

Seattle Design Commission Report to Seattle City Council

Washington State Convention Center Expansion -
Petition for Street and Alley Vacations

April 4th, 2018



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Executive Summary

The Seattle Design Commission (SDC) held 11 regular meetings and 3 subcommittee meetings to review the request by the Washington State Convention Center (WSCC) to fully vacate three alleys, and vacate the subterranean portions of two streets, affecting three downtown Seattle blocks bounded by Olive Street, 9th Avenue, Howell Street, and Boren Avenue. If approved, these vacations will allow almost 2,400,000 square feet of development, most notably for an expansion of the Washington State Convention Center. The proposal represents one of the most significant developments in downtown Seattle and the most significant expansion of a public facility in downtown Seattle since the 1995 WSCC expansion.

The SDC advises the City Council on two fundamental questions related to street and alley vacations:

- Should the street or alley be vacated after considering the impacts the vacation may have on the urban form and the public trust functions of the right of way (Urban Design Merit); and
- Has the petitioner proposed a public benefit package that provides the public with amenities that adequately offset the loss of the streets or alleys being vacated and that are commensurate with the benefits of the scale of development resulting from the vacation

The Commission voted 7-1 to approve the urban design merit phase, based on how the WSCC addressed the project's impacts on the remaining public realm. The Commission's subsequent 4-3 vote on the adequacy of the public benefit package reflected persistent concerns about the proposal – principally the numerous attempts by the applicant to develop a credible and comprehensive public benefit package - and the Commissioners reservations about the strategy of making financial contributions to City-led public realm improvements in lieu of developing a significant onsite public space.

In November 2015, before the Commission began to review the proposal, they identified 4 key urban design values to gauge the success of the project:

- Placemaking that creates significant public assets for the 4 neighborhoods that abut this project
- Connections that enhance and elevate the pedestrian network to and through downtown and abutting neighborhoods
- Public Art that sets a new standard for integration of public art at public facilities, and
- Transportation network enhancements that go beyond regulatory requirements while addressing transit network deficiencies in downtown Seattle

Throughout their reviews, the Commission struggled to find adequate responses by the applicants to these critical urban design issues. In some cases, the lack of responsiveness reflected a development process that fixed the building program (setbacks, siting, height, location of building uses, etc.) before the Commission could offer meaningful review comments on the proposal. This effectively precluded the possibility of a significant onsite open space that has become a fixture in other street vacation public benefit packages. In other cases, the lack of responsiveness appeared to some Commissioners to stem from a misjudgment of the importance of the Commission's role in advising the Mayor and the City Council on conditions for project approval.

This report focuses on issues of ongoing concern to the Commission with this proposal. It

does not provide a detailed accounting of all the issues that the Commission addressed – those are well documented in Commission minutes. Instead, this report shines a light on 4 issues related to Urban Design Merit, 2 issues related to the overall strength of the public benefit package, and provides a detailed discussion about the applicant’s approach towards public art.

Urban Design Merit

- The impacts of the proposed development impacts on Terry Avenue, a Green Street
- The impacts of truck movements on Boren Avenue
- How the timing of separate office and residential towers will significantly impact the site, the neighborhood, and the transportation system
- The impacts of the development on Olive Way

Public Benefit

- The struggle to create meaningful open space
- The implications of funding City-led public realm projects

Public Art

- Challenges created by the applicant in delaying the creation of an artist-led vision for an integrated approach to Art
- Delays by the WSCC team in developing a reasonable and coherent alternative to SDC policy requiring explicit art concepts when public art is included in a public benefit package
- Public Art treated as an application to remedy problems arising from the building program rather than as a civic asset worthy of integration into feature portions of the project’s public realm

As is customary practice, City staff provided a draft of this report to the WSCC team before it was submitted to the City Council. It is fair to say that the WSCC team did not support some of the opinions and observations in this report, in particular those that they believe cast a negative light of their work or approach. Regardless, the report is a summary of the views and opinions developed by the Seattle Design Commission in their role as advisors to the Council on street and alley vacations.

Summary of vacation request

The Seattle Design Commission (SDC) held 11 regular meetings and 3 subcommittee meetings to review the request by the Washington State Convention Center (WSCC) to fully vacate three alleys, and to vacate the subterranean portions of two streets, affecting three blocks bounded by Pine St, 9th Ave, Howell St, and Boren Ave.

Figure 1 documents the scope and location of each proposed vacation¹ :

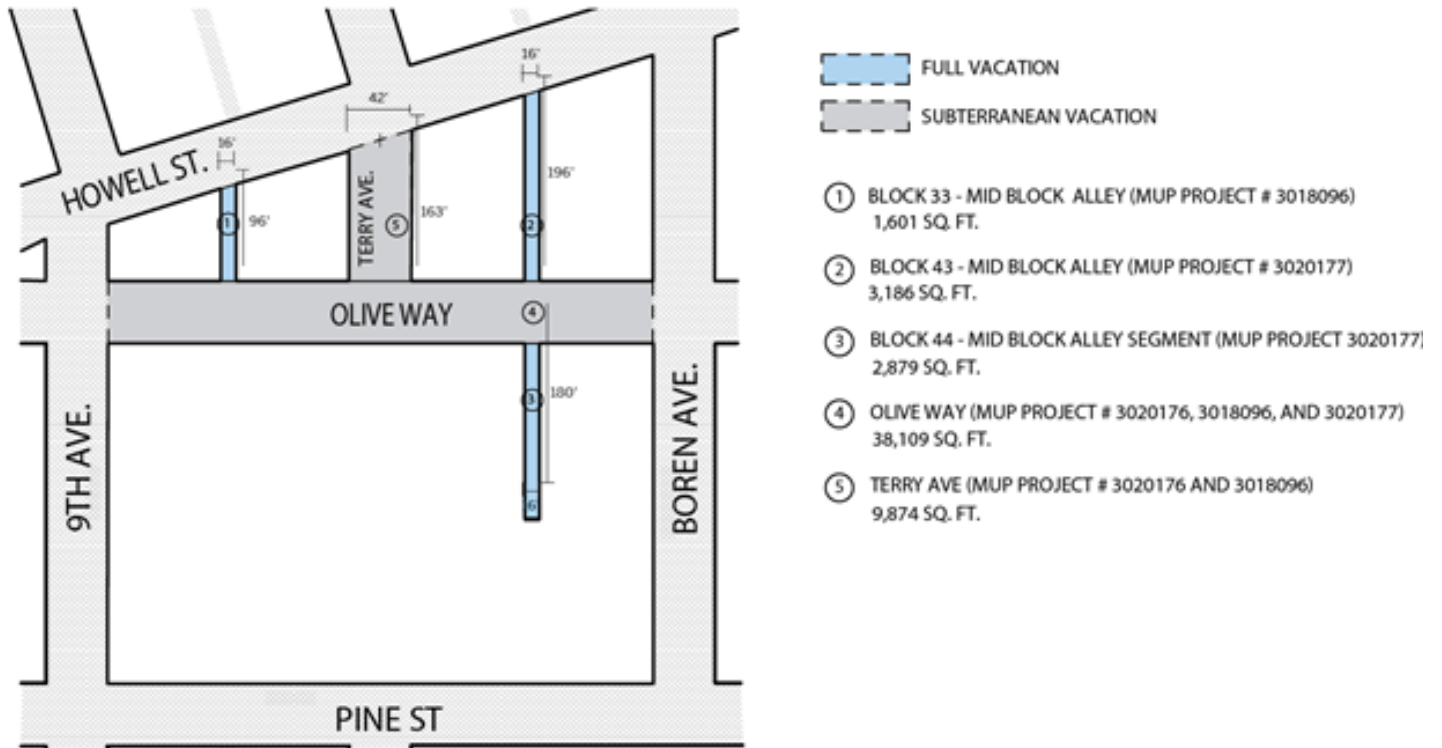


Figure 1: Location of proposed vacations - November 16, 2017 public benefit presentation

The vacations would allow approximately 2,400,000 square feet (sf) of development on three sites, as depicted in figure 2:

Site A is for the WSCC expansion and includes a below grade loading dock under Sites B and C and the vacated portions of Terry Avenue and Olive Way. Site B will be developed with a 290-foot-tall residential

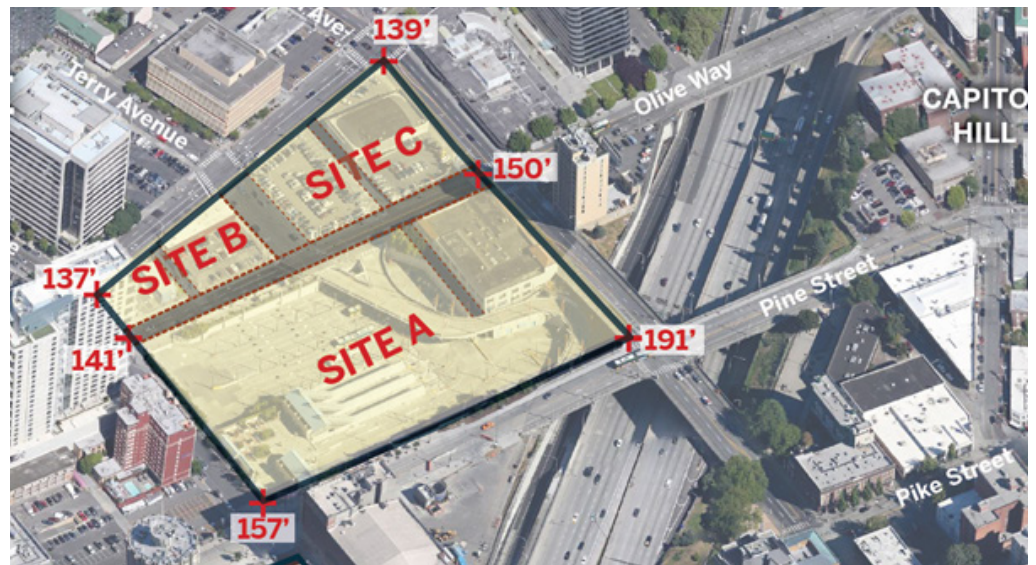


Figure 2: Location of proposed developments - March 16, 2017 UDM presentation

¹The WSCC initial street vacation petition included a full vacation of Terry Avenue, presumably due to truck and auto impacts of the proposal on Terry Avenue. WSCC later modified their petition to pursue a subterranean vacation of Terry. However, impacts of truck movement from the WSCC proposal limit the extent of green street improvements on this segment. The applicant also evaluated a truck elevator in their EIS. The option was analyzed but rejected by WSCC based on its impacts to the WSCC and co-development programs.

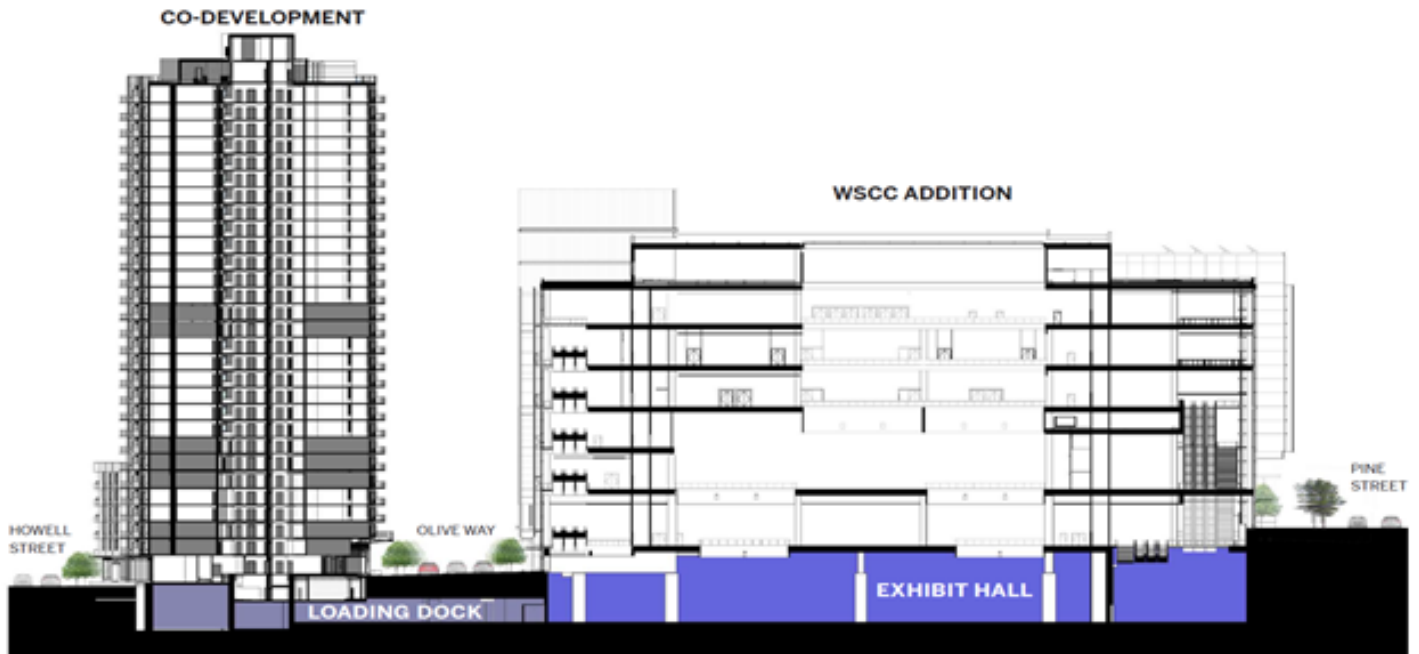


Figure 3: Section of proposed development - November 16, 2017 public benefit presentation

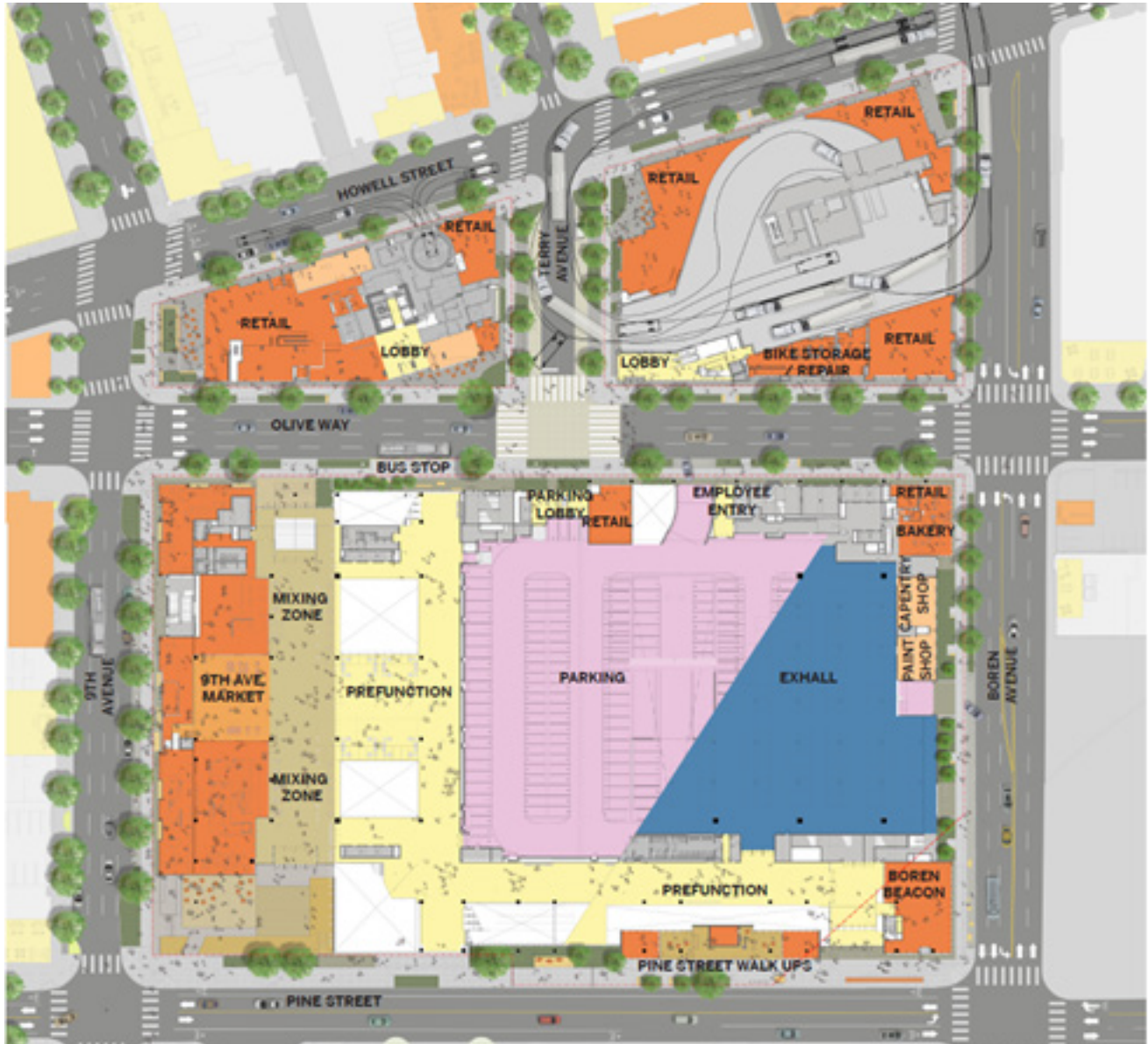


Figure 4: Proposed site plan with truck loading area- March 16, 2017 UDM presentation

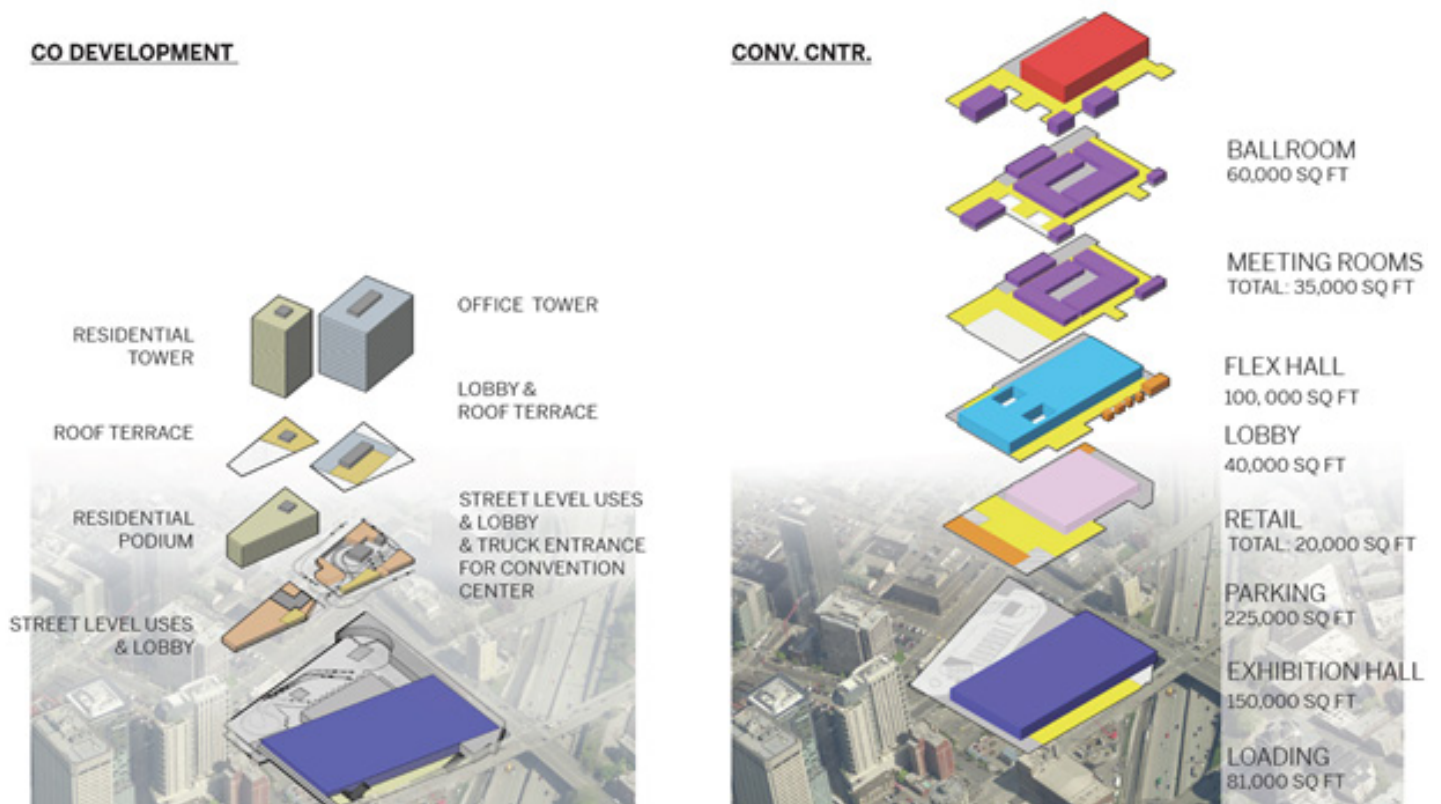


Figure 5: Proposed programming - March 16, 2017 UDM presentation

tower with approximately 404 residential units. Site C will be developed with a 260-foot-tall office tower with approximately 520,000 square feet of space. Sites B and C are collectively referred to as the co-development sites. Approximately 750 parking spaces of combined parking for WSCC and the co-development sites will be in a partially below grade garage at Site A.

The WSCC truck loading area would be accessed on Boren Avenue at Site C and would also provide truck access for the office building. Trucks for both the WSCC and the office building will exit Site C on Terry Avenue, a designated green street. Site B would have all truck access from Howell Street. Figures 3-5 show 1) cross sections depicting the residential tower, the WSCC expansion and the related loading dock areas below Olive and Terry, 2) the site plan for the three developments and 3) programmatic details for each project.

When evaluating a request for a street or alley vacation, the SDC uses the Council's policies on street and alley vacations² to guide the review of the vacation impacts and a proposed public benefit package. As part of its recommendations, the SDC makes recommendations to SDOT and the City Council on two fundamental questions:

- Should the street or alley be vacated after considering the impacts the vacation may have on the urban form and the public trust functions of the right of way (Urban Design Merit); and
- Has the petitioner proposed a public benefit package that provides the public with amenities that adequately offset the loss of the streets or alleys being vacated and that are commensurate with the benefits of the scale of development resulting from the vacation

²Council vacation policies are found in Resolution 30702, with subsequent amendments.

Summary of SDC conditions and recommendations

On March 18, 2017 the SDC voted 7-1 to support the UDM phase. The vote included two conditions that the Commission recommends that the Council adopt if the vacations are approved:

1. Prior to Council concept approval of the street and alley vacations, the applicant shall execute contracts on the co-development sites that specify time and completion requirements for development on parcels B and C. If the construction of the co-development projects has not commenced prior to the issuance of a certificate of occupancy for the WSCC facility, the applicant will return to the SDC with proposals for interim uses and designs for any structures at parcels B and C consistent with designs presented to the SDC at their approval of urban design merit.³
2. The art program, including two existing artwork pieces located on site, shall be reviewed prior to the approval of the public benefit package.

The proposals for interim use referenced in the first condition included construction of a one or two-story structure on both sites with ground floor uses to screen the truck entrances and exits for each site. These proposed interim structures would be the basis for future development to complete the buildings shown to the Commission in their reviews. It was also understood that any interim building would place constraints on development since it required incorporation of these base structures in future development.

The Commission also made recommendations to offset the impacts of the vacation:

1. Consider pedestrian and bicycle safety along Terry Ave in the further development of use, materials, art, landscape, and development of the street.
2. Preserve current level of art and glazed storefront openings for retail and storefront spaces along Howell St
3. Continue to look at art to enhance the pedestrian experience between the exhibit window and bakery on Olive Way
4. Reduce the width of the curb cut for the truck access point along Boren Ave
5. Study space within the truck loading bay along Boren Ave in terms of art, lighting, and aesthetic treatment as part of the completion of the art package
6. Include the use of art at multiple scales and ensure art is expressive of the identity and culture of the surrounding area rather than identity of the institution
7. Integrate the two artworks to be retained on site into the public realm in a way that honors the original intent of the artists.

On November 16, 2017, the Commission voted 4-3 to support the public benefit package. Attachment 1 is the final list of public benefits voted on by the SDC.

The Commission recommended that Council adopt the following conditions if public benefit package is approved:

1. Stronger managerial support of the art program must be provided throughout the process from artist selection through implementation. The Design Commission strongly

³The commission approved a modified condition at their November 16, 2017 final meeting. That condition will be discussed later in this report.

recommends that this be provided by an organization that specializes in managing public art.

2. The artist selection panels should be changed to include fewer WSCC project representatives in favor of more independent art professionals, as reflected in the discussion.
3. Provide the Pike Pine Renaissance Project Public Benefit funds to the City of Seattle whether the Waterfront Local Improvement (LID) or other funding sources are secured by the City for the project. If the Pike Pine Renaissance project does not secure full funding, dedicate the public benefit funds to improvements from 9th Ave to Melrose Avenue.
4. The WSCC and Seattle Parks and Recreation shall enter into an agreement that clearly states the responsibilities of each entity for maintaining the improvements funded by the Freeway Park Public Benefit funds. While the Design Commission agrees there should be seamless integration of the physical improvements, the agreement shall lay out responsibilities of each party for maintenance of the park space on WSCC land and City of Seattle land separately. The agreement shall also list the approximate amount of the public benefit funds to be expended for improvements on WSCC land and the approximate amount to be expended on Seattle Parks and Recreation land.

This report summarizes the SDC two-year involvement in this project and highlights key issues raised during the SDC review about the impacts of the vacations, the strength of the public benefit package, and implications of certain public benefit elements for the Council to consider.

Background

In November 2015, the Commission wrote a letter to the Pine Street Group, developers for the WSCC and the co-development sites, identifying issues of importance to the Commissions pending review⁴ (Attachment 2). The SDC believed that it was important to identify urban design values early in the process, before the SDC review had commenced, that would ultimately inform the Commission's pending review. The letter was also designed to give the WSCC and Pine Street Group advanced notice about the Commission's guiding principles and expectations, so that the WSCC team could develop (or revise) their project with these values in mind.

The Commission identified 4 urban design issues that would be explored during their review:

- Placemaking
- Connections
- Public Art
- Transportation network

As the Commission found during their subsequent reviews, the WSCC team developed reasonable solutions to some of the issues (improved sidewalks on 9th Avenue and Pine Street, investments in existing City resources, etc.) highlighted in this letter. However, other key issues (meaningful at-grade open space commensurate with the scale of the project, enhanced transit connections, enhanced pedestrian connections along Olive Way to Capitol Hill, etc.) identified in the letter were not addressed. The expectation for meaningful at-grade

⁴The commission held its first meeting on February 4, 2016.

public open space was frustrated, at least in part, by a flawed process that brought the WSCC project before the SDC only after the Design Review process had fixed key project features like the footprint of the building and its massing. Consequently, the project design was so far advanced that significant changes to building massing were not possible without serious consequences to the project cost and schedule.

Finally, the Commission found that the WSCC approach to the Art program was often incomplete and unresponsive to the issues or questions raised by commissioners at numerous meetings. The issue of Art, and the WSCC approach, will be discussed later in this report.

Commission vote on Urban Design Merit

The SDC held six full Commission meetings and one subcommittee meeting⁵ to evaluate the impacts of the five street and alley vacations. This review, called Urban Design Merit (UDM), evaluates the impacts of the vacations on the function of the remaining rights of way at or near the project. Using Council vacation policies as its guide, the Commission looks at the impacts of vacating the rights of way and how the project mitigated⁶ those impacts. These includes impacts to:

- Circulation for all forms of traffic (auto, bus, ped, bicycle, etc.)
- Utilities
- Light, air, and open space
- Urban form

The Commission also considers a no-vacation alternative. The no vacation alternative illustrates what could be built if the applicant does not apply for a vacation. In this case the no-vacation alternative assumes 1) the retention of the existing alley on Site A and 2) no co-developments. Figure 6 illustrate these two alternatives.

Figure 7 compares basic massing and elevations between the vacation and no vacation alternatives. Under the no-vacation alternative at Site A, the WSCC documented that there would be greater urban design impacts including 1) an increase in building height and mass, 2) the loss of any ground floor open space, 3) the inability to provide upper level setbacks, and 4) the remaining existing alley would provide little positive function for the program.

The WSCC indicated that they would not pursue development for Sites B and C under the no-vacation alternative, in part as their loading features would be provided at Site A instead of locating them at and under Sites B and C.

Under the vacation alternative, WSCC will obtain permits to allow development of Sites B and C. These permits will then be sold to help fund the development of the WSCC expansion at Site A. The vacation alternative allows WSCC to locate their loading dock under Sites B and C and allow the office to provide a loading dock adjacent to the shared entry at Site C. These required project features for the WSCC create a unique and permanent relationship with the co-development sites.

⁵The commission calls subcommittee meetings on an ad-hoc basis to resolve project specific issues. These are open to the public.

⁶The mitigation for these impacts can be either required by code or through environmental mitigation. The SDC does not vote on UDM until a final environmental impact statement (FEIS) is available. The FEIS was published February 26, 2017.

SITE PLAN - WITHOUT VACATIONS

INACTIVE FRONTAGE: 781 LF
41% INACTIVE
 ACTIVE FRONTAGE: 1,097 LF
58% ACTIVE
7 CURB CUTS



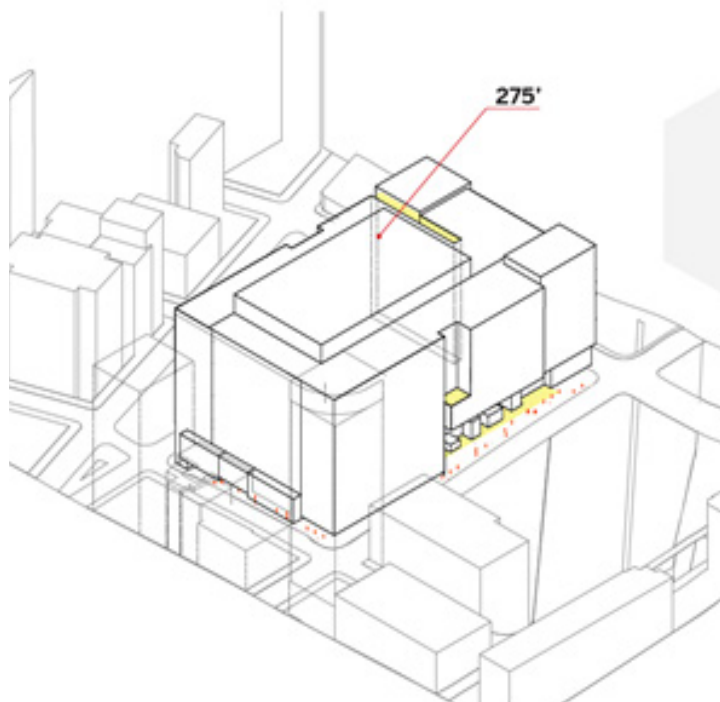
SITE PLAN - WITH VACATIONS

INACTIVE FRONTAGE: 510 LF
27% INACTIVE
 ACTIVE FRONTAGE: 1,334 LF
71% ACTIVE
5 CURB CUTS



Figure 6: Proposed vacation and no-vacation alternative site plans - March 16, 2017 UDM presentation

WITHOUT VACATIONS



WITH VACATIONS

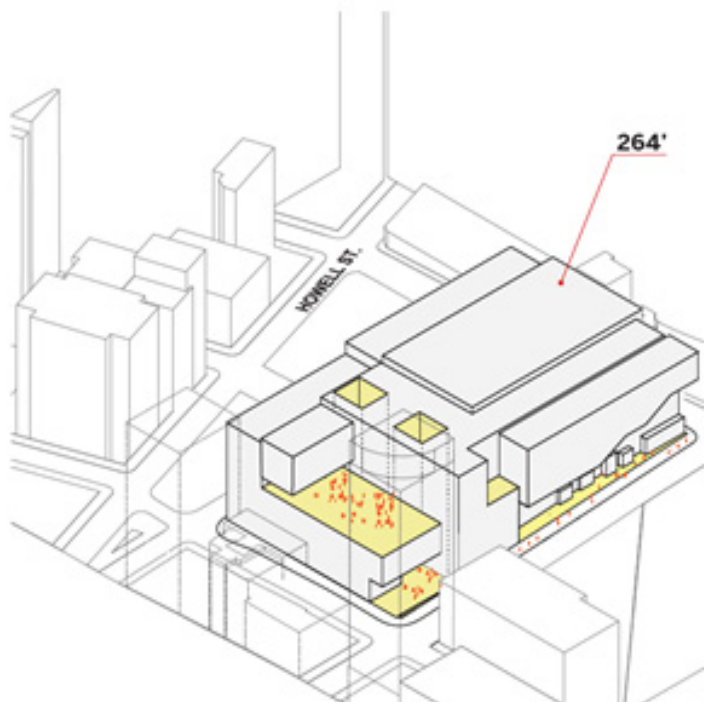
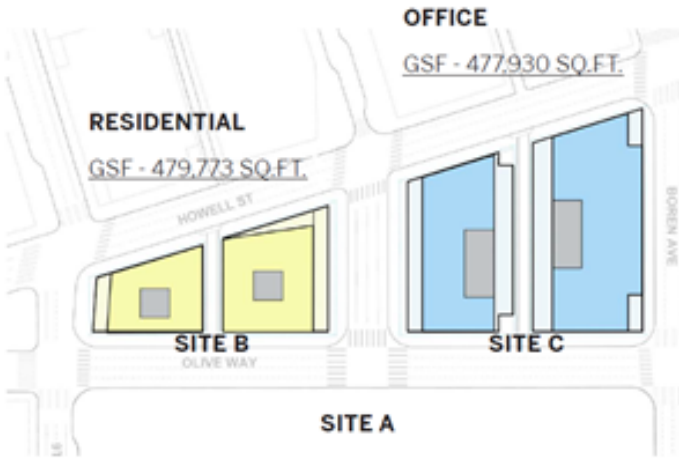


Figure 7: Proposed vacation and no-vacation alternative massing diagrams- September 15, 2016 UDM presentation

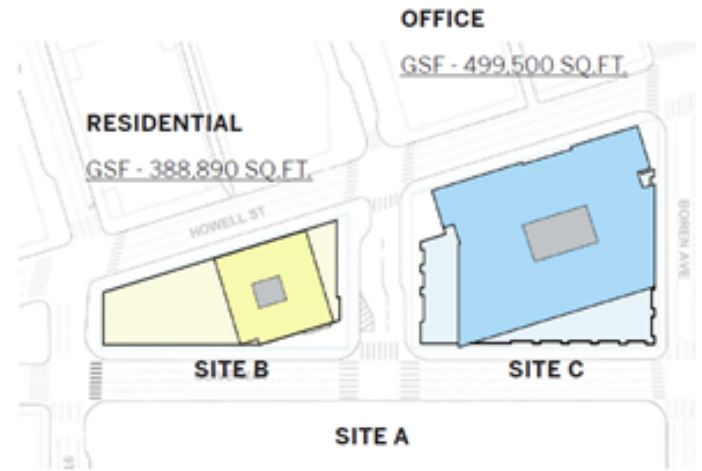
CO-DEVELOPMENT FOOTPRINT

DEVELOPMENT POTENTIAL

WITHOUT VACATIONS



WITH VACATIONS



SITE B

- Typical floor plate is 10,700 SF and 7,000 SF
- Tower is limited to 125' due to zoning restrictions & separation from towers over 160' tall

SITE C

- Proposed FAR: 10
- Typical floor plate is 19,000 SF and 13,000 SF.

SITE B

- Typical floor plate is 10,000 SF
- FAR GAINED FROM ALLEY VACATION: 8,000 SF

SITE C

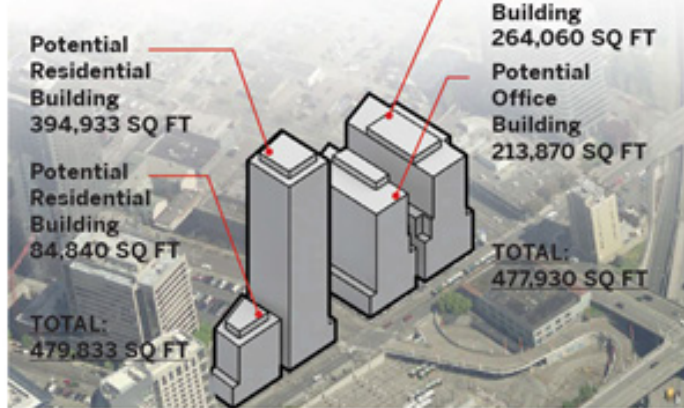
- Proposed FAR: 10
- Typical floor plate is 34,000 SF.
- FAR GAINED FROM ALLEY VACATION: 32,000 SF

Figure 8: Proposed development potential with vacation and no-vacation alternatives January 19, 2017 public benefit presentation

CO-DEVELOPMENT MASSING

DEVELOPMENT POTENTIAL

WITHOUT VACATIONS



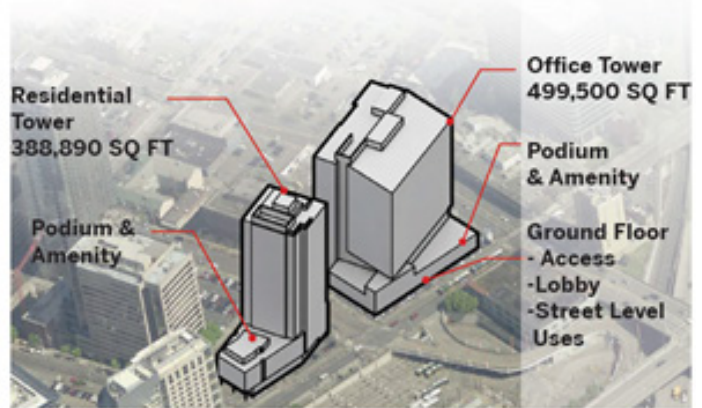
PROS:

- Maintain alley circulation & service access
- Smaller individual site footprints

CONS:

- Limited site area for setbacks, modulation, and massing rotation in response to site & context
- Limited site area for usable public open space at grade
- More curb cuts & access points

WITH VACATIONS



PROS:

- Modulation and massing can transition city grid shift & enhance green street experience
- Setbacks create usable public open space at grade
- Better site orientation, with openings for light and air
- Fewer curb cuts & access points

CONS:

- Alleys no longer available for public use

Figure 9: Proposed development potential with vacation and no-vacation alternatives January 19, 2017 public benefit presentation

The WSCC team provided the SDC with in-depth analysis of development potential at Site B and C to document how the vacations support development at each site. While their analysis showed a small increase in development potential at Site C resulting from vacations (the office development), Site B, the residential tower, saw a marked decrease in development potential. The WSCC team indicated this loss in development potential at Site B resulted from the below grade garage and loading areas permitted under the vacation. The WSCC project team maintains that the location and size of the below grade loading dock limits the size and extent of structural supports for the residential tower. The WSCC team also cites market and programming limitations as informing their decision to build below the allowed height limit. Figures 8 & 9 document the additional development potential realized from the vacations at the co-development sites.

No third-party analysis of these assumptions was conducted as part of the Commissions review, nor was this information provided to the SDC by the WSCC or Pine Street Group.

Key Urban Design Merit issues

a. The impact of the development on Terry Ave.

Terry Avenue is a designated Green Street between Olive Way and Howell Street; the designation extends 4 blocks to the north and terminates at Denny Way. The WSCC proposal requests that Council approve the vacation of a subterranean portion of Terry Avenue between Olive Way and Howell Street, in part to accommodate the WSCC truck loading docks and related infrastructure. Following the approval of the subterranean vacation and resulting development, the surface portion of Terry Avenue between Olive and Howell and an area of approximately 8 feet in depth will be retained in public ownership to accommodate current and future utilities and other public infrastructure. Terry Avenue and abutting portions of private property will be developed with widened sidewalks, small plazas for public use, seating areas, and other similar features consistent with other designated green streets. One critical issue of the proposal relates to the impact of WSCC truck activities on Terry Avenue. The City's Comprehensive Transportation Plan establishes the unique role of green streets:

"Green Streets are designed to emphasize pedestrian amenities and landscaping in areas that have dense, residential land uses. Each Green Street has its own unique character and design. The street right-of-way dimensions can vary significantly from street to street and from segment to segment."

Seattle Department of Transportation (SDOT) and its recently adopted Streets Illustrated right of way improvement manual further clarifies the vision for Green Streets:

- Enhance pedestrian circulation and create open space opportunities in medium to high density residential areas lacking adequate public open space.
- Create a vibrant pedestrian environment in the street right-of-way that attracts pedestrians.
- Strengthen connections between residential enclaves and other Downtown amenities by improving the streetscape for pedestrians, bicycles, and transit patrons.
- Support economic activity in Downtown neighborhoods by creating an attractive and welcoming "front door" for pedestrians.
- Maximize opportunities for trees and other landscaping to create a high quality open space.

The proposed WSCC expansion and the co-developments will impose significant impacts on Terry Avenue’s ability to function as a green street. The proposed improvements for this segment of Terry Avenue were designed by the WSCC team to facilitate truck movement from the shared garage/loading egress at the co-development office site (see figure 10). Trucks will be allowed to exit both ways from the garage onto Terry; longer framed trucks will only be allowed to exit north to Howell. The applicant estimates that the WSCC truck loading facility will be in use around 143 days a year; no specifics were provided as to frequency and extent of truck activity on these days⁷.

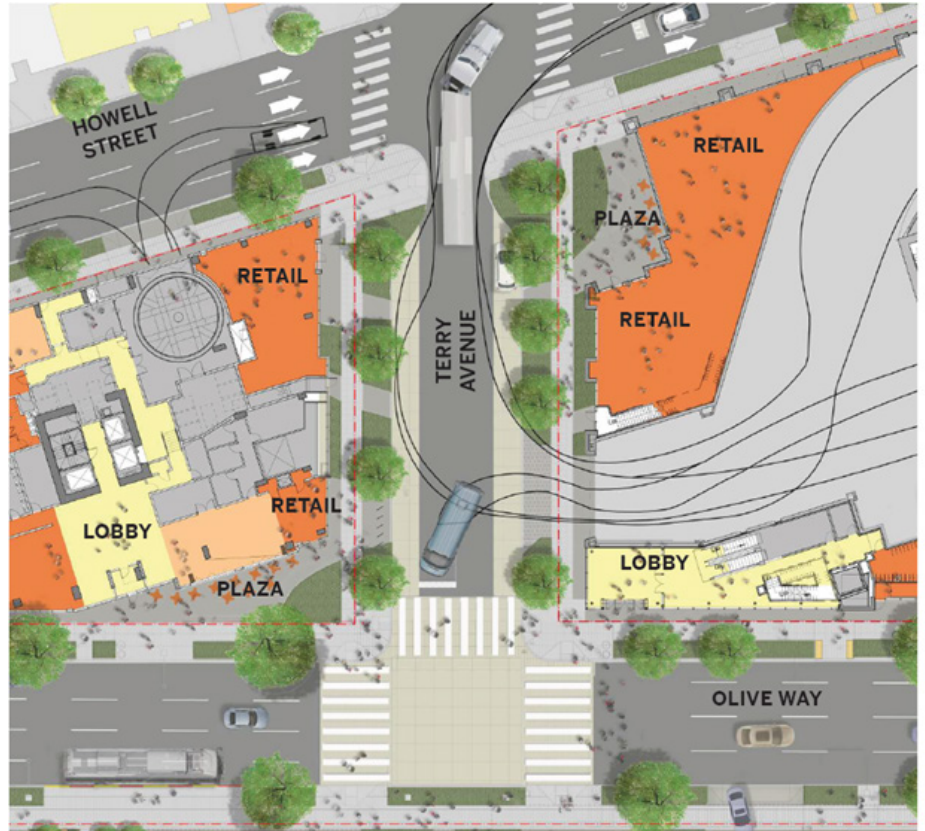


Figure 10: Proposed truck access location on Terry Ave - March 16, 2017 UDM presentation

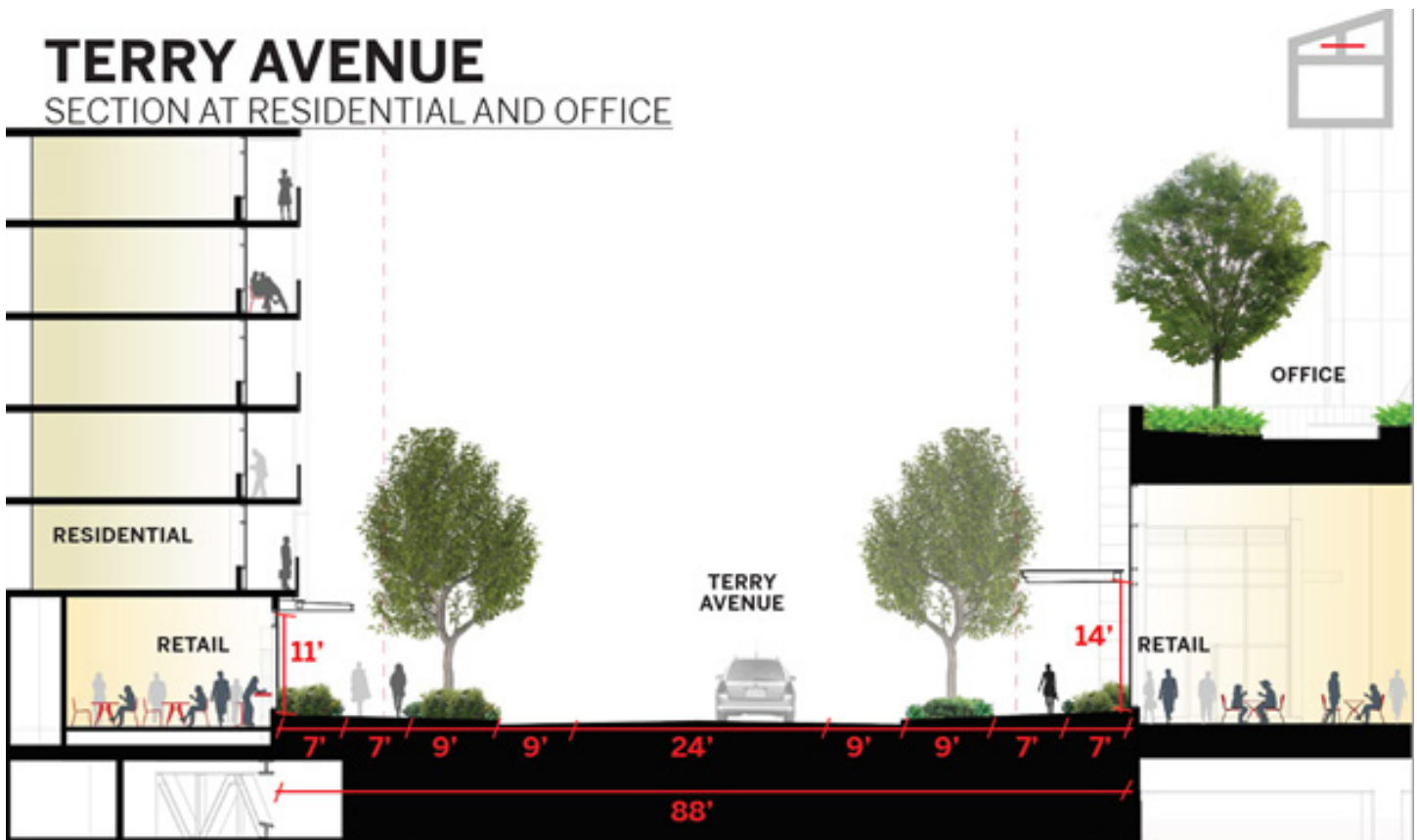


Figure 11: Proposed improvements on Terry Ave - March 16, 2017 UDM presentation

⁷SDOT and SDCI are currently developing a Transportation Management Plan and a Dock Management Plan that addresses truck activity on Terry, to include timing, direction, and frequency of truck movements

Figure 11 shows a cross section of the proposed Terry Avenue improvements. While 88 feet is shown here, the width of the Terry Avenue right of way is only 66 feet; the vertical dashed lines show the limits of the right of way. Of these 66 feet, 42 feet (about 63% of the right of way) is designed for truck movement. The remaining portion of the right of way is for landscape and part of the sidewalk. The required sidewalk width and any amenities that would normally be found as part of a green street (additional sidewalk width, open spaces, etc.) will be partially located on private property.

While the design team refined the Terry Avenue green street designs by introducing curb bulbs along Howell and tightening where trucks could turn within Terry, the project's reliance on Terry Avenue to facilitate truck movement and the subsequent restrictions on other modes of transportation is clear.

The WSCC initially presented an application that assumed a full vacation of Terry Avenue. However, that application was amended by the WSCC in January 2017 to seek a subterranean vacation of Terry Avenue⁸. The SDC deliberated over this change at its final UDM meeting. There was significant discussion about requiring the petition to be changed to a full vacation, because of the impacts that the truck turning movements have on the design and function of a green street. The Commission could not arrive at a consensus on whether a condition should be adopted requiring a full vacation of Terry. Therefore, no condition was adopted.

b. Boren Ave curb cut for trucks

The truck loading entrance for the WSCC will be provided at Site C, the office co-development site. The truck loading entry for WSCC will be shared with the truck loading and loading areas for the office tower. Truck loading for the office tower will be located adjacent to the shared truck entry. To accommodate truck turning movements from Boren, a proposed 60-foot wide curb cut was presented to the Commission. Assuming Council approval of the vacation, the proposed curb cut will be approved as part of the Master Use Permit (MUP) process. An alternative of 57 feet was also presented to the Commission. The standard curb cut for trucks is 30 feet but can be waived or modified as part of the master use permit review. See figure 12 for more detail.

With a 57-foot-wide curb cut, Boren would be designed to allow for turning movements into the garage from the center lane; it is assumed traffic control will be needed to accomplish this turning movement.

The Commission expressed its concern about this proposed curb cut during their UDM reviews. The impacts that vacations have on access and the remaining rights of way can be substantial. Alleys are generally to be used for parking and loading access in Downtown Seattle; they are required to be 20 feet in width. When an alley is removed, the impacts of access that would have been screened by buildings on either side of an alley are moved to a street. Thus, the vacation creates impacts on adjacent streets by exposing the access functions of the alley (curb cut, garage opening, driveways, loading areas, etc.) along the sidewalk. In this case the requested curb cut width on Boren is nearly three times the width of what would be available if the alley was retained, absent any waivers or modifications. It is understood, however, that convention and exhibit center uses often require deliveries by larger trucks than typically navigate streets in downtown Seattle.

To offset those impacts, there are a variety of tools that can be used to reduce the size and scale of the curb cut such as 1) architectural solutions to screen or otherwise minimize the impacts, 2) retail, restaurants, or other pedestrian oriented uses that create stronger

⁸WSCC reserved the right for a full vacation of Terry Avenue in their application.

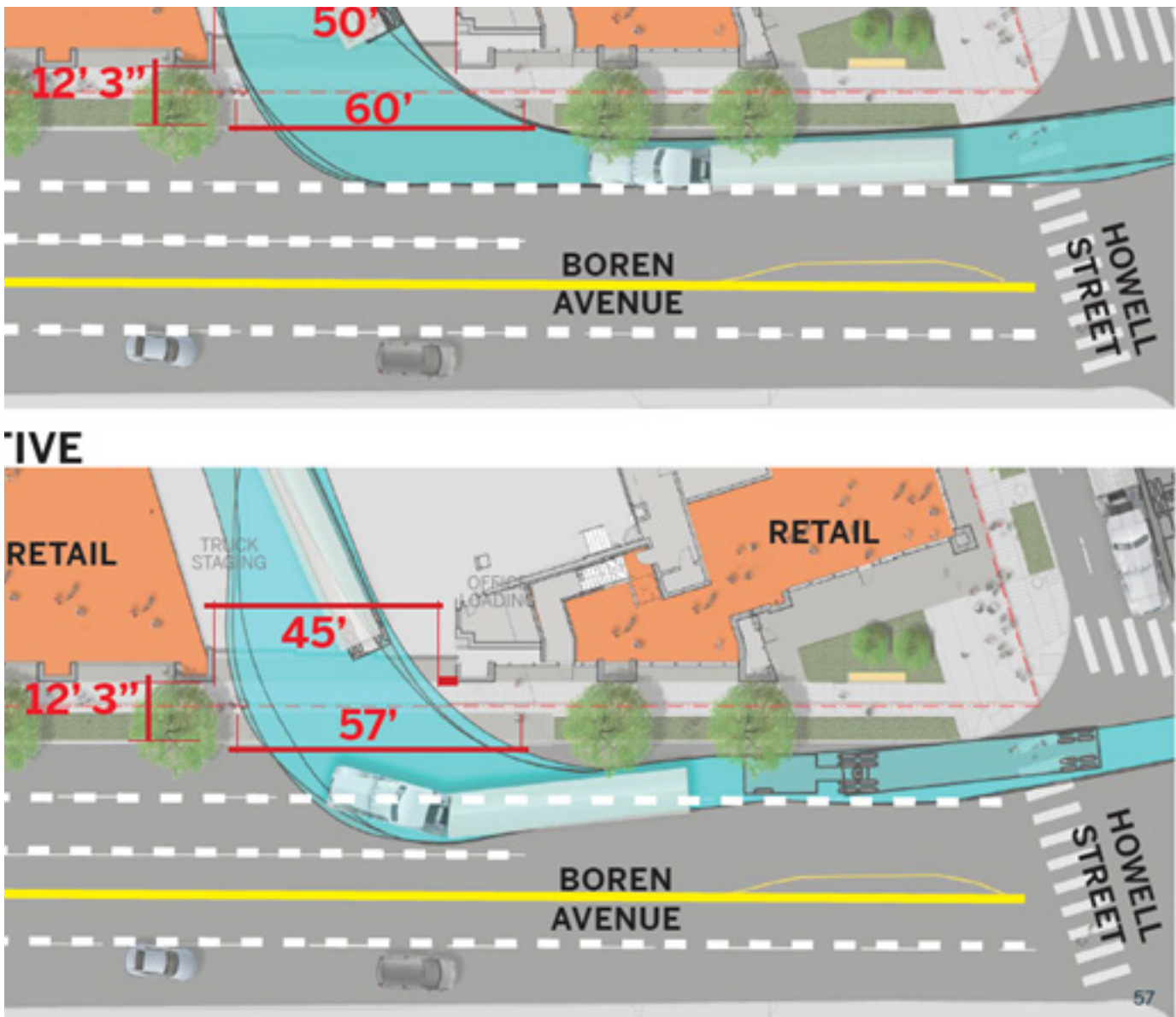


Figure 12: Proposed Truck access along Boren Ave - March 16, 2017 UDM presentation

street level activity, or 3) other site appropriate solutions to offset the specific impacts of the proposal. These tools have been used in other developments seeking a street or alley vacation to reduce the impacts of curb cuts.

In this case, the width of the proposed curb cut, coupled with a garage opening of approximately 20 feet in height and 50 feet in width, poses unique challenges to the remaining right of way and how the public uses this space. While there may be ways to offset the impacts of WSCC truck operations (allowing deliveries in off-peak hours, limiting truck size and frequency, etc.) the truck loading access is shared with the office co-development site. The truck loading for the office will likely operate in the day during peak pedestrian periods. To offset the visual impacts of the garage doors, the SDC developed a condition requiring an artist to collaborate with the design team on the design of the garage doors and the garage interiors. The assumption is that the doors and garage interiors will be designed in an artistic way that provides a better streetscape environment than a regular garage door with exposed access could offer. However, it is likely that the garage doors will tend to be open during business hours for the co-development office building, thereby lessening the impact of the mitigation.

While the Commission voted 7-1 for UDM, the Chair (who serves in the transportation planning position for the Commission) voted against the UDM phase of the vacation. The rationale for his vote was based on the precedent that the approval of the size and extent that this curb cut will have on other major projects in downtown, as it conflicts with city policy and practice. His comments also highlighted how increased density impacting downtown Seattle needs to result in a rethinking of truck circulation and delivery strategies to provide better guidance for future projects.

While the SDC is not involved in the development of transportation mitigation measures that the Council will consider, it is assumed that restrictions will be placed on the time and frequency that the curb cut, and access can be used by WSCC. It is unclear how restrictions would impact the operations needed for the office building.

c. The role of the co-development sites for access and public benefits

The subterranean vacations of Olive Way and Terry Avenue allow for the creation of WSCC's loading dock and its unique approach towards truck access (see figure 13).

The subterranean vacations for the WSCC loading dock create a unique and inseverable relationship between the two developments. While it is assumed that a formal relationship will be established via a condominium or other mechanism, it is a highly unusual model. The only other example we're aware of in Seattle would be the Union Station Complex in the Chinatown/International District.

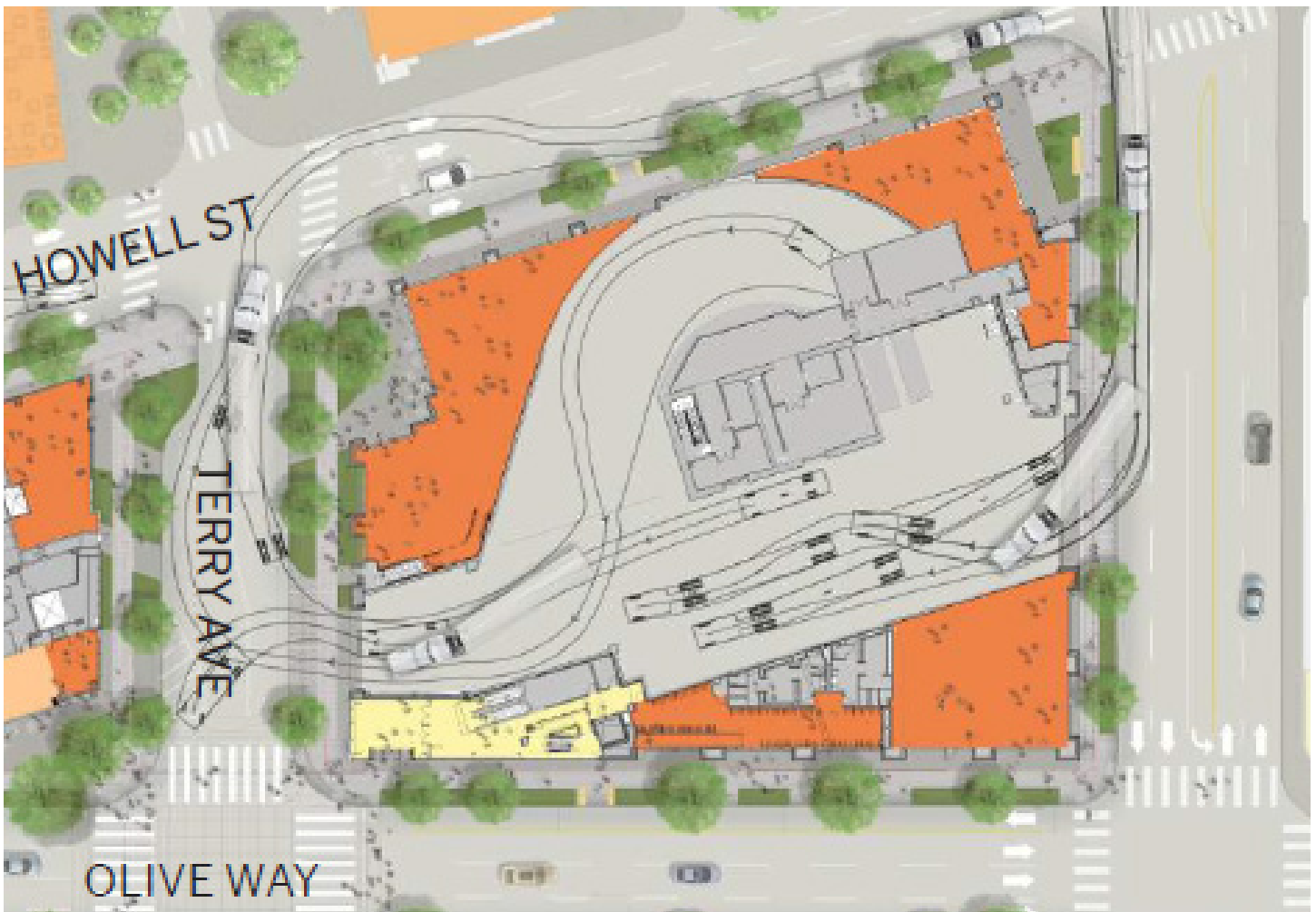


Figure 13: Proposed Truck access on co-development site - January 19, 2017 UDM presentation

The vacation and its public benefit package also create a unique relationship between the WSCC facility and the co-development site. The WSCC public benefit package includes a series of public benefit features including ground level open spaces and enhanced sidewalks. However, the public benefit package was not developed in conjunction with the future developer for the co-development sites. While WSCC has included design approval for the co-development sites with their Master Use Permits, a future developer will be responsible to implement the public benefit features at or abutting these sites, as WSCC will sell these sites to fund the WSCC expansion. The WSCC has made it clear that their intention is for developments on Sites B and C to be delivered coincident with the completion of the WSCC expansion. However, it is unclear any future owners could have been engaged in this process and what impacts the public benefit packages (the open spaces are permanent) mean for them and their obligation to comply with current and future permitting requirements⁹.

These relationships caused significant concerns for the Commission. The Commission was particularly concerned about any delays in developing the co-development sites – such as changes in market conditions – and the impacts any such delays would have on the public realm. Significant concerns were also raised about the feasibility of constructing buildings over the WSCC truck entrance and ramping areas and loading docks, including its impacts to ongoing WSCC operations during construction. The WSCC indicated that if there were an unanticipated delay, a two-story structure will be constructed to screen the loading dock entrance on the office tower site – Site C – and a similar structure would be developed at the residential tower site – Site B. The interim structures would include the street-facing retail and public benefits in the preliminary designs (see figure 14).

INTERIM CONDITION IF DELAY (NOT PROPOSED, NOT ANTICIPATED)

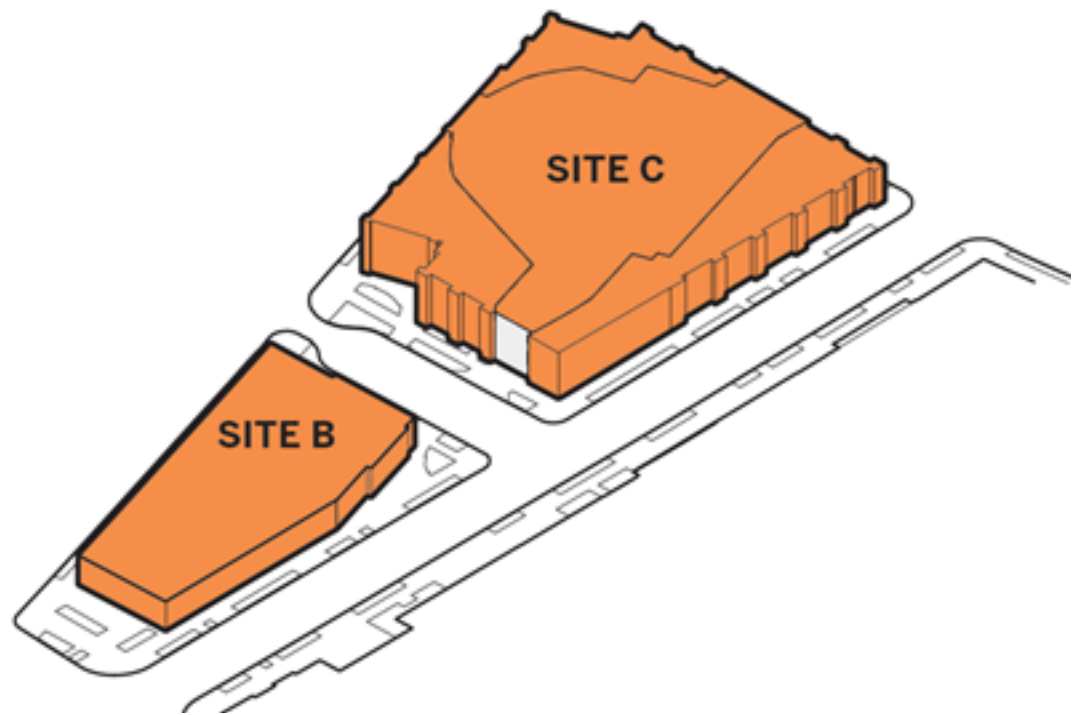


Figure 14: Proposed interim design of co-development if construction is delayed- March 16, 2017 UDM presentation

⁹The Council will ultimately require a property use and development agreement where conditions of approval will run with the land and for the life of the use.

Significant questions remain unanswered about the feasibility of this solution including the term of this interim condition and the feasibility of constructing the remaining portion of the office tower after the WSCC truck loading facility is operating.

The SDC attempted to resolve these unanswered questions by adopting the following condition as part of their March 16, 2017 UDM approval:

Prior to Council concept approval of the street and alley vacations, the applicant shall execute contracts on the co-development sites that specify time and completion requirements for development on parcels B and C. If the construction of the co-development sites has not commenced prior to the issuance of a certificate of occupancy for the WSCC facility, the applicant will return to the SDC with proposals for interim uses and designs for any structure at parcels B and C consistent with designs presented to the SDC at their approval of urban design merit.

On November 10, 2017 the WSCC contacted staff to request that the SDC reconsider that condition. The rationale for the reconsideration was, in part, that the execution of contracts would be difficult if not impossible prior to Council action. At the November 16, 2017 Commission meeting, the applicant made this formal request. The SDC considered the request and agreed to modify the condition. The following modified conditions were approved with the approval of the November 16, 2017 WSCC meeting minutes at the Commission's December 8 meeting:

- If Council approves the vacation requests, then WSCC should execute binding contracts with the new owners that specify time and completions requirements on Parcel B and C by December 31st, 2018. If construction of the co-development sites has not commenced prior to the issuance of the Certificate of Occupancy for the WSCC, the applicant will return to the SDC with proposals for interim uses and designs on Site B.
- The Commission strongly encourages publicly accessible open space as an interim use if construction on Parcels B and/or C is delayed.

The intent of the modified conditions is not to supplant the schemes proposed by the team (and accepted earlier by the Commission) for a building on either Sites B and C, but to open the possibility for public open space as a possible interim condition, particularly at Site B, as well as provide the WSCC with an appropriate timeframe for finding and contracting with developers.

While the change in the timing of the condition aligns more closely with the development process and schedule, the SDC remains concerned about how any delays would impact the site and neighborhood. The SDC also remains concerned about the feasibility of constructing the remaining portions of either co-development over the base structures that would be developed to screen project impacts, as well as the impacts of trying to construct along major arterials in downtown Seattle.

d. Olive Way and its connection to the community

Olive Way provides a key auto and pedestrian connection between Downtown and Capitol Hill. It also provides an important link to Interstate 5 for automobiles and regional transit. The SDC recognized the importance of Olive Way early in its review and how the WSCC could best design its nearly 600-foot-long frontage along this important downtown street. In its November 2015 letter, the Commission highlighted the importance of Olive Way to Capitol Hill, Denny Triangle, and areas to the north of downtown:

PEDESTRIAN EXPERIENCE

SITE PLAN - WITHOUT VACATIONS

INACTIVE FRONTAGE: 781 LF
 41% INACTIVE

ACTIVE FRONTAGE: 1,097 LF
 58% ACTIVE

7 CURB CUTS
 240' LF

SITE PLAN - WITH VACATIONS

INACTIVE FRONTAGE: 345 LF
 19% INACTIVE

ACTIVE FRONTAGE: 1,426 LF
 81% ACTIVE

5 CURB CUTS
 165' LF



Figure 15: Proposed access points vacation and no-vacation alternatives - January 19, 2017 UDM presentation

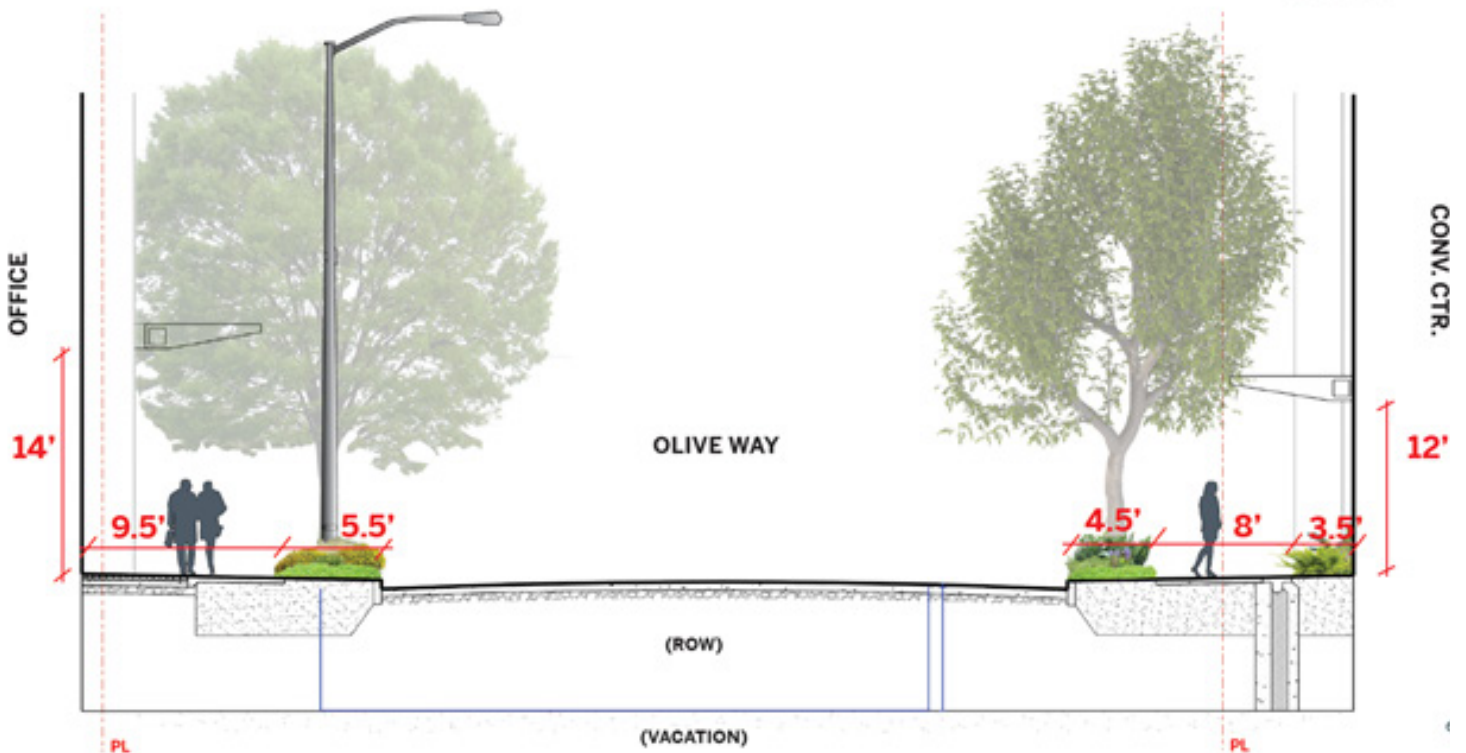


Figure 16: Section of Olive Way- September 15, 2016 UDM presentation

The expanded WSCC and the related developments will also have a significant presence along Howell Street, Boren Street, and Olive Way. Olive Way continues to increase in importance as a link between Denny Triangle, the northern portions of the downtown retail core, and Capitol Hill. Designs of each building, their respective programs, and a ground plane that promotes and enhances these connections will be closely evaluated by the SDC.

The SDC will also be looking for how the development team will provide public benefits to address existing deficiencies in the transportation network, especially for pedestrians and transit users; and how new connections can be established between and through these neighborhoods. The SDC will be very interested in your strategy to offset the barriers created by I-5, and how you can reestablish connections between downtown and neighborhoods to the east.

Figure 15 illustrates that the no vacation alternative has greater impacts on Olive Way through wider curb cuts, reduced street level uses and focusing circulation primarily onto Olive. The vacation alternative provides an opportunity to increase the amount of street level uses to activate the streetscape. The WSCC structure will be approximately 570 feet long and 225 feet tall along this segment of Olive Way. Activation and placemaking are key components to its success.

The vacations also provide a better distribution of WSCC parking and loading functions than what would occur under the no vacation alternative. Truck loading is separated from the main WSCC site while automobile parking is provided by two - two-way driveways on Olive and Boren, respectively. During the SDC review the WSCC team strengthened its response to the Terry Avenue Green Street by shifting the truck entrance at Site B from Terry to Howell. The truck exit at the office tower remains.

Throughout their review, the SDC was concerned about the general function and identity of Olive Way. Figure 16 depicts the segment of Olive Way between Terry Avenue and Boren. This segment shows a wider sidewalk along the office co-development site and what appears to be a code compliant sidewalk width abutting the WSCC site. The project does provide additional landscaping areas along Olive abutting the convention center that appear to exceed code; additional landscape width is also provided next to the office building.

At the September 15, 2016 SDC meeting Commissioners were provided data that estimated how many pedestrians during peak periods would use the segment of Olive Way between Terry and Boren. It was estimated that 150-300 pedestrian trips would occur on Olive adjacent to the office co-development site, while 300-500 pedestrian trips would occur on Olive abutting the WSCC. However, the sidewalk is generally wider at the office site than at the WSCC site. Therefore, more sidewalk width is devoted to a site with less pedestrians, while the WSCC users and the public will have to compete for less sidewalk width.

It is difficult to speculate about the reason for this condition and the applicant's general approach towards Olive Way. Part of the rationale for the November 2015 letter was to develop solutions for Olive Way that addressed its role as a key pedestrian route for current and future users, as well as its link to Capitol Hill. It is perhaps indicative of a larger issue that challenges the Commission related to the vacation process.

When a project is subject to the City's design review program, the first step in that process, Early Design Guidance (EDG), occurs before the Commission's formal involvement. During the EDG process the conceptual form, mass and siting of a structure is approved. After a vacation petition is submitted, and formal permit review has started, the proposal is

referred to the SDC to evaluate the urban design implications of the no vacation and vacation alternatives. Once the permitting process begins, it becomes very difficult for the Commission to influence basic aspects about the project, like additional setbacks or on-site open spaces, which would have satisfied the Commission's (and historically the Council's) expectation for public benefits. Council vacation policies on Circulation and Access, Light, Air and Open Space and Land Use are intended to address issues like building mass, siting, and setbacks. However, these policies were developed before the City's Design Review process was created. Further, as an advisory body the Commission lacks the ability to make these important recommendations early in the process, as our review begins after the regulatory process is well under way and the building form is already largely determined.

Commission vote on Public Benefit

Following their vote on UDM, the SDC held 5 full commission meetings and 2 subcommittee meetings to evaluate the proposed public benefit package. The Commission voted 4-3 to approve the public benefit package, with conditions. Details about that vote will be highlighted later in this report.

It should be noted that the role of the community, especially those groups that came together to form the Community Package Coalition, was invaluable in advancing the breadth and reach of the WSCC benefit package.

Key Public Benefit issues

a. Open space at the WSCC site

The role of open space at the WSCC site, and the co-development sites, was a defining issue

- 1 9th & Pine Plaza
 - 2 9th Ave R.O.W. at Pine St
 - 3 9th Ave R.O.W. at Pike St
 - 4 Flatiron Plaza and Olive Triangle R.O.W.
 - 5 Terry Ave Green Street Plaza
 - 6 Denny Triangle Corner Plaza
 - 7 Boren Ave Garden
 - 8 Pine St Sun Garden
 - 9 Historic Building Lighting
- Additional Improvements Beyond Code**
- Overhead Weather Protection
 - Seating
 - Planting

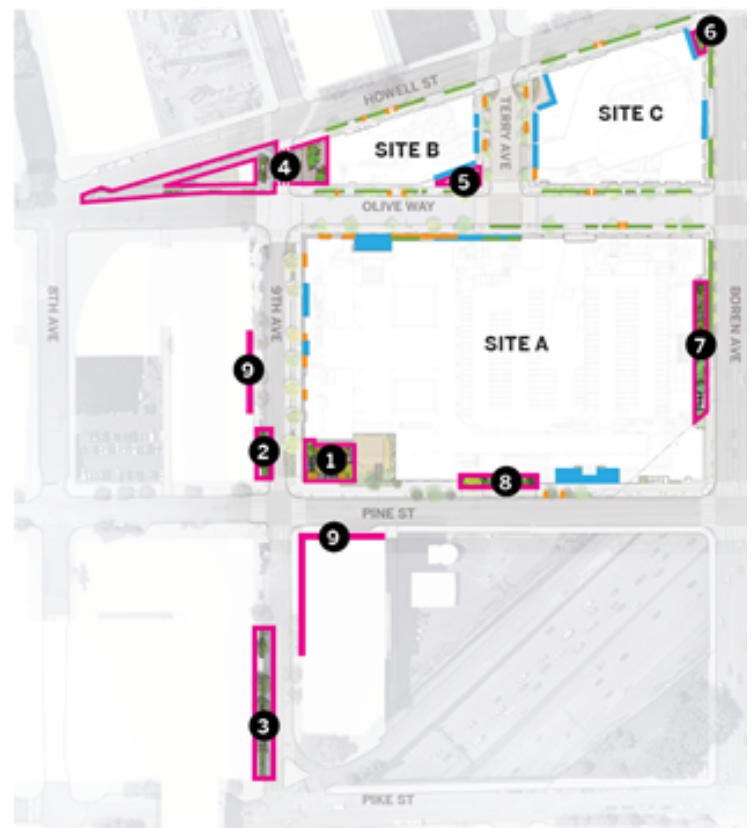


Figure 17: Proposed public realm investments- November 2, 2017 public benefit presentation



Figure 18: Proposed design of 9th & Pine Plaza - November 2, 2017 public benefit presentation

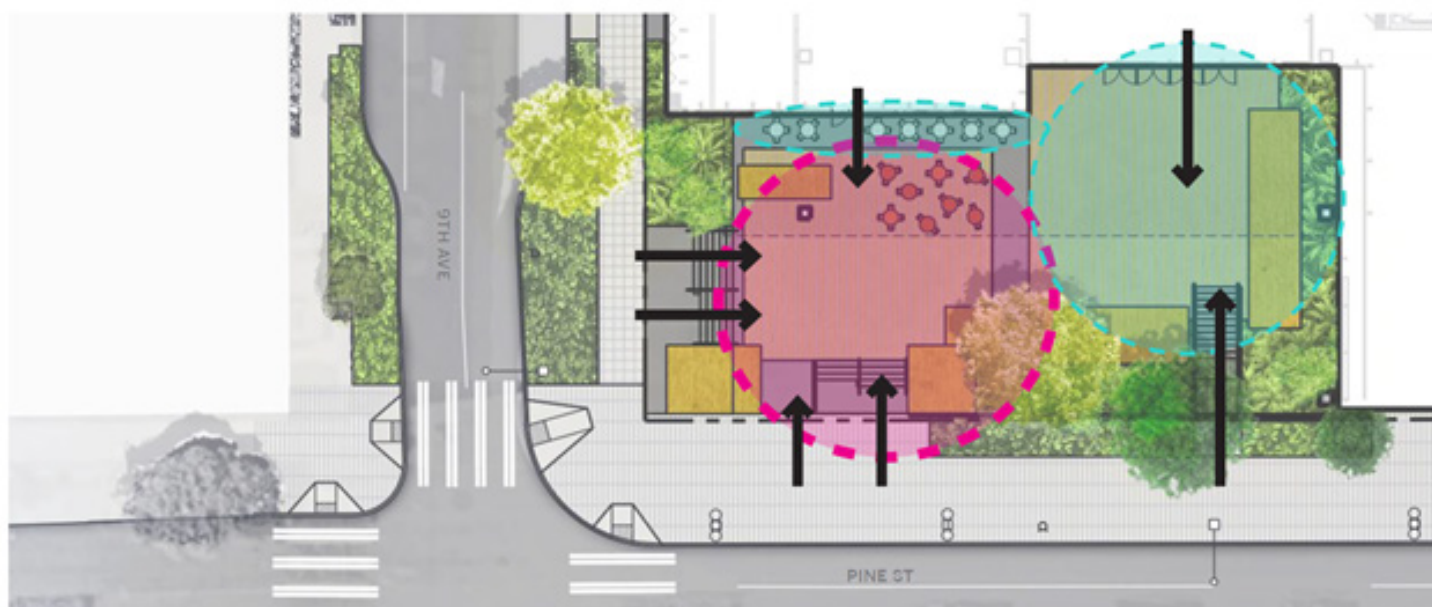


Figure 19: Proposed layout of 9th & Pine Plaza - November 2, 2017 public benefit presentation

for this project. As part of the November 2015 letter sent to the WSCC team, the Commission highlighted the need for open space in this area, given the amount of density in the adjacent neighborhoods. The Commission indicated that open space could be an “asset(s) for these neighborhoods that are independent of the identity or function of the expanded WSCC and the related development sites...”.

The proposed public benefit package includes a series of small and somewhat disconnected spaces that ring the WSCC site and the adjacent co-development sites. Connections are made to the open spaces directly from the adjacent sidewalks. Figure 17 shows the cumulative open spaces and other public realm investments:

A focused look at the 9th and Pine Plaza helps to underscore the WSCC approach towards open space and the relative questions raised about the public character of these spaces.

The proposal has included a plaza at 9th and Pine since its inception. The 9th and Pine Plaza is the primary entrance to the facility from Pine and provides an opportunity for open space.

Figure 18 shows the progression of the design.

The design creates two distinct places – a gathering place and a place for people to enter or leave the convention center. In these images, the gathering place consistently abuts the 9th and Pine corner, with the entrance located deeper into the site. The July 2017 plan included an approach that would have allowed public access from the 9th and Pine open space to

Public Benefit Area: 3,637 SF

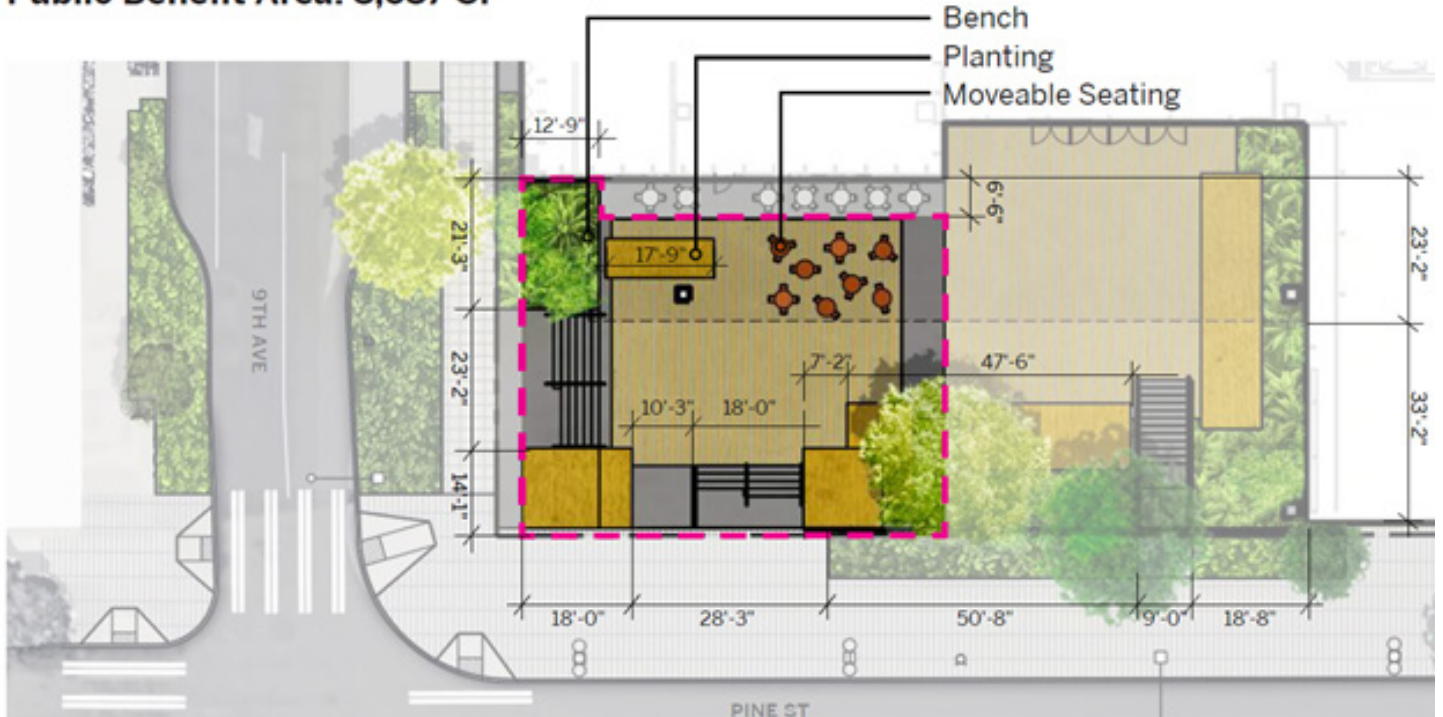


Figure 20: Area of 9th & Pine Plaza being considered as public benefit - November 2, 2017 public benefit presentation



Figure 21: Proposed design of 9th & Pine Plaza- November 2, 2017 public benefit presentation

a private $\frac{3}{4}$ acre rooftop open space. Due to access and wayfinding limitations for direct access from the street, and following input from the community, the WSCC dropped that option.

Figures 19 & 20 show the proposed 3,600 square foot portion that will be part of the public benefit package. This portion of the 9th Avenue plaza includes desirable amenities like seating, resting places, and landscaping that provides a buffer from the street and its related activity.

Figure 21 shows a concept elevation of this space in context with the building and surrounding environment.

While the design of the public benefit plaza at 9th and Pine was modified to address some of the Commissions concerns, the ‘public’ nature of the open space is still largely defined by the building and its programming. It is likely that the public benefit space will be a draw for building users for incidental activities related to events at the WSCC facility. Abutting the public benefit space will be the area that most building users will pass through to enter or leave the building. Approximately 100 feet east of the 9th and Pine intersection will be a nine-foot wide stair case that provides public access from Pine Street directly into the main doors of the facility. It is likely that the 18-foot wide stair case from Pine Street and 23-foot wide stair case from 9th Ave that also provide direct access to the public benefit space will also be used by WSCC building users. Accordingly, the Commission is concerned that the plaza will be perceived as part of the facility due to building operational and security concerns, rather than a public space that welcomes others beside those using the WSCC facility.

There are other open spaces associated with the project that are disconnected from a building entrance or building function. These include the Boren Avenue open space and sculpture garden and a sun garden along Pine Street. See figure 22.

The underlying questions about the open space strategy are also informed by the role and timing of SDC review when a project is also subject to the City’s design review program. The provision of open space is a key project feature in most, if not all, vacation projects that have been approved by the Council. The provision of open space in downtown Seattle is of a critical concern given the growing densities of office and residential uses and the lack of available spaces that can be affordably purchased then developed. The design review



Figure 22: Proposed design of Pine St. Garden (left) & Boren Ave open space (right) November 2, 2017 public benefit presentation

program fixed the building footprint early in the process, before the Commission had formal review oversight. Those early regulatory commitments left the Commission struggling to support a series of open spaces that are inherently linked to the identity and function of the WSCC facility and the co-development sites.

An added complication arises from the timing of the co-development sites. If there are any delays in their development, there may be challenges in completing the required public benefit open space sites prior to the opening of the WSCC. Any delays at the co-development sites may create an opportunity where their interim conditions could be partially converted into public open space.

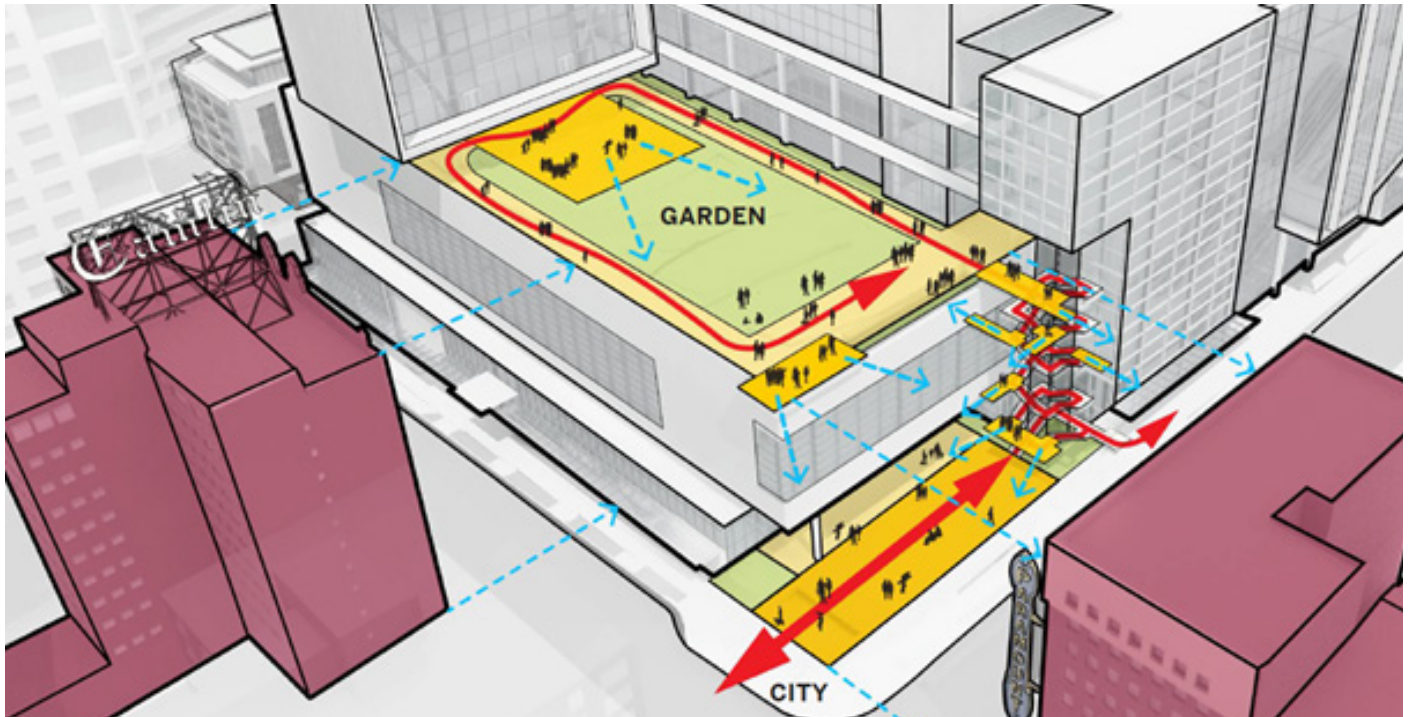


Figure 23: Proposed rooftop open space and access route- July 7 2017 public benefit presentation



Figure 24: Rendering of Rooftop open space and access route from Pine St.- July 7 2017 public benefit presentation

To address Commission concerns about the lack of significant onsite open space, the WSCC team developed an approach midway through the Commission's review process to make a ¾ acre private rooftop space available to the public. The approach taken by the applicant included the creation of an 8-foot-wide stair case wrapping an elevator that would provide access to the open space from the Pine Street plaza. This open space, located approximately 60 feet above the sidewalk, would have been made available to the public at various times throughout the day and would be closed for specific WSCC sponsored events. Figures 23 & 24 illustrate this concept.

While the commission appreciated the efforts made by the WSCC team to address the SDC concerns about the inclusion of a significant open space, it appeared that this concept could not be realized due, in part, to not being included in the early decisions about the building envelope and site plan that preceded engagements with the Commission. Had commitments been made early in the process to create a significant at grade open space, like other examples in the downtown area created through the vacation process, the funding of City-led initiatives may not have occurred.

Following the July 2017 presentation, the applicants public benefit proposal changed through the inclusion of significant financial commitments to physical improvements both abutting the WSCC and offsite. Those commitments were developed with the Community Package Coalition, a group of neighborhood and urbanist advocates seeking a broader approach that would impact nearby neighborhoods. That strategy is highlighted below

b. Strategy for funding City led initiatives

The WSCC public benefit package includes \$31.5 million in funding for City led initiatives that include:

- Pike Pine Renaissance – \$ 10 million
- Bicycle Master Plan implementation – \$ 10 million
- Lid I-5 study – \$1.5 million
- Improvements to Freeway park – \$10 million

In addition, \$15 million in funding will provided to the City's Office of Housing to fund affordable housing production.

The funding of City-led initiatives has become a viable public benefit approach in street and alley vacations. The following is a recent list of similar efforts:

- Ordinance 125223 (2016) – Acorn Development LLC provided a monetary contribution of \$250,000 for the City's technical analysis of 7th Avenue bicycle facilities and \$150,000 towards the development a future neighborhood park at 2116 Westlake Avenue.
- Clerk File 314278 (2016) – Acorn Development LLC provided a monetary contribution of \$50,000 for the creation of a Bell Street Concept Plan which is intended to inform street frontage improvements by future development.
- Ordinance 124728 (2015) - King County provided a monetary contribution of \$150,000 for street concept plans in exchange for completing the vacation of Terry Avenue between Olive Way and Pine Street at Convention Place Station.
- Clerk File 309690 (2008) – Seattle Children's Hospital provided a monetary contribution of \$2 million for the City's development of pedestrian and bicycle projects throughout

Northeast Seattle.

This history details Council support for accepting funding for City led initiatives as part of a public benefit package. However, the WSCC project establishes a significant new threshold for the City. WSCC has proposed \$31.5 million dollars for funding City led initiatives resulting in short or long-term improvements to the public realm. This commitment is about 55% of the WSCC's \$58.2 million public benefit package. This percentage rises to almost 80% when including the \$15 million for affordable housing. The WSCC proposal significantly exceeds the previous funding increments for City-led initiatives, as those commitments are relatively minor in relation to their overall respective public benefit packages.

This approach poses an interesting policy question for the Council to consider – should the Council support the funding of projects identified in plans or policies in lieu of funds programmed early on to create onsite public benefits? In this case, a reasonable question is raised – would we see a different outcome if \$46.5 million dollars was made available to create significant onsite open space at the inception of the project? The Council may consider accepting these funds due to the unusual nature of the project, but clearly state that it is not a precedent for future projects to employ.

The WSCC approach also raises some important considerations for the Council as they consider this vacation. In the case of the \$10 million commitment to Pike Pine Renaissance, that funding will kick start investments to implement the City's goal to improve connections between the City's waterfront investments to the City's retail core and neighborhoods to the east. Arguably, the segment abutting the WSCC's should have been a basic or required project mitigation, given its size, scale, and its impacts on the public realm. The extension of improvements across I-5 will be a clear enhancement of the public realm, although the limitations of an aged structure constrain those improvements.

The Commission adopted the following condition as part of its approval of the public benefit package:

Provide the Pike Pine Renaissance Project Public Benefit funds to the City of Seattle whether the Waterfront Local Improvement (LID) or other funding sources are secured by the City for the project. If the Pike Pine Renaissance project does not secure full funding, dedicate the public benefit funds to improvements from 9th Ave to Melrose Ave along Pine and Pine Streets.

The Commission adopted this condition as Commissioners were concerned that the funding be used to advance Pike Pine implementation at or near the project site, independent of any work or obligations that relate to this project's full completion from the waterfront to this site.

The SDC also initially took issue with the proposal to fund an I5 lid study. While an admirable effort, including its role in energizing the community around the impacts of the WSCC project, its long-term value seems unclear. While it is true that the funding of initiatives has been a long-standing tool used by the Council, it has primarily approved funding of projects that would be completed by the City. The creation of a lidded segment of I5 requires local, state, and federal approvals that exceed the Council's authority. The Commission ultimately voted to support this initiative once Seattle's Office of Planning and Community Development agreed to lead this effort within the City, but multiple Commissioners felt that the funds may

better be used for creating physical realm improvements now¹⁰. The Commission also raised concerns about creating precedent for public benefit elements that do not result in tangible physical improvements.

The funding of City led initiatives at the scale in this project also raises implications concerning the timing to perform these obligations. While the Council may require funding for these City led initiatives to be paid at key points in the permitting and regulatory process (prior to Master Use or Building permit issuance, prior to commencement of construction, prior to occupancy, etc.) the scope of work related to these initiatives will last well beyond the opening of either the WSCC facility or the co-developments. While the SDC will continue to evaluate these projects as they turn into traditional City-led Capital Improvement Projects, the timing and relationship of how these projects are funded and progress are an important consideration due to their relationship to offsetting the vacations impacts.

c. *The role of public art*

1. Background

The Washington State Convention Center Public Facilities District (WSCCFD), the owner and operator of the WSCC, does not require public art to be funded as part of its capital projects. This policy is in stark contrast with the City of Seattle's 40-year-old 1% for Arts program, King County's own 1% for Art program for their capital facilities, and Washington State's ½% for Arts programs affecting schools and other institutions. Seattle does not have a regulatory requirement that would extend its public art obligations in capital facilities brought by other public or governmental entities that lack such programs.

King County's existing Convention Place Station, the location for the WSCC expansion, has been the home to several public art works integrated into the site. This was due to one of the earliest and most comprehensive examples of artists working as collaborative members of a design team. As part of the purchase and sale agreement for the WSCC site, King County required two of these on-site public art pieces, which are in the adjacent ROW, to remain on the site while allowing other existing pieces to be deaccessioned, including their demolition as part of the site redevelopment. In addition, the purchase and sale agreement require new or existing art to be incorporated into the WSCC project and includes a separate \$4.6 million payment for new public art at the facility. The Agreement also requires:

"Buyer will engage in a fully public process for the administration of the Art Budget which means hiring an artist to assist in art master planning, employing the services of a qualified public art professional or organization to manage the process of acquiring and installing the art and utilizing, empowering and adequately staffing Buyer's Art Advisory Committee to assist in the administration of the Art Budget... Buyer will develop an interpretive framework at the Convention Center that will make the documentation of lost artwork open and accessible to the public."

4Culture, who manages King County's public art program, has reviewed the proposal for re-siting the two existing artworks and found it to meet the intent described in the sale agreement. 4Culture will design the interpretive display about the lost artworks to be in a place established near a building entrance.

¹⁰It should be noted that as part of the project, the proposal was required to prepare an environmental analysis for the Federal Highway Administration under the National Environmental Policy Act, or NEPA, a tool like the City's own SEPA process. NEPA review was required due to the impacts of the proposal on segments of Interstate 5, including the portion of the WSCC facility that will effectively lid the NW corner of Boren and Pine above I5. During NEPA scoping, Commission staff requested WSCC to evaluate the impacts of lidding the SE corner of the same intersection to expand an adjacent public park. WSCC declined to include that analysis in their review.

Council's street and alley vacation policies allow for public art to be included in a public benefit package. In February 2016 the SDC adopted a policy concerning the inclusion of public art in a public benefit package. The policy establishes documentation standards (scaled drawings, context diagrams showing the Art in relation to the development, etc.) to evaluate the proposed art. The policy also includes 5 criteria for the Commission to use when evaluating public art in this context including:

- If the location is appropriate for Art
- If the Art enhances the public realm
- If the Art is designed for durability
- If artists have considered color, materials, lighting, and other details
- If the Art meets SDOT right of way improvements manual

This policy assumes that an artist will be embedded early in the design of the facility. Having an artist brought on early in the design process allows for the artists and architect team to collaborate towards the goal of integrating art opportunities seamlessly into the project, in meaningful ways that achieve high quality art experiences at a vibrant public realm.

The policy was adopted by the SDC at its February 4, 2016 meeting. Coincidentally, this date was also the first SDC meeting to consider the WSCC vacations. The first meeting of the Commission to fully consider the proposed public benefit package was February 16, 2017, one year following the adoption of this policy.

2. WSCC proposal

In their November 2015 letter, the SDC identified Art, both public and publicly accessible art, as a key strategy for their project:

"Independent of any responsibilities you will fulfill under the purchase and sale agreement with King County, you have a unique opportunity and responsibility to set a new standard for integrating new and existing art in the development of public facilities."

The WSCC December 2015 vacation petition indicated that the project was committed to public art and the role that the SDC would play in evaluating their proposal. Art was also listed as a potential public benefit. Appendix H to the petition states that commitment:

*Public Art. The existing convention center has a history of community involvement, including public access to more than 100 permanent and rotating works of art on display. The Addition will expand the convention center's well-respected art program and anticipates installing public art on the primary Addition site. This plan is in its infancy, with the art consultant only just now being engaged by the Addition team, **but the project would anticipate working with City and Design Commission to place art in key locations around the block where it can be enjoyed by the public.** Because the building design is highly transparent, this could include art installations within the building that are outward facing for public appreciation.*

At the SDC September 15, 2016 meeting, the WSCC began to reveal their commitments to public art that focused on retaining onsite public art required under the King County purchase and sale agreement. This commitment was also highlighted through public comment at this meeting, specifically related to retention of key integrated works. The commitments to retaining and repurposing art under the purchase and sale agreement was also presented at the January 19, 2017 SDC meeting.

By February 2017, the WSCC team revealed some details about their desire to include public

art in their public benefit proposal, including their initial ideas about where such art might be located. Following this presentation, the Commission expressed its concern that an artist had not been embedded in the design team to integrate art throughout the building and site, over a year after the WSCC disclosed in the petition their intention to incorporate art. The Commission recommended that an artist should be brought onto the team quickly to establish a vision for the art plan and identify art opportunities, before the design was too far along, consistent with Commission policy. Finally, the Commission also recommended giving that artist maximum flexibility to the degree that was still possible and encouraged the WSCC team to consider including Art at the street level to enhance the pedestrian experience.

Due to the WSCC delays in developing and embedding an artist in their development team, Commission staff encouraged the WSCC team to use the proposed Seattle Arena project in SODO and its Art plan as a model. In that case the SDC supported the development of an Art plan produced by a qualified artist experienced in such proposals. The approach included a conceptual vision, goals, art opportunities and programs attached to specific locations, all developed with budget allocations. SDC found the approach taken by the Seattle Arena team to be a very effective, given that the Seattle Arena did not have a specific date by which construction would begin. While WSCC did have a specific timeframe for development (permitting was well under way by the Commission's February 2017 meeting), an art plan provided WSCC with an avenue to address one of the challenges created by the WSCC team – its failure to incorporate an artist in its team as necessitated by Commission policy on the acceptance of public art as a public benefit. The fact that an art plan was also required in its agreement with King County made an even more compelling case for this approach.

In March 2017, the WSCC showed a diagrammatic art plan simultaneous with introducing an artist who had joined the team. The WSCC team had selected an artist with no experience in developing public art plans and programs. The other member of their art team was an art consultant with expertise in curating corporate collections that were displayed in public places. The collaborating artist was new to the project and had not participated in creating the art plan diagram. The diagram was not accompanied by any conceptual vision for how art could enhance the project and surrounding neighborhood that would explain the rationale behind the proposed locations for artwork.

In May 2017, the WSCC team updated the SDC on its public benefit proposal and art program. At this meeting, Commissioners with significant interest in the Art program believed that the WSCC team had not fully invested themselves in developing a credible art plan alternative to the SDC policy on Art as a public benefit feature. As the project had completed most of its reviews before the City's design review board by this meeting, to some Commissioners it had the effect of eliminating any meaningful influence of an artist into the building architecture or site. The SDC also voiced significant concerns about the proposal, as it lacked a compelling and articulate vision of how art would contribute to the project and how that vision would be implemented throughout the building and site. It also appeared that selection of locations for art were driven by gaps in the architectural program (blank walls, locations with no programming, difficult edges with excessive traffic, etc.) as opposed to being informed by a holistic conceptual vision that would establish how art be implemented and integrated throughout the building and site. Significant public comment mirrored those concerns, including from two former Commission members that served in the Commission's Artist position.

Following this meeting, staff again reiterated Commission concerns to the WSCC about the lack of a coherent approach that met the Commission's policies. Staff made specific

recommendations to address these deficiencies that included:

- a. *Clear demonstration of how art at each selected location is integrated into and supports the design of the site and/or building*
- b. *Evidence of a public process in the selection, conception, development, and execution of public art. This should include work by the WSCC Art Advisory committee and a requirement for an open call for artists*
- c. *Demonstrate that artists have been actively engaged in the development of public spaces and plazas, and*
- d. *Provide at least one major on-site art opportunity that gives the artist a major contributing role in the definition of a prominent gathering space.*

To assist the WSCC team the SDC agreed to hold two subcommittees to evaluate specific details of their Art plan. Two two-hour subcommittees were held in July and October to guide the WSCC art team in developing a coherent and cohesive proposal that would be an acceptable alternative to meeting Commission policy on Art as part of a public benefit package.

A byproduct of these subcommittee reviews was the impression by some Commissioners that the WSCC goal was to appease the Commissions ongoing requests for detailed information as opposed to take an innovative approach, late in the process, to explore meaningful roles for artists to impact the project. The art opportunities presented by the team at these meetings were not substantially different than the opportunities that had been identified by the design team prior to the artist joining. Also troubling to the Commission was the condition that the majority of the “public” art funded through the purchase and sale agreement, including a signature piece, was located indoors in pay-only areas. The artworks in the public realm, funded through the public benefit package, were relegated to pass-by locations rather than places where people might naturally congregate.

What was also discovered in these subcommittee meetings is that the WSCC’s own art advisors (an ad hoc committee comprised of WSCC representatives and an impressive array of arts professional) had little or no knowledge about the WSCC Art proposal and had been convened in a hurried manner to address Commission concerns about public process and transparency within the WSCC organization. This fact did not instill confidence in the Commission as to how the WSCC felt about the inherent value in creating art through a public process and its role in creating a distinct place for downtown Seattle. Days before the final WSCC meeting, where approval of the public art proposal was sought by WSCC, the WSCC art advisors indicated that they were not prepared to provide comments on the adequacy of either the public art element of the public benefit package, or the overall art plan.

While the Commission ended up approving the art program as part of its 4-3 vote for the overall public benefit package, there was not a sense of overall encouragement in the state of the public art public benefit package. In her “no” vote on the overall public benefit package, Commissioner Laura Haddad, the artist on the Commission, clearly communicated the frustrations and missed opportunities that were created by the WSCC team:

“I am very disappointed in the lack of meaningful art integration into the public spaces. The art vision didn’t come together until a week ago so was not developed in a way that could have had a meaningful integration

and influence over the conception and design of either the art projects or the design of the public spaces. I was horrified that the project team didn't think it was necessary to start planning for artwork until construction on the facility began..."

It is also fair to say that some Commissioners ended up supporting the public benefit art proposal not to validate the WSCC approach but to defend against its potential loss and the impact it would have on the public realm.”

To address some of the systemic deficiencies in the WSCC art program, the Commission developed two conditions that will be considered by the council:

1. Stronger managerial support of the art program must be provided throughout the process from artist selection through implementation. The Design Commission strongly recommends that this be provided by an organization that specializes in managing public art.
2. The artist selection panels should be changed to include fewer WSCC project representatives in favor of more independent art professionals.

After this vote, the applicant has met the first requirement in having hired 4Culture to manage calls for artists for the public benefit project.

Summary and Conclusions

When a petition is filed to vacate a street or alley, the Seattle Design Commission provides advice to the City Council on two fundamental questions related to the petition:

- Should the street or alley be vacated after considering the impacts the vacation may have on the urban form and the public trust functions of the right of way (Urban Design Merit); and
- Has the petitioner proposed a public benefit package that provides the public with amenities that adequately offset the loss of the streets or alleys being vacated and that are commensurate with the benefits of the scale of development resulting from the vacation

The Commission voted to support the vacation of the 3 alleys and the 2 subterranean street segments in a 7-1 vote. The public benefit package was supported by the Commission in a 4-3 vote. Historically, the Commission has voted unanimously, or with a substantial majority, to approve urban design merit for vacations. These majorities reflect a thorough vetting by City staff and following presentations that include a thorough analysis of a vacation and the no vacation alternatives. That was generally the case with this phase of the project. In fact, the UDM review and resulting vote reveal a significant issue for the Council to address in the Commission’s recommended conditions: how does the timing of the co-development impact the public realm and does it result in interim conditions that are in the public’s interest.

Following the presentation of a public benefit package, Commission support will generally grow when the individual public benefits address any concerns raised about the impacts of a vacation. In this case, the public benefit package was significantly shaped through private negotiations with the Community Package Coalition, following continued requests at Commission meetings by the Coalition for better engagement with the WSCC team, and by SDC directing the WSCC to engage with the Coalition. That engagement resulted in 1) a better

understanding that the Community did not value the proposed elevated open space presented at the July 7, 2017 meeting, and 2) that the Community sought other improvements to the public realm that would implement City led initiatives. As such, most of the public benefits occur off-site, creating a situation where the public realm on-site, or directly adjacent in the sidewalk, depends in large part upon the success and vision of other projects. Rather than embracing and embodying the idea of a community hub, which was put forth by the team as their overarching public benefit concept, the project is relying on funding other projects to bring their visions to the site. That said, the Commission was pleased to see the package meet public expectations. Representatives of the Coalition indicated to the Commission that they were thankful that the Commission provided a forum to air their concerns. A valuable lesson should be drawn to how proactive and responsive public engagement can result in tangible successes, if a community is both empowered and has the resources to be empowered.

The following is an excerpt of the final November 16 meeting and the statements made by the three dissenting Commissioners to explain their vote against approval of the public benefit package:

Rachel Gleeson (landscape architect)- *I don't have a disagreement with any of the public benefit elements nor a disagreement with overall size of public benefit package. My main disagreement has to do with whether the site itself was ever considered for the onsite public benefit elements that we would expect to see on a project this size.*

Ross Tilghman (Commission chair/transportation planner)- *Understanding the possibilities for better on site open space would have helped a lot. I get the sense that that decision was made early on and there wasn't a chance to consider development of alternatives. That makes approval very difficult. That direction is the root of many difficulties throughout this process. You have good partners and I think that was a strategic error on how to do a major public project. This is a project of exceptional size, location, and vacation requests and it has asked for exceptions at every point in the review process. When we have granted exceptions on past projects we have had good reasons to do so, but here the hand is simply forced. You did not even produce an art plan and never intended to have one. Since this is a major public project the policy states clearly that art is very important. You diminished the ability to achieve an integrated design.*

Laura Haddad (artist)- *I am very disappointed in the lack of meaningful art integration into the public spaces. The art vision didn't come together until a week ago so was not developed in a way that could have had a meaningful integration and influence over the conception and design of either the art projects or the design of the public spaces. I was horrified that the project team didn't think it was necessary to start planning for artwork until construction on the facility began. I also echo previous comments about lack of onsite open space.*

The project would have benefitted from a more unified approach to site, program, architecture, art, connectivity, transportation, and public realm. At points, some Commissioners were reasonably left to conclude that the architecture and its program drove the solutions that impacted the adjacent public realm and art program. To the Commission, it appeared that the architectural solutions often dictated opportunities to 'shoe-horn' public spaces, with little regard to creating a cohesive or tangible series of public spaces or experiences that were independent of the desire to maximize the facility program. Lingering questions remain about the relative identity of the spaces independent of the identity or function of the facility or the co-developments. While the WSCC landscape design added value to the overall public realm, the Commissioners believed that there were systemic limitations imposed by a program that did not assume the need for a significant onsite open space.

It should be noted that the creation of onsite open space as part of the vacation process has become a consistent project feature in downtown Seattle brought by Amazon and Vulcan, thereby raising expectations for other projects. As documented earlier, there seemed to be a disregard for developing a public art concept that was thoughtfully and systemically implemented throughout the public realm and for public enjoyment. In fact, a major reason for the 4-3 final vote was the lack of integration of the WSCC art program with the evolving convention center design. This was particularly objectionable to multiple Commissioners due to the clear and repeated direction from the SDC that the Art plan needed substantive improvements prior to a vote.

Despite these concerns, significant progress was made on several fronts over the course of the Commission's reviews of the WSCC expansion. The Commission did vote 4-3 to support the public benefit package. In that vote, the Commissioners thanked the project team for their hard work and highlighted key project elements including the commitment to affordable housing. Of particular importance to some of the Commissioners were the commitments by City agencies to accept funding and manage the design – and in some cases construction – of multiple offsite WSCC benefits, such as the Pike-Pine corridor, improvements to Freeway Park, and a more comprehensive study of the feasibility of lidding segments of I-5 – unprecedented roles for City staff in the context of a street or alley vacation proposal. There is also no doubt that the public benefit package had been refined and improved due to the efforts of the Community Package coalition.

As the Council undertakes their review, we hope this report and its observations provides a useful roadmap to have a better understanding of the project and its impact on the public realm, and, in the view of some Commissioners, that opportunities were missed to better integrate program and architecture with place and public.

Attachment 1

PROPOSED PUBLIC BENEFITS

PUBLIC BENEFIT	DESCRIPTION	PROPOSED BENEFIT	CODE / OTHER	EIS MITIGATION	PB VALUE
PHYSICAL PUBLIC BENEFITS	Public Spaces And Plazas	9,502 SF Above Code			
	Pine Street / 9th Avenue Plaza	3,637 SF Above Code	Designed To Downtown Amenity Standards; Setback in excess of code required setback		
	Flatiron Plaza	1,789 SF Above Code	Setback in excess of code required setback		
	Terry Avenue Green Street Plaza	831 SF Above Code	Setback in excess of code required setback	None	
	Denny Triangle Corner Plaza	396 SF Above Code	Setback in excess of code required setback		
	Boren Avenue Garden	1,708 SF Above Code	Setback in excess of code required setback		
	Pine Street Sun Garden	1,154 SF Above Code	Setback in excess of code required setback		
	Additional Improvements Beyond Code				
	Public Benefit Overhead Weather Protection	747 LF Above Code	2,056 LF Required; 2,803 LF Provided		
	Public Benefit Seating in the R.O.W.	243 LF Above Code	None	None	
Public Benefit Planting (On Howell St, Olive Way, Pine St, & Boren Ave)	6,661 SF Above Code	4,217 SF Required; 10,878 SF Provided			
Off-site R.O.W. Improvements (9th Avenue)	Curb bulbs, enhanced planting, upgraded paving, overhead weather protection, decorative vehicle door	None	None		\$600,000
Off-site R.O.W. Improvements (Olive Way)	Upgraded paving, enhanced planting	None	None		\$200,000
Historic Building Lighting	Lighting of historic features to enhance the pedestrian experience	None	None		\$1,000,000
					\$9,900,000

PROPOSED PUBLIC BENEFITS

PUBLIC BENEFIT	DESCRIPTION	PROPOSED BENEFIT	CODE / OTHER	EIS MITIGATION	PB VALUE
PUBLIC BENEFIT ART	Boren Avenue Sculptures	Artworks with integrated seating, lighting, landscaping			\$600,000
	9th Avenue + Pike Street Artwork	Large-scale artwork on a wall of the existing WSCC building	None	None	\$1,000,000
	Olive Way Artworks	Artworks at the (5) glass vitrines, potential extension to adjacent canopy			\$250,000
					\$1,850,000
FUNDING NEIGHBORHOOD IMPROVEMENTS	Pike Pine Renaissance Act: 1 Funding	Funding to the Office of the Waterfront for Seattle's Pike Pine Renaissance: Act 1 project	None		\$10,000,000
	Bicycle Master plan Funding	Funding to SDOT for implementation of Seattle's Bicycle Master Plan	None		\$10,000,000
	Lid I-5 Study Funding	Funding to Seattle Office of Planning and Community Development for I-5 Lid Study	None	None	\$1,500,000
	Freeway Park Association / Seattle Parks And Recreation Funding	Funding to Seattle Parks Department to support efforts to repair, restore, and possibly enhance Freeway Park	None		\$10,000,000
					\$31,500,000
AFFORDABLE HOUSING FUNDING	Funding To Seattle Office of Housing	The Office of Housing will allocate funds for optimum benefit within the city proximate to jobs, transit, amenities and services for specific populations	\$5MM Funding for KC Land Sale; \$4.3MM Funding for Incentive Zoning; \$14MM additional funding from CPC Agreement	None	\$15,000,000
					\$58,250,000

Attachment 2



Edward B. Murray
Mayor

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Director, DPD

Nathan Torgelson
Deputy Director, DPD

Shannon Loew, Chair

Ellen Sollod, Vice Chair

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November 20, 2015

Jane Lewis
Pine Street Group, LLC
1500 - 4th Avenue, Suite 600
Seattle, WA 98101

**Re: Seattle Design Commission review of the proposed Washington State
Convention Center expansion**

The Seattle Design Commission (SDC) will evaluate the proposal to expand the Washington State Convention Center (WSCC), as the proposed expansion assumes the vacation of five rights-of-way: three separate alleys; Terry Avenue between Olive Way and Howell Street; and the subterranean portion of Olive Way between 9th Avenue and Boren Street. If approved, these vacations allow for the development of an expanded WSCC, create development sites for highrise commercial and residential developments, and provide automobile and truck access to the WSCC and the related development sites.

In developing its recommendations to the Seattle Department of Transportation (SDOT), the Mayor and City Council, the SDC focuses on two fundamental issues:

- Should the street or alley be vacated after considering the impacts the vacation may have on the urban form and the public trust functions of the right-of-way; and
- Has the petitioner proposed a public benefit package that provides the public with amenities that adequately offset the loss of the street or alley being vacated and that are commensurate with the benefits of the scale of development resulting from the vacation?

This expanded facility will create significant opportunities for the City as a tool for economic development in the downtown core. The two additional developments sites created through the vacations will accommodate a 16-story, 560,000 square foot office building and a separate 28-story residential structure for up to 385 dwelling units. Together, the development realized from the proposed vacations will impose significant impacts on the City, its transportation network, and its urban form, in a rapidly developing portion of our downtown core.

The SDC will be very interested in looking at, and responding to, your overall concepts for public benefit and how your proposal addresses and implements key urban design, transportation, and placemaking opportunities. The vacation of up to five rights-of-way poses significant challenges on the transportation network, and raises significant questions about its impact on the urban form of this part of Seattle. The SDC is concerned that the development team and petitioner devote significant

Attachment 2

time, analysis, and resources to questions concerning public benefit, so that the proposed package is of a scale commensurate with the benefits gained to the developer and the development from these vacations.

In advance of your vacation petition, the SDC has identified four themes for further exploration on the issue of public benefit. We've identified these themes early because of the scale of the project impacts on the site and surrounding neighborhoods; we expect this to be an ongoing conversation. These themes include:

- Placemaking;
- Connections;
- Public Art; and
- Transportation network.

Placemaking

The proposed developments are at the intersection of Seattle's densest neighborhoods: Denny Triangle; Capitol Hill; First Hill; and the downtown core. While the downtown core and Denny Triangle are experiencing rapid growth in both highrise commercial and residential development, Capitol Hill and First Hill have experienced significant increases in residential development. We believe that a successful public benefit package will include assets for these neighborhoods that are independent of the identity or function of the expanded WSCC and the related development sites. This includes open spaces, public-gathering areas, or similar uses that provide the opportunity for community members to congregate in or near their neighborhoods.

One of the strengths of these surrounding neighborhoods are its street-oriented and pedestrian-scale uses. Designs for the WSCC and the two development sites should continue to embrace these values. This is particularly crucial for the convention center facility, where its size and programming have the potential of overshadowing the character of the neighborhoods it straddles. We have seen how the existing convention center has started to modify its ground plane and streetscape to incorporate more pedestrian scale and pedestrian-oriented uses to offset the overall scale of the existing facilities along Pike and Pine. The care and detail in creating unique spaces and places independent of the WSCC and its identity will be closely evaluated by the SDC.

Connections

The proposed WSCC expansion site will have a significant presence along Pine Street, a key pedestrian route that links the City's retail core to Capitol Hill and First Hill. The Pine Street corridor also links the large scale retailers in the downtown core to the neighborhood-based retail, restaurant, and personal service uses that define Capitol Hill and First Hill. Retaining and enhancing the richness of the Pine Street corridor along the expanded WSCC site will require care, thoughtfulness, and detail that speaks to the importance of this transportation route and the amenities that should be provided to enhance the pedestrian experience.

The expanded WSCC and the related developments will also have a significant presence along Howell Street, Boren Street, and Olive Way. Olive Way continues to increase in importance as a link between Denny Triangle, the northern portions of the downtown retail core, and Capitol Hill. Designs of each building, their respective programs, and a ground plane that promotes and enhances these connections will be closely evaluated by the SDC.

The SDC will also be looking for how the development team will provide public benefits to address existing deficiencies in the transportation network, especially for pedestrians and transit users; and how new connections can be established between and through these neighborhoods. The SDC will be very interested in your strategy to offset the barriers created by I-5, and how you can reestablish connections between downtown and neighborhoods to the east.

Art

The WSCC expansion is being developed by Pine Street Group LLC on its behalf. While the expansion does not appear to be subject to the Washington State Art program, or the City or County's 1% for Arts programs, the integration of public and publicly-accessible art should be a cornerstone in your public-benefit strategy. The existing WSCC has long embraced public and publicly-accessible art. Its permanent and temporary collections has been an essential component of its identity as a public facility. This tradition was carried forward through its last expansions, including public art along Pine Street, Pike Street, and 8th Avenue.

Attachment 2

The SDC is eager to see your strategy for integrating public and publicly-accessible art through all phases of the WSCC. The recent work of the Seattle Arena on the role of public art as a public benefit is a useful guide, especially as you look to solutions to use art to enhance neighborhood identity independent of the WSCC, and how art relates to various transportation functions at or near the facility. The SDC is also eager to see your plan for identifying, retaining, and repurposing existing on-site art developed for the Convention Center transit station. Independent of any responsibilities you will fulfill under the purchase and sale agreement with King County, you have a unique opportunity and responsibility to set a new standard for integrating new and existing art in the development of public facilities.

Transportation network

The expanded WSCC and the related development sites will include approximately 800 parking spaces. These combined developments will generate significant impacts in the form of automobile and truck trips that will impose a significant challenge on an already strained transportation network. Independent of any requirements to mitigate the environmental impacts of this traffic, the SDC will be very interested in understanding how your public benefit package offsets the impacts that these trips pose on the rights-of-way at or near the facility.

Independent of these impacts is how the WSCC addresses the issue of transit. The existing use for the site is the Convention Center transit station. Aptly named, the station provides an important link for transit riders to access the existing WSCC and serves as a transition point from city-based transit to suburban and regional destinations. While initial WSCC designs called for a transit layover facility incorporated into the expanded facility, those designs were abandoned. Setting aside the wisdom of that decision, the fact remains that there is a fundamental need to provide efficient and appropriate transit connections to this expanded facility. As you look for opportunities to address the issue of transit service for this facility, including any mitigation requirements, the SDC will very interested in seeing how your public benefit package can bridge an awkward transition for transit users between the Convention Center and nearby transit resources.

We look forward to working with you and your design team as the project progresses.

Sincerely,

(signed)

Michael Jenkins, Director
Seattle Design Commission

cc: Seattle City Council
Beverly Barnett, Seattle Department of Transportation
Sara Belz, City of Seattle - Office of Policy and Innovation

