOT Director that the subterranean vacation of the E Howe ROW be approved. The final decision lies with the City Council.

Petitioner response: Petitioner acknowledges the SDC's comment and continues to refine the placement of lighting, seating, and plantings as the details of the project develop. The Petitioner appreciates the SDC support for a simple, durable material palette and continues to pursue this approach.

Petitioner agrees with SDC that the sense of drama at the "Prow" can be enhanced and is continuing to refine grades around the "Prow". The final grades will need to strike a balance between drama and safety. With the current proposed grades, a safety railing is not required at the "Prow", which supports recommendation #2 above.

Mike Phifer and the design team continue to refine the relationship of the sculpture with the landscape elements and the buildings. Since the administrative review, the overall length of the sculpture has been reduced by 2 feet. This enhances pedestrian circulation around the sculpture. The design team is also continuing to explore the angle of the sculpture in relation to the buildings and pavement scoring.

The lighting plan has been further developed. Four inset pavement up-lights follow the centerline of the sculpture to create a visually lit path through the sculpture. The intent is to emphasize the spatial, inhabitable character of the sculpture.

Petitioner acknowledges SDC's comments on art placement. The project includes significant voluntary building setbacks which create a generous space for the art court and sculpture. The Petitioner feels the overall scale of the art is appropriate and, at the same time, continues to make strategic refinements (such as the adjustments to the overall sculpture length) to enhance the welcoming character of the ROW.

Outside Agencies:

CenturyLink (formerly Qwest Communications):

This letter is in response to the notice for the above referenced proposal. Please be advised that Qwest Corporation (d/b/a CenturyLink) currently has facilities in the area addressed by this action 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, Qwest (d/b/a CenturyLink) has no issues with the proposed vacation so long as provisions are made to retain our rights by either PUE or private easement(s) to cover our existing & future facilities and or compensation for the cost of relocating our facilities.

Petitioner response: Petitioner is in the process of coordinating provisions with Century Link.

Puget Sound Energy (PSE):

Notice of this vacation has been circulated to PSE's System Planning and Gas First Response units for evaluation. Both units have returned findings stating that no gas facilities are located within the planned street vacation area and there were no immediate plans to locate gas facilities in that area. PSE has no reason to object to this proposed street vacation as currently planned.

Petitioner response: appreciates the review of the proposal.

King County Waste Treatment Division:

Based upon our review of DNRP Wastewater Treatment Divisions Facility locator map, we do not appear to have infrastructure in the vicinity of this vacation petition.

Petitioner response: acknowledges the comment and appreciates the review.

Community Comments:

Adam Amsel:

I'd like to voice my support for subterranean vacation request 313430. This vacation will give the developer the flexibility to support what the neighborhood needs: a vibrant pedestrian pathway connecting Capitol Hill to the shores of Lake Union. This pathway is an important project that will serve the neighborhood many years into the future. This vacation will allow the pathway to spill through potentially vibrant retail space, will encourage activity and gathering, and will enable a more spatially welcoming experience for pedestrians. Without it, the pathway can still exist, but risks becoming a seldom-used, lifeless alleyway.

Please grant this vacation. Enable this pathway to become a successful, loved space in the neighborhood. Thanks for your time.

Petitioner greatly appreciates Mr. Amsel's support for the subterranean vacation. His vision for a vibrant pedestrian pathway is shared wholeheartedly by the Petitioner.

John Stewart:

A (hopefully brief) note of support for the requested subterranean street vacation on E. Howe Street in the Eastlake neighborhood.

As a Board member at Feet First since 2003, I've enjoyed walking all around Seattle. In the last two years, we've been doing a Stairway Walks day (this year's event happens next month) showcasing some of Seattle's many hidden gems and public treasures, aka our public stairway network.

The Howe stairs and associated structures lead from the top of Capitol Hill all the way down under 1-5 to Eastlake. The 'missing link' of the connection is the stretch from Eastlake down to Fairview and the Cheshiahud Loop trail.

I've had the good fortune of meeting and talking with Brian Ramey and some of the other neighbors who have been working hard to see this vision of a pedestrian link realized. The street vacation is a key step, as the developer has promised to turn the surface portion of the right-of-way into a pathway/park/link, in conformance with the Eastlake Neighborhood Plan. Again, this gets us closer to 'closing the gap' between the Howe stairs and Fairview.

At Feet First we're firm believers in active transportation and healthy living. We know that walking has enormous benefits for everyone, regardless of age, gender, or any of the other things that so often separate us. Providing a connection to help more people walk more places just makes sense; allowing a developer to build a subterranean connection in return for a surface-level pedestrian link is an excellent way of stretching scarce resources to realize an important goal.

Petitioner thanks Mr. Stewart for his support for the subterranean vacation and appreciates his clarity on the relationship between the subsurface vacation and the surface-level pedestrian character.

Michael Maddox:

I am writing today regarding the above referenced project in the Eastlake neighborhood of Seattle. As a resident of Eastlake, and very close to these development sites, I have been watching from the sidelines as community members, the city, and the developer have been working to create a development that works for everyone.

I understand that there is a vacation request from the developer to allow for parking under the E Howe Street Right of Way. I am writing in support of this request.

To pinpoint how all of this development affects me personally – I live on the corner of E Blaine and E Franklin - a half block away from the southern portion of the overall development going on in this section of my neighborhood. Notwithstanding the overall improvements to pedestrian infrastructure this project promises, the addition of a fully connected pedestrian pathway from the top of Capitol Hill, through Colonnade Park, and to the waterfront, would be a welcome addition to this part of Eastlake. Creating a more welcoming environment with store fronts instead of parking lots, with added street art, makes me excited to continue to live in this little gem of a neighborhood.

Almost more important to me, however, is seeing the fruit of the labor of the community working with developers and the city, instead of lobbing bombs and cementing on opposite sides of the issue. As a member of the Parks Levy Oversight Committee, the idea of working together to advance good ideas- which often means sides compromising, not getting everything they want - is something I have always valued, and an action that should be rewarded .

Here, there is going to be real community benefit, thanks in large part to community members and the developers working with each other for mutual benefit. Adding in the underground parking will help the small businesses that come in, and make the overall project more attractive to potential tenants. A benefit the developer has earned.

I urge the city's support of this vacation, so long as the community benefit of the project remains in place. Thank you for your time.

Petitioner greatly appreciates Mr. Maddux's support and especially thanks him for highlighting the cooperative spirit of stakeholders involved.

Gabriel Grant:

Thanks for your email. I am a close neighbor of this project. I live with my wife just around the corner at East Newton and Yale Ave, where we have lived for almost 10 years. We walk or bike by this site on a daily basis. I am in support of the requested vacation. The lots on which the developer proposes to build their building are currently quite underutilized and of very little benefit (if any) to the community. Quite frankly, having a nicely designed building on that corner

will be much better and I believe that the public benefits being offered by the developer will be very attractive for our neighborhood.

The over 4,000 square feet of open space and public art will be a nice improvement, as will the street-level commercial frontage, outdoor seating, architectural lighting, and enhanced landscaping. The stairway improvements on E. Howe St. connecting the open space to the proposed stairway and walk to be built by the adjacent 1818 Fairview project will mark the fulfillment of a longtime community priority. And finally, the proposed vacation will allow a single parking ingress/egress, which will be much better than two points of ingress and egress.

Petitioner greatly appreciates Mr. Grant's wide-ranging support for the proposed project, subterranean vacation and related ROW improvements.

Jules James:

Thank you very much for reaching out about this street vacation. Rare is the occasion where a street vacation makes sense to me. But this street vacation has my enthusiastic support.

The community currently receives no meaningful benefit from the nub of East Howe Street. The parking has been privately controlled for decades and the blackberry bushes beyond are too dense and on too steep a slope to be harvested.

I have examined the developer's proposal during two public meetings. His project will be perhaps the largest Eastlake has absorbed (as measured by square footage) in 30 years, and certainly one of the most positive. I am expecting this project will cause a cultural shift southward for my Eastlake neighborhood, linking the Equinox Apartments and other large recently-built residential structures more to the center of Eastlake. I am expecting this project to become a significant outdoor meet-up point within the neighborhood.

I have nothing but positives to express about the overall proposal, the process Mr. Daly and his team have used to involve my Eastlake neighborhood, and about the Howe street vacation itself.

Petitioner is grateful for Mr. Jame's support for the subterranean vacation and his kind words about the process to date.

Lake Union Neighborhood Council (via Brian Ramey):

It has been a long haul and we are still not there but getting closer and closer every day. We are in general support of this subterranean street vacation request.

The developer of the two parcels of land on either side of the E Howe ROW between Eastlake and Fairview (Azteca Restaurant) is asking to allow the building of a parking garage to serve his "Work Live Units" and a Retail store on Eastlake frontage by requesting the "subterranean" vacation of that portion of the E Howe Right of Way. He has promised to develop the surface portion of the ROW as a pathway, "Park" link in conformance with the goals of the neighborhood stated as part of our Eastlake Neighborhood Plan.

This vacation mostly helps the developer but also it would boost our plans for the completion of the E Howe ROW for a pathway leading from the top of Capitol Hill all the way to the shores of Lake Union, the pocket parks in our neighborhood and the CHESHIAHUD LOOP Trail. This "subterranean" vacation would benefit the neighborhood and the greater community by allowing for the continuation of the E Howe Street path, stairs and park.

We held a public meeting at TOPs School in December and the developer gave a presentation of his plans. It appeared from the comments of those present at that community meeting that the neighborhood is in support of his development concepts and the request for a subterranean E Howe Street vacation.

Petitioner thanks Mr. Ramey for his support of the subterranean vacation and for his ongoing help with community outreach. Mr. Ramey has been a crucial link between the project team and community members.

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: Subterranean vacations are somewhat unusual. SDOT found only about eight proposed subterranean vacations since the Vacation Policies were first adopted in 1985, that figure includes this petition and one other currently under review. Of the remaining six petitions, one was withdrawn before City Council consideration and one was withdrawn following City Council approval. Three projects with subterranean vacations have been approved and constructed since 1985; all continued the surface use that existed prior to the below-grade vacation. One project, at 5th & Columbia is currently under construction, the below-grade vacation allows the proposed below-grade parking garage to extend into the 5th Avenue Street right-of-way at 20 feet below grade.

The Policies provide in Guideline 3.7 that subsurface vacations may be approved only when protection against future impairment of the surface right-of-way and utility functions is provided and the City is adequately protected from potential liability resulting from failure of the surface due to problems with the underlying structure. The key issue in the review of a subterranean vacation petition is whether the remaining right-of-way can provide for the full range of public transportation and utility needs both now and into the future. The public use of the right-of-way should not be limited by the impacts of the below-grade vacation or subsequent development.

This proposal for a subterranean vacation leaves the surface of the street as public right-of-way and available for public street purposes. E. Howe Street in the location of the proposed development is currently used mainly for parking for the adjacent restaurant. Because of the steep grade change it is not possible to improve the street from Eastlake Avenue E. to Fairview

Avenue E for use by vehicles. The ability to use E. Howe Street adjacent to the building site as a standard street is limited because the street “dead ends” due to the significant grade change. The Right-of-Way Improvement Manual (SDOT Director’s Rule 2-05) provides the standards and design criteria for necessary street improvements. The Manual provides that when topography precludes a street from being improved to its full street-to-street length, a cul-de-sac or other vehicular turnaround shall be provided. Cul-de-sacs are required at all street dead ends. The development of a cul-de-sac would take up a large portion of the street right-of-way and severely limit the ability to develop the pedestrian connection envisioned by the East Lake neighborhood. Instead the Petitioner has proposed alternative vehicular access to the site. Through the Street Improvement Permit (SIP) review, SDOT worked with the Petitioner, representatives from utilities, and DPD and has approved the alternative access to the site. This leaves the surface of E. Howe Street for use by the public for pedestrian enhancements and connections.

The below-grade vacation allows the Petitioner to develop a single, combined parking garage for the two buildings north and south of E. Howe Street. The shared parking and services allows the developer to propose a single point of ingress/egress for both buildings. This proposed combined access has been reviewed and approved by SDOT as providing adequate access to the site. Providing access to the site from Yale Place E. allows the E. Howe Street right-of-way to be improved in a way to serve pedestrian rather than vehicular needs.

The topography of the site limits the function of the street for the broadest range of street purposes but important pedestrian functions remain. The proposal does not limit the use of the street but enhances it by proposing improving the street with pedestrian amenities and providing for pedestrian connections through the area.

Pedestrian movement and use of the site are the main transportation uses of the right-of-way and there is no other likely public transportation use of the area proposed for vacation either currently or in the future. No adverse transportation impacts were identified with this proposal.

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.

The depth of a proposed subterranean vacation is important as there must be enough physical space for current and potential future utilities and sufficient space that facilities can be accessed for maintenance and service upgrades. The Petitioner had originally proposed that the vacation begin at five (5) feet below grade, however, SPU has requested that the subsurface vacation begin at six (6) feet below grade. The Petitioner has agreed to this and the proposal is now to begin the vacation at six feet below grade.

In addition to providing adequate space for the utilities, the City must be protected from any failures or problems resulting from a private parking garage below a City street. SPU had identified concerns about the proposed vacation and has been engaged in discussions with the Petitioner. SPU and the Petitioner have reached agreement as to how the issues can be resolved. The City has identified that concerns can be addressed through an agreement which would be modeled after the provisions of a Public Place Indemnity Agreement as provided in SMC 15.04. Such an agreement would address three areas:

1. The vacation shall begin at six feet below grade;
2. The Petitioner shall install, maintain and retain ownership of the new drainage system in the right-of-way; and
3. The Petitioner shall be required to sign an indemnity agreement satisfactory to the City prior to the passage of the final vacation ordinance.

In addition to addressing the SPU issues, SCL identified that it has facilities in the area. The Petitioner has reached an agreement with SCL that electrical services for the new buildings will be provided from an existing utility pole on Yale Place E.

The only other utility that identified a need for the right-of-way is CenturyLink. CenturyLink provided information that its concerns can be addressed either by retaining the facilities in the right-of-way or through relocation of its facilities. The Petitioner is currently coordinating this with CenturyLink.

The Petitioner has identified a resolution for the concerns raised by SPU, SCL, and CenturyLink. The vacation should be conditioned to require that the agreements or relocations be completed before the passage of the final vacation ordinance. Provided that the vacation is conditioned to protect the interests of the utilities, SDOT finds no adverse impacts to the utilities from the subsurface 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 proposal is to vacate the street below grade which leaves the entirety of the surface of the right-of-way as a public street. No buildings will encroach into the right-of-way. The surface of the street will be improved as a public plaza with a variety of amenities including artwork, seating, landscaping, a view overlook and a connection to the proposed adjacent public stairs. The area of E. Howe Street that will be developed as a public plaza, view overlook and connection to the adjacent stairs includes approximately 4,573 square feet.

Following the vacation, the development will improve the street right-of-way to provide significant open space that is easily accessible to the general public and to provide continuity to a series of pedestrian connections that will ultimately extend from the top of Capital Hill to the shores of Lake Union.

SDOT finds no adverse impacts to light, air, open space or views.

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.

The proposal supports a number of goals identified in the Eastlake Neighborhood Plan; including:

CD-7 Encourage the development of live/work units in areas that already allow commercial development, beginning with preparation of an evaluation of live/work units in Eastlake.

CD-10 Promote interesting, safe and diverse pedestrian connections on public property throughout Eastlake, and on key private properties, that are compatible with and sensitively designed for abutting land uses.

CD-13 Increase the amount and creative use of vegetation on public and private properties and buildings.

OS-2 Create and enhance pedestrian connections within Eastlake and to nearby neighborhoods, using both physical pathways and view corridors.

Goal OS-3 Improve the use of open spaces for passive recreation needs.

Goal M-5 De-emphasize the “business strip” nature of Eastlake Avenue by concentrating new commercial development around several nodes M-5.1.

The project does appear to be consistent with a number of goals outlined in the plan, including the provision of small scale live/work units and commercial space around a proposed public plaza. The design includes lots of landscaping that will enhance the pedestrian environment throughout the project site.

In addition to reviewing whether a proposal is consistent with plans and goals for an area, the vacation review looks specifically at whether the vacation allows for development that is out of scale and character with the neighborhood. This vacation is for a below-grade portion of the right-of-way. The subterranean vacation will not increase the size of the private property so there is no increase in the development potential of the site. The height, bulk, scale, and orientation of the buildings on the site are not altered or increased by this proposal. The vacation is not requested to increase the size of the project. The vacation supports the development by allowing a consolidated parking garage and services for the two development sites. This is an important connection that will provide a considerable savings during the construction and operation of the site. This construction and service consolidation likely make the project more feasible financially for the developer.

The vacation does not increase the development potential of the site; it does not increase the building size or scale or alter the street grid or the orientation or location of the buildings. All of the development on the site is consistent with zoning and planning for the area. More

significantly the below-grade vacation helps to make the project viable and provides a way to develop a pedestrian plaza that has been a long-term goal of the Eastlake community.

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

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. The size of the proposed vacation is modest, 3,032 square feet and the vacation is entirely below grade. While the development could likely proceed without the vacation, the ability to acquire the below-grade portion of the right-of-way allows the Petitioner to consolidate critical functions such as parking and services for the two buildings. This is important in making the development feasible but the vacation has a limited impact on the public.

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 requested vacation is small in size, it does not make a contribution to the development potential, and the public is unlikely to be aware that there is a below grade vacation. According to the Street Vacation Policies a more modest public benefit proposal would be acceptable with this project but the below-grade nature of the vacation creates the opportunity for a significant public benefit.

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	Commercial 1, 40 feet height limit (C1-40)
Street classification	Street
Assessed value of adjacent property	Property values vary from \$105 per square foot to up to \$395 per square foot
Lease rates in the vicinity for similar projects	Lease rates in the area vary from \$1.50 per square foot to \$3.31 per square foot depending on use and location
Size of project, in square feet	Proposal includes 100,000 square feet: <ul style="list-style-type: none"> • 3,200 sq ft: Commercial/Retail • 4,000 sq ft: Live-work • 56,500 sq ft: Residential • 64: Below-grade parking stalls • 5,668 sq ft: Open space-public plaza
Size of area to be vacated, in square feet	3,023 square feet below grade
Contribution of vacated area to development potential	The vacation provides flexibility in the design and development of the project by connecting services below grade but does not add additional square footage or FAR to the site.

The Petitioner proposes to develop the entirety of the surface of E. Howe Street, adjacent to development site, as an open public plaza. The right-of-way includes approximately 4,573 square feet of space, all of which will remain as public right-of-way but be improved and maintained by the Petitioner as part of the vacation process. The improvements in the right-of-way will require Term Permits as well as the vacation approval. Should the City Council approve the vacation and the proposed public benefit amenities in the E. Howe Street right-of-way, SDOT will begin work on Term Permit legislation for City Council approval. The improvements will include art, landscaping, pedestrian level lighting, benches, a view overlook and a connection to the new stairs proposed west of the site.

Consistent with the Street Vacation Policies, the Petitioner has proposed that the public benefit features include:

E HOWE ST SUBTERRANEAN VACATION PUBLIC BENEFIT MATRIX

PUBLIC BENEFIT	DESCRIPTION	REQD	ADD'L PROVIDED	TOTAL	NOTES
1 Public Open Space at Grade E Howe St (4573 SF)	Hardscape				
	4'x4', 4'x8', 8'x8' scored concrete			3682 SF	
	3"x12" sand-set pavers			348 SF	
	Landscape				
	Ground cover/in-ground planters	320 SF	52 SF	372 SF	
	Street trees	8		4	
	Public Seating				
	2'x2' seat cubes			28 SF	7 seats
	2' seat wall			143 SF	±28 seats @ 5 SF/person
	Lighting				
	Inset pavement up-lights at art			4	
Pedestrian scale pole lights			2		
Under seat lighting			59 LF		
2 Site-scaled Public Art	"Reunion" Powder-coated steel sculpture by Mike Phifer			1	
3 Voluntary Building Setbacks from E Howe St	1823 Eastlake Ave E				
	4' setbacks at street level			74 LF	
	7' setbacks at street level			12 LF	
	12' setbacks at street level			4 LF	
	1903 Yale Pl E				
	4-story building setbacks			61 LF	
Street level setbacks			23.5 LF		
4 Streetscape Enhancements	Eastlake Ave E				
	ROW landscaping	280 SF	520 SF	800 SF	
	Bike racks	1	1	2	2 racks = 4 bike spaces
	Pedestrian signage			1	
	Yale Pl E				
	ROW landscaping	300 SF	87 SF	387 SF	
Bike racks	1	3	4	4 racks = 8 bike spaces	

The public benefit proposal from the Petitioner is generous and will implement a specific element of the Eastlake Neighborhood Plan. It is worth including here the language of the Plan:

OS-5 Howe Street Public Right-of-way

Policy OS-5: Create a pedestrian connection between Eastlake Avenue and Fairview Avenue at the currently undeveloped Howe Street public right-of-way (Comprehensive Plan Open Space Policies L141, L142, L145, L151, L154, L157, L158; Land Use Element).

Guidelines for Use

This 30-foot right-of-way could be used to encourage pedestrian connection uses and create and preserve habitat by landscaping primarily by native plants.

Implementing Recommendations

The location of the Howe Street right-of-way may be adjusted through the street vacation process to consolidate property ownership so that private properties are contiguous and public parcels form a sensible pedestrian connection. Maintain the existing 30-foot right-of-way and assure no net loss of public property unless property owners can show that their street vacation request complies with the proposed street vacation policy (OS-18).

By proposing a below grade vacation the Petitioner is able to obtain what is needed for the development and at the same time leaves the surface as public and available for the kind of public space envisioned since the Eastlake Neighborhood Plan was adopted in 1998. It is rare to find a project with such a minor impact being able to provide a public benefit that will have such a positive impact on the surrounding community.

The public benefits provided by the project are significant and exceed what might be anticipated as requirements under the Street Vacation Policies. The size and impacts of the vacation are modest but the resulting project and the public benefits provided will implement a long-standing vision for the site.

RECOMMENDATION

It is recommended that the subterranean vacation, beginning at six feet below the surface of the street, be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been completed to the satisfaction of the City and all fees paid, prior to the passage of the street vacation ordinance.

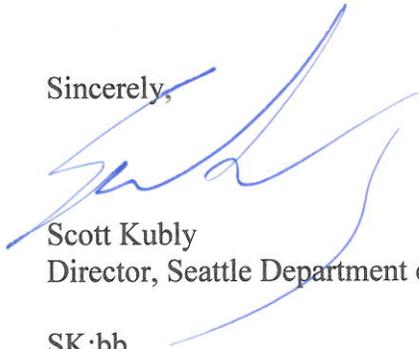
1. The subterranean vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in December of 2014.
2. Any required 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.

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 installation, acquisition and maintenance of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:
 - Seattle Public Utility: require that the development begin at 6+ feet below grade, the Petitioner install, maintain and own the drainage system in the right-of-way, and the Petitioner sign an indemnity agreement acceptable to the City prior to the passage of the final vacation ordinance;
 - Seattle City Light: require the Petitioner to complete an agreement satisfactory to SCL regarding removal or relocation of existing service and location of new service prior to the passage of the final vacation ordinance; and
 - CenturyLink: complete agreement regarding relocation or retention of services.
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 Street Vacation staff 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 all of the public benefit elements as proposed and accepted by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements, unless such obligations are addressed in other agreements. The final design of these public benefit elements shall require the review and approval of SDOT Street Vacations. The public benefit requirement includes the following features as well as corresponding development standards, including approximate square footage dimensions, and appropriate public signage which shall be outlined in the PUDA or other agreements:

E HOWE ST SUBTERRANEAN VACATION PUBLIC BENEFIT MATRIX

PUBLIC BENEFIT	DESCRIPTION	REQD	ADD'L PROVIDED	TOTAL	NOTES
1 Public Open Space at Grade E Howe St (4573 SF)	Hardscape				
	4'x4', 4'x8', 8'x8' scored concrete			3682 SF	
	3"x12" sand-set pavers			348 SF	
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	Ground cover/in-ground planters	320 SF	52 SF	372 SF	
	Street trees	8		4	
	Public Seating				
	2'x2' seat cubes			28 SF	7 seats
	2' seat wall			143 SF	±28 seats @ 5 SF/person
	Lighting				
	Inset pavement up-lights at art			4	
Pedestrian scale pole lights			2		
Under seat lighting			59 LF		
2	"Reunion"			1	
Site-scaled Public Art	Powder-coated steel sculpture by Mike Phifer				
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	Pedestrian signage			1	
	Yale PI E				
	ROW landscaping	300 SF	87 SF	387 SF	
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Sincerely,



Scott Kubly
Director, Seattle Department of Transportation

SK:bb

Enclosures