



March 6, 2018

Honorable Mike O'Brien, Chair
Sustainability & Transportation Committee
Seattle City Council
600 Fourth Avenue
Seattle, Washington 98104

**Subject: Petition of North Block Spring Street Development, LCC et. al. to vacate the alley of Block 52, plat of an extension to Terry's 1st addition to the City of Seattle in the block bound by Seneca Street, 8th Avenue, Spring Street, and Hubbell Place
Clerk File 314364**

Dear Councilmember O'Brien and the Honorable Members of the Sustainability & Transportation Committee:

We are returning the petition from North Block Spring Street Development, LLC, *et al.* ("Petitioner" or "North Block") for the vacation of the street described as:

The Alley of Block 52, Plat of an Extension to Terry's 1st Addition to the City of Seattle, According to the Plat Thereof, Recorded in Volume 1 of Plats, Page 86, in King County Washington, Containing an area of 3,843 Square Feet of 0.0882 Acres, More or Less.

CITY COUNCIL DISTRICT

The proposed alley vacation is in City Council District 7.

BACKGROUND AND PROJECT DESCRIPTION

The block containing the proposed development is bound by Seneca Street to the north, 8th Avenue to the east, Spring Street to the south, and Hubbell Place to the west. The alley proposed for vacation runs north and south between Seneca Street and Spring Street but does not continue in the blocks to the north or to the south of this site. The alley is 16 feet in width and approximately 240 feet in length and includes approximately 3,843 square feet. There are two property owners on the block, Town Hall Association and North Block Spring Street Development LLC.

The vacation request includes the entire alley adjacent to both property owners. Following the vacation, the two abutting property owners will complete an agreement for shared use of what would then be a private access alley. While both property owners abut the alley, North Block is considered the Petitioner and the obligations related to the vacation belong to North Block unless otherwise noted.

Town Hall: The existing Town Hall Association's cultural center and performance hall owns and occupies the northeast corner of the block at Seneca Street and 8th Avenue, an approximately 14,400 sf site. Town Hall will remain in its present location and is not altered by the proposed new development; however, Town Hall is independently undertaking some seismic work and other upgrades to its landmark facility. Town Hall Association is a 501 (c)(3) organization founded in 1998 to save a historic building and create an affordable performance hall for small to midsized arts and civic organizations. It is housed in an historic Roman-revival-style building dating to 1922. The structure was built as the Fourth Church of Christ, Scientist and was used by the church until the building was sold in 1998 to a group of 16 community members for conversion into a cultural center. On an annual basis, Town Hall holds more than 425 events, hosts 90 community producers and works with over 150 grassroots groups.

The \$25 million-dollar capital campaign is to provide for renovations to the Town Hall facility scheduled from the fall of 2017 through the fall of 2018. This work includes seismic retrofitting, work on the façade, upgrades to technology such as the acoustics, audio-visual system and lighting, new restroom facilities, a new climate control system, and a new digital stage. Enhancements are planned to the existing entrance on the west side at the current alley. The work at this entrance will support improved access to Town Hall. The downstairs space will be restructured to allow more natural light and is planned to include a flexible stage with possibly a library or pub.

North Block: The remainder of the block is owned by North Block Spring Street Development LLC. The North Block parcels are separated by the alley that runs north to south through the site. The site, of approximately 37,244 sf is currently in use as a surface parking lot. North Block proposes the alley vacation to facilitate its development of the Spring Street North Block apartment project that will include approximately 542,000 square feet of apartment space split between two 32-story high-rise buildings. Both high-rises will be located on the southern half of the block.

REASON FOR VACATION

The requested alley vacation is integral to redevelopment of this block. North Block has cited that the alley vacation would 1) enable efficient parking below grade, 2) allow the two towers to function as a single building, 3) prioritize pedestrians in the former alley by limiting vehicular access, 4) create a space that is inviting to pedestrians, 5) creates a new community venue for gatherings or public enjoyment, and 6) promote pedestrian commuter connections in between First Hill, Downtown, Denny Triangle, and South Lake Union.

The vacation allows the two towers to function more as a single building by consolidating the development on the south side of the property without the intervening public alley. The below-grade garage will run from the southwest to the southeast side of the site, connecting the buildings. This eliminates the need for two separate garages and garage entrances. The alley vacation also eliminates the need for a building base or podium on the west side of the block along Hubbell Place which would block views to Town Hall. Consolidating development to the

south of the site and the connections below grade allows for more publicly accessible open space to be provided by the project.

A broad range of public benefit elements are proposed. They are described in detail in Sections 13 and 14 of the application; in summary, they include: a public plaza with generous open space, a design that coordinates with the goals of the Town Hall renovation, and a design that increases community connectivity.

NO-VACATION ALTERNATIVE

While the no-vacation development alternative would be similar in scale to the vacation development alternative, the use of the available building site would be significantly different. The no-vacation alternative would use the entire project site, including the western half of the block along Hubbell Place, to develop two 240-foot towers, with a podium structure covering the western half of the block compared to two 300-foot towers at the southern portion of the site and open space on the northwest corner of the site. The unit count would be approximately 487 apartment homes as compared to 548 units in the vacation alternative, and overall project square footage would be approximately 8% greater than the vacation alternative. Parking for approximately 387 vehicles would be provided below grade in two separate parking garages, one under each tower and separated by the existing alley. No public open space would be required. Access for parking and loading for both towers would be taken off the alley. Curb space would be requested for drop-offs and things such as cabs and food delivery. Separation between the towers would be approximately 36 feet, as compared to 42 feet in the vacation alternative. The west tower would have a floorplate of about 12,000 sf, and the east tower would have 9,000 sf; the vacation alternative would have 9,500 sf floorplates for both towers.

The no-vacation alternative would not require public benefits.

PROJECT DESCRIPTION

Development that would occur should the vacation be granted includes two high-rise towers 300 feet in height with approximately 548 apartment units, 4,000 sf of restaurant space, 1,500 sf of retail space and a public plaza of approximately 5,500 sf. The primary vehicular access point will be from Hubbell Place, on the west side of the block. There will be eight levels of below grade parking including approximately 387 parking spaces. The below grade parking garage will span under the two towers on the south half of the block. The garage has been designed to handle most of the day-to-day operations including all vehicular and bicycle parking, loading for commercial deliveries, USPS, residential delivery, move-in/move-out, and all garbage/compost/recycling storage and collection. Public bicycle racks are provided in the rights-of-way on 8th Avenue, Spring Street, and Hubbell Place. Drop-offs, pick-ups and deliveries such as pizza will be on Spring Street. Primary pedestrian access points to the buildings will be at the south front of the buildings, opening onto Spring Street.

The vacated alley will be used to establish a north-south connection that is intended to be used primarily for pedestrians. Non-pedestrian uses will be limited to loading, maintenance, access for mobility impaired persons to Town Hall, and emergency responders. Three ground level units will be located on Spring Street to the south. The primary lower level uses will be lobby, lounge, leasing, amenity, office, and retail.

The landscape design is a block-wide plan that includes two through-block pedestrian passageways (labeled a mews on project drawings), a new active plaza at the northwest corner of the block serving as a foreground to the Town Hall building, new streetscapes on Spring Street and Hubbell Place, and partial streetscapes on Seneca Street and 8th Avenue. The overall site has an approximately 28-foot grade change sloping downwards from the southeast corner to the northwest corner of the block. The landscape design steps and terraces the slope in reference to Seattle's iconic Freeway Park, kitty corner to the plaza, to create an active link and gathering space for the First Hill neighborhood.

The north-south shared curbless private alley (labeled a woonerf on project drawings) is designed to prioritize pedestrian use but limited vehicular access for the adjacent property owners will be maintained. Additional access to the block is achieved with a pedestrian-only walkway (labeled as a mews on project drawings) connecting 8th Avenue to the site. The use of stamped concrete, pavers, and inset stone at the plaza and pedestrian walkway creates a strong, graphic expression to support the public spaces and sense of a high quality public realm. It is intended to provide for urban activity that connects Town Hall's new west entrance seamlessly to the plaza. The textured ground plane encourages pedestrian use of the walkway, while discouraging vehicular traffic. Special paving and lush native and adapted West Coast plant massing used throughout the block unifies the site.

The two apartment buildings use setback departures allowing the towers to have ample spacing from each other. The setback between the podiums at the alley, along with limited 9,500 sf floor plates, widens the through block connection, creating more open space and a better ground level experience for pedestrians by providing better light and air to the plaza and Town Hall. In addition, the departures from setback requirements pull the apartments back to the south, away from Town Hall, to showcase the historic building. North Block has indicated it has worked closely with Town Hall to design the development and the public plaza, ensuring it provides an inviting communal gathering space at the new Town Hall Entry, which is anticipated to be completed by approximately the fall of 2018.

The project will incorporate a public plaza at the corner of Seneca Street and Hubbell Place immediately southeast of Freeway Park, and it is intended to create a gateway to the First Hill community from downtown. The proposed plaza will serve as the anchor for a new pedestrian connection between First Hill and Downtown Seattle on pathways provided on the right-of-way proposed to be vacated and on land to be provided between Town Hall and the new buildings. In addition, the project provides for extensive open space at grade, which will strengthen the presence of existing cultural institutions and parks. The design is also intended to improve

circulation, and connectivity to transit corridors on Seneca and the planned Madison Bus Rapid Transit (BRT) route along Spring Street.

The public benefit proposal includes:

- Providing a public plaza with generous open space that
 - Provides a flexible and expansive open space to support neighborhood programming
 - Allows for various types of seating, including terraced seating to invite the public into the space and aid with security
- Implementing a design that complements and coordinates with the goals of the Town Hall renovation and that
 - Enhances visibility of new west entry
 - Regrades the alley to provide accessible route
 - Creates open space that can be programmed for Town Hall events and functions
 - Provides a setback for the entire height of the east tower that will provide generous relief between the new building and the landmarked building
 - Provides better light access for windows on the southern edge of Town Hall than the no vacation alternative
- Implementing a design that increases community connectivity and that
 - Establishes a public plaza that fronts Freeway Park opposite Seneca Street
 - Creates a significant public gathering space within the First Hill Urban Village
 - Reinforces public walking loop paths and expands the 8th Avenue green street
 - Creates a safe mid-block pedestrian connection between Seneca and Spring Streets
- Supporting connections between the project site and Freeway Park
- Constructing sidewalk, landscaping, lighting and other improvements on all frontages of the block

MEETINGS WITH CITY STAFF AND STAKEHOLDERS

The Petitioner met numerous times with City staff and stakeholders, including but not limited to the following:

Meetings with Stakeholders

Town Hall

- November 16, 2015; Team Intro/Guidance meeting
- September 8, 2016; Early Design Guidance Concept Review
- September 21, 2016; Early Design Guidance Concept Presentation
- June 23, 2017; Landscape Coordination Meeting

Design Review Board meetings

- October 19, 2016; Early Design Guidance
- May 31, 2017; Recommendation Meeting

Design Commission meetings

- March 2, 2017
- May 4, 2017
- July 6, 2017

Meetings with SDOT staff/Street Improvement Permit meetings

- July 11, 2016
- October 6, 2016
- March 1, 2017
- June 21, 2017 (Meeting with Beverly Barnett as part of Seattle Design Commission (SDC) review)
- June 28, 2017
- September 28, 2017 (60% review for Street Improvement Permit (SIP))
- January 25, 2018

Meetings with Other Agencies, City Departments, or IDT meetings

- First Hill Improvement Association:
 - August 3, 2016
 - September 13, 2016
 - February 10, 2017
 - April 4, 2017
- Freeway Park Association:
 - January 29, 2016
 - February 14, 2017
 - June 15, 2017
 - January 5, 2018

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

The proposed vacation was circulated to various City departments, outside agencies and community groups for comment. The vacation review process also includes SDC review. In addition to the vacation review, including the SDC, the project is subject to:

- Design Review Board review as required by Seattle Department of Construction and Inspections (SDCI),
- Master Use Permit (MUP) review,
- Preparation of a SEPA Checklist,

- SIP review, the SDOT process to review street design and utility issues, and
- Utility Major Permit, the process to review major utility changes.

~Start of Comment Section~

The purpose of the broad review of the vacation petition is to identify issues that need to be addressed through the vacation process by changes to the project or vacation conditions. The comments, briefly summarized below, reflect the statements made by the reviewers and any issues identified during the initial portion of the review process. The comments reflect a "snapshot in time" when the comments were received and do not reflect any project revisions, updates or responses to comments. All the comments received are a part of the record and are not revised or amended by Seattle Department of Transportation.

The public comments reflect the views and analysis of the group, organization, or individual for consideration by the City and do not reflect the analysis and conclusions of the City.

The comment section does not reflect the resolution of the issue, subsequent design changes, or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address any issues or concerns. The Petitioner has responded to some of the comments received; due to the length and breadth of the comments the responses are brief, and the Petitioner's responses are included at the end of the comment section.

The following comments were received:

City Departments:

Seattle Fire Department: Wants the egress pathway to the public right of way on 8th Ave. from the back of the Town Hall building to be maintained at all times. The pathway needs to be maintained in accordance with the egress requirements of the Seattle building code.

Response: The developer and Town Hall have coordinated to provide all egress requirements during and after construction. All egress plans will be reviewed with the Seattle Fire Department.

SDOT Traffic Management and Policy and Planning Divisions: The Traffic Management and Policy and Planning divisions have reviewed the petition for vacation. Wants to make sure the garage (with one entrance) can handle all vehicular and bicycle parking, all loading (as future on-street curb allocation fronting the project may not be available) for commercial deliveries, USPS, residential delivery, move-in/move-out, TNC pick-up and drop-off, and all garbage/compost/recycling storage and collection. Wants to make sure the loading and collection needs of Town Hall are being met, while still establishing a more pedestrian environment with signage reflecting the one-way, southbound, direction. Wants the project to consider:

- Lighting surrounding the entire site, not just specific to the public plaza.

- Extending the 8th Ave lighting plan, from the First Hill Public Realm plan, should be included as well as alley lighting.
- Design the plaza and alley from a Crime Prevention through Environmental Design (CPTED) lens to ensure all people can access and use the alley and plaza 24 hours a day.
- Activation of the project site and public plaza.
- Pedestrian access to, from, and within the alley and public plaza to First Hill, Downtown, and Freeway Park and design options should be presented to SDOT (where private property meets public rights-of-way) to ensure accessibility for all users.
- Contributing to the Madison BRT project and the I-5 overpass beautification coming from the WSCC project.

Response: The garage has been designed to handle the majority of day-to-day operations including all vehicular and bicycle parking, loading for commercial deliveries, USPS, residential delivery, move-in/move-out, and all garbage/compost/recycling storage and collection. A permanent easement with Town Hall has been negotiated, which will meet Town Hall's loading and collection needs. The alley and open plaza have been designed from the outset to enhance the pedestrian experience and discourage unnecessary vehicular trips.

In response to the recommended project considerations:

- *Lighting surrounding the entire site, not just specific to the public plaza.*
 - *The project site plan specifies lighting throughout the site.*
- *Extending the 8th Ave lighting plan, from the First Hill Public Realm plan, should be included as well as alley lighting.*
 - *Lighting recommendations from the Public Realm Action Plan have been incorporated into the design.*
- *Design the plaza and alley from a Crime Prevention through Environmental Design (CPTED) lens to ensure all people can access and use the alley and plaza 24 hours a day.*
 - *The plaza and alley have been designed to deter crime through the use of lighting and broad, open, visual lanes.*
- *Activation of the project site and public plaza.*
 - *The developer will work with neighborhood groups to facilitate events that activate the open space.*
- *Pedestrian access to, from, and within the alley and public plaza to First Hill, Downtown, and Freeway Park and design options should be presented to SDOT (where private property meets public rights-of-way) to ensure accessibility for all users.*
 - *An accessibility review has been conducted by a professional, third party, accessibility consultant. The consultant's recommendations have been incorporated into the design.*
- *Contributing to the Madison BRT project and the I-5 overpass beautification coming from the WSCC project.*

- *The BRT project and the I-5 overpass improvements are outside the scope of the public benefit provided.*

Seattle City Light (SCL): Seattle City Light has a vault in the alley and has been working with the developer to relocate a couple of duct banks that support the vault. The vault will not be moving. Seattle City Light will get an easement from the property owners for the vaults.

Response: Comments noted.

Seattle Department of Parks and Recreation (Parks): Supports the proposed vacation based on the public benefits proposed by the petitioner, which will enhance First Hill's urban fabric. The only reservation that Seattle Parks and Recreation has is the lack of specifics about the design, quality of materials, and maintenance of the public spaces. Would like to understand the long-term maintenance plan for the public spaces (plaza and pedestrian walkway). Like the use of water features to mitigate noise impacts.

Response: Comments noted. Design has been reviewed and approved by the design commission, including a review of specific materials and conditions for the public spaces.

Seattle Public Utilities (SPU): No sewer, drainage, or water facilities are located within the vacation area. Recommends the request to vacate the alley be granted.

Response: Comment noted.

Seattle Department of Construction and Inspection (SDCI): The proposed development accommodates all of its parking, loading and service access needs via a street curb cut off of Hubbell Place. This frees up the entire alley ground area to become part of a unified pedestrian and open space design through the block, and a DRB supported extension of the public realm. The ground area would provide the secondary purpose of "pedestrian and bicycle connections" through the block. The existing alley is not part of a continuous "established pattern in the vicinity."

The residential service functions typically located on alley would be accommodated from the Hubbell Place curb cut. Supports the fact that the gap between the buildings is significantly wider than the 16-20 foot spacing of a typical alley, so that sun, light and air circulation will be equivalent to or greater than that provided by the alley.

The alley vacation and development supports Community Character Goal: FH-G2, Housing Policy: FH-P10, and Parks, Open Space & Community Facilities Policy: FH-P19. DPD recommends that the requested alley vacation be granted, assuming the current building, plaza, pedestrian paths and streetscape design continues to be consistent with DRB guidance, and it is endorsed by the Design Review process.

Response: Comments noted.

Office of Planning & Community Development (OPCD): The project that results from the enlarged lot created with the alley vacation is consistent with the intended function of the zone, and will help the area achieve the Comprehensive Plan's goals for residential growth in the area. Wants to promote better urban form in the area and enhance the project's relationship to Town Hall. Wants to minimize impacts that the project might have on open space in Freeway Park. Supports the reduced number of vehicular access points with the one garage serving both buildings. Supports the new public open space and its addition to pedestrian circulation and the open space network in the area. Wants to make sure that the open space being provided to meet code requirements or gain FAR aren't counted towards the public benefit associated with the alley vacation. Likes that the alley vacation creates a large, single open space that is more useable than if there was no alley vacation.

Response: The alley vacation provides better urban form by creating an open plaza that communicates with Freeway Park and completes the connection between the Central Business District and First Hill Neighborhood. The alley vacation also provides the opportunity to set back the towers, reducing the impacts on Freeway Park and Town Hall. Finally, no open space is being utilized to meet both public benefit requirements and zoning requirements. As made clear in the final submission to the Seattle Design Commission, there are clear demarcations between the proposed plaza and other public benefits and the proposed common amenity space that will be utilized to support height bonuses under Seattle code.

Landmarks Preservation Board: Would like the public benefit package to provide funding to assist with Town Hall's renovation.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements, including replacement of sidewalk around the Town Hall facility, as a public benefit. Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

Seattle Design Commission (SDC):

The Seattle Design Commission reviewed the Project on the following dates.

- March 2, 2017 (Urban Design Merit)
- May 4, 2017 (Urban Design Merit & Public Benefit)

- July 6, 2017 (Public Benefit)

The meeting minutes and presentations to the Design Commission are a part of the Clerk's File and can also be found at: <http://www.seattle.gov/designcommission/project-reviews/current-project-reviews/1101-8th-ave-alley-vacation>

The SDC reviewed the project on **March 2, 2017** and had the following comments and took the following action:

This was the Seattle Design Commission's (SDC) first review of the proposed alley vacation. The purpose of this meeting was to review the Urban Design Merit proposal. The commission did not take an action during today's meeting. The SDC provided the project team with recommendations to address prior to the next review.

Summary of Discussion

The commission organized its discussion around the following issues:

- Vacation vs. no vacation
- Circulation
- Massing (light air and views)
- Landscape and sustainable features

Vacation vs. no vacation

The SDC acknowledged the proposed vacation resulted in a better design than the no-vacation scenario, specifically stating that the layout and design proposed in the no-vacation scenario could negatively impact the adjacent property. While there is little difference between the vacation and no vacation alternatives in terms of creating shadows on surrounding properties, the commissioners did note that the vacation alternative would result in shadows on the proposed on-site open space at the NW corner of the site. However, commissioners noted that the proposed open space would receive full sun light during the mid-day hours. The commission also agreed the location of the proposed public space would serve as a positive adjacent use to the new entrance to Town Hall. The commission recommended the design team ensure that the relocation of utilities will not create long-term maintenance issues for Town Hall.

Circulation

Although the SDC agreed the overall circulation proposal made sense, commissioners requested more detail about the proposed one-way circulation through the site as well as better understanding of how Hubbell St will function with the increased vehicular traffic. Commissioners are concerned with the lack of a clear and accessible pedestrian route through the project site. Given the steep grade change, commissioners recommended the design team include a clear wayfinding plan that includes ADA accessible routes. The SDC also recommended the design team provide a greater distinction between pedestrian and loading areas through the use

different materials, bollards, or other similar tools. The commission questioned the proposed loading area location for the Town Hall property. Commissioners recommended the design team widen the area between the Town Hall property and proposed open space to reduce potential conflicts with pedestrians and any loading issues.

Massing

The SDC agreed light, air, and views are improved because of the vacation. Commissioners commented that the tower massing and open space in the vacation scenario improved the area surrounding Town Hall. To provide greater context, commissioners recommended the project team provide a massing study for the existing and proposed projects occurring on the surrounding blocks.

Landscape and sustainable features

The SDC thanked the design team for incorporating landscape design elements that related to Freeway Park, Town Hall, and the surrounding environment. Commissioners recommended the team reduce the landscaping divisions between programmable space (open space, upper plaza, and pedestrian passages) which will result in programmed spaces that blend in with each other. The Commission requested information about the appearance of the proposed water terraces when water is not circulating.

The SDC requested more information about sustainability features.

Action

The SDC thanked the project team for their presentation on Urban Design Merit. The SDC did not take an action during today's meeting. Although the project is heading in the right direction, the commission acknowledged the need for the project team to answer further questions prior to voting on the Urban Design Merit Proposal. The commission provided the following recommendations that should be addressed prior to its next review:

1. Confirm that the relocation of utilities will not create long-term maintenance issues for Town Hall.
2. Provide a wayfinding plan that includes publicly accessible and ADA routes through the project site
3. Provide greater distinction between pedestrian and loading areas near the Town Hall property
4. Provide a massing study for existing and proposed projects occurring on the surrounding blocks
5. Minimize landscaping edges between on-site programmed spaces
6. Provide elevations of Hubbell St including access and surrounding context

The SDC reviewed the project on May 4, 2017 and had the following comments and took the following action:

Summary of Discussion

This was the Seattle Design Commission's (SDC) second review of the proposed alley vacation. The purpose of this meeting was to review the Urban Design Merit and Public Benefit proposals. After the presentation and discussion, the SDC voted, 6-0, to approve the Urban Design Merit phase of the 1101 8th Ave Alley Vacation with several recommendations. The SDC did not take an action on the Public Benefit proposal. The SDC provided the project team with recommendations to address prior to the next review on Public Benefit.

Commissioner Discussion on Urban Design Merit:

The Commission organized its discussion around the following issues:

- Circulation
- Utilities
- Light, air and open space
- Urban form

Circulation

The SDC commended the project team for their responsiveness to previous concerns about circulation. Specifically, commissioners agreed accessibility and wayfinding measures have improved since the last review. The SDC recommended the project use the necessary design treatments to ensure private vehicles will not attempt to access the woonerf and loading area. Commissioners also stressed the importance of clearly identifying the elevator location along the ADA accessible route.

Utilities

The SDC agreed the proposed utility strategy would not have long term negative impacts on surrounding properties.

Light, air and open space

The SDC agreed the proposed design scheme preserved views to the Town Hall property. Commissioners appreciated the location and design of the proposed open space. Specifically, commissioners appreciated the proposed landscape and hardscape treatments. The commission agreed the proposed design provided a nice integration of public and private uses.

Urban form

The SDC thought positively of the urban form created by the proposed building. Commissioners appreciated that the proposed towers do not take away from the pedestrian realm.

Action

The SDC thanked the project team for presenting the Urban Design Merit proposal for the 1101 8th Ave Alley Vacation. Overall, commissioners appreciated how the project team addressed design issues. The SDC voted, 6-0, to approve the Urban Design Merit phase for the 1001 8th Ave Alley Vacation with the following recommendations:

- Clearly identify the accessibility route and public elevator
- Use design treatments to ensure private vehicles will not attempt to access the woonerf and loading area

Commissioner Discussion on Public Benefit:

The commission organized its discussion around the following issues:

- Adequacy of the public benefit package
- Public benefit element – special pavement
- Planting
- Seating
- Water feature
- Lighting
- Open space

Adequacy of the public benefit package

The SDC acknowledged the adequacy of the public benefit package. Specifically, commissioners commended the project team for the placement and design of the public plaza and the relationship it will have with surrounding uses. Commissioners agreed the additional open space improvements throughout the site will better serve the First Hill Neighborhood. Commissioners encouraged the project team to make sure all of the proposed public benefit elements are well integrated. The SDC also recommended the team provide further information regarding community outreach.

Public benefit element – special pavement

The SDC questioned the inclusion of special pavement as a public benefit element. Commissioners requested the project team return with information as to why this should be considered as a public benefit element.

Planting

The SDC acknowledged the quality of the landscape plan throughout the project site. Commissioners recommended the project team specify trees with a higher caliper for installation. The commission also recommended the design team replace the proposed dogwood trees with a higher limbed tree.

Enhanced seating

The SDC requested the project team return with information explaining why this should be considered as a public benefit element.

Water feature

The SDC had conflicting comments about the proposed water jet feature. Several commissioners questioned the water feature and suggested replacing it with other programming. The commission recommended the design team ensure the water feature feels like it is publicly accessible.

Lighting

The SDC feels the project team missed an opportunity by not including up lighting along the west façade of Town Hall Seattle. Commissioners recommended the design proposal include utilities to allow for future lighting near the west façade of Town Hall.

Open Space

The SDC recommended the project team provided clarity as to what open spaces are being considered for public benefit.

Action

The SDC thanked the project team for presenting the Public Benefit proposal for the 1101 8th Ave Alley Vacation. At this meeting, the SDC did not take an action on the Public Benefit proposal. The SDC provided the project team with the following recommendations to address prior to the next review on Public Benefit:

- Provide additional information about the public outreach process
- Provide clarity as to what open spaces are being considered for public benefit.
- Provide information explaining why special paving should be considered a public benefit
- Provide information explaining why enhanced seating should be considered a public benefit
- Consider specifying trees with a high caliper
- Consider replacing the proposed dogwood trees with a higher limbed tree

- Consider inclusion of necessary utilities to allow for future lighting possibilities near the west façade of Town Hall

The SDC reviewed the project on **July 6, 2017** and had the following comments and took the following action:

Summary of Discussion

This was the Seattle Design Commission's (SDC) third review of the proposed alley vacation. The purpose of this meeting was to review the public benefit proposal. After the presentation and discussion, the SDC voted, 9-0, to approve the public benefit proposal for the 1101 8th Ave Alley Vacation with one condition and several recommendations.

The commission organized its discussion around the following issues:

- Public Plaza
- Town Hall Improvements
- ROW Improvements
- Freeway Park Connection

Public Plaza

The SDC commended the project team for the design and integration of the public plaza with the surrounding environment. The commission acknowledged the positive impact the plaza will have on the First Hill Community. Commissioners appreciated the alignment of the plaza with Town Hall as well as the adjacency with Freeway Park. Commissioners encouraged the project team to explore possibilities to increase the physical and visual connection between the southeastern edge of the public plaza and woonerf. Several commissioners commented that they would have appreciated more information about what the project team learned from the community outreach process. SDC requested more information about landscape and hardscape materials, recommending the project team return to present this information at a subcommittee meeting.

Town Hall Improvements

The SDC appreciated the generous buffer between Town Hall and the proposed building. The commission also appreciated the project team's attempt to provide lighting along the west façade of the Town Hall facility. The commission recommended providing pedestrian lighting that would also focus on the west façade of Town Hall. Commissioners appreciated the project team's commitment to preserving mature trees along the exterior of the project site.

ROW Improvements

The SDC appreciated the proposed right-of-way (ROW) improvements near Town Hall and acknowledged the positive impact it will have on the pedestrian experience. The commission

commended the design team for providing understory planting along the streets surrounding the project site. Although many of the proposed benches and bicycle racks are located within the property line, the commission agreed both elements should be considered as a public benefit because they are directly accessible from the public right of way. Several commissioners recommended relocating the bicycle rack along 8th Ave so it does not directly align with the pedestrian pathway. Commissioners agreed the enhanced paving along Spring St should not be considered as public benefit.

Freeway Park Connection

The SDC commended the project team for enhancing the curb ramp and providing funding for other intersection improvements. The commission agreed the project could serve as a catalyst for improving the adjacent Freeway Park entrance. Commissioners requested further information about the recipient of the funding. The project team then stated that funding will be used to work with Freeway Park Association (FPA) to create a design for the intersection, which will then be submitted to SDOT for approval.

Action

The SDC thanked the project team for the public benefit package presentation of 1101 8th Ave alley vacation. The commission appreciated the breadth and level of detail provided for each public benefit element. The SDC voted 9-0 to approve the public benefit package for the 1101 8th Ave Alley Vacation on the condition the project team returns for a subcommittee meeting to address the following issues:

- Providing a detailed planting palette and show physical samples of selected hardscape materials
- Exploring possibilities to increase physical and visual connection between the southeastern edge of the plaza and woonerf
- Clarifying the relationship between the proposed public plaza, which is a public benefit, and the surrounding open space that is required by code – specifically addressing how the water feature will be perceived from the public plaza and how the public can be assured it will be maintained over time as a feature serving the public space

The SDC also recommended that the project team continues to work with Town Hall on providing a lighting solution for the façade of Town Hall and/or continues to provide pedestrian lighting along 8th Ave.

Outside Agencies:

King County Department of Transportation, Metro Transit Division: No objections to the alley vacation but want to make sure that two existing transit bus stop facilities and operations on Seneca Street are preserved before, during, and after construction.

Response: The proposed development would preserve the existing two bus stop facilities. We will work with the King Country Department of Transportation to resolve any minor impacts such as repaving sidewalks.

Enwave Seattle: Enwave has an active high-pressure steam line in the alley to be vacated. This line serves Town Hall. The line needs to remain operational during and after project construction.

Response: The subject line will not be affected by construction activities. An easement will be granted back to the service provider concurrent with the alley vacation.

Qwest (d/b/a Century Link): currently has facilities in the area to be vacated and wishes to retain rights to remain in the area and add future facilities. There are no objections to the vacation as long as provision is made to retain Qwest rights by explicit language to cover existing and future facilities.

COMMUNITY COMMENTS AND PETITIONER RESPONSES TO COMMENTS:

Lorrain W. Woods: Supports the alley vacation and the improved site accessibility that it will create.

Response: Comment noted.

Washington Trust for Historic Preservation, Chris Moore: Supports the proposed plaza as it is preserving the view of Town Hall from the west as well as providing a second access point to the building. Would like the plaza to be closer to 6,000 s.f. and wants a clear easement agreement between Town Hall ownership and the Spring Street North Block developers to preserve Town Hall's access to loading, maintenance, emergency, and mobility assisted access functions. Overall, the Trust supports the vacation and wants to ensure the public benefits proposed will complement the rehabilitation and further preservation of Town Hall.

Response: A plaza area of approximately 5,500 s.f. is being provided as part of the public benefit. Lennar is also negotiating with Town Hall an easement to provide access to the alley and loading, maintenance, emergency, and mobility assisted functions at the new Town Hall entrance along the alley proposed to be vacated. The woonerf area will also include safety elements, such as bollards, to allow for queuing at Town Hall and reduce the potential for pedestrian and vehicular conflicts. In addition to the plaza, Lennar is also providing Town Hall with landscaping enhancements along the south edge and at the southeast corner of the Town Hall property, and is providing funding for sidewalk improvements around the balance of the Town Hall property.

Freeway Park Association, Riisa Conklin and Bob Anderson: Requests that the developer help pay for Town Hall's renovation as part of its public benefit.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements, including replacement of sidewalk around the Town Hall facility, as a public benefit. Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

Historic Seattle, Eugenia Woo: Wants the public benefit to include both open space and contributions to Town Hall's renovation.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements, including replacement of sidewalk around the Town Hall facility, as a public benefit. Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

Horizon House, Sara McVey: Wants the developer to provide a direct benefit to the renovation of Town Hall as part of its public benefit.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements, including replacement of sidewalk around the Town Hall facility, as a public benefit. Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights

may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

Michael Ryan, Pastor of St. James Cathedral: Supports the alley vacation and the way it enhances the "campus" for Town Hall and the community at large.

Response: Comment noted.

First Hill Improvement Association, Alex Hudson and Mary Ellen Hudgins: Supports the open spaces and connection in First Hill that are created by the alley vacation as long as they maintain Town Hall's ability to operate a loading zone and increase access to its planned western entrance. Wants the temporary traffic signals at the intersection of Hubbell Place and Seneca Street to become permanent. Wants pedestrian improvements at the Hubbell Place and Seneca Street intersection as well as along 8th Avenue (as outlined in the First Hill Public Realm Action Plan). Wants public benefit dollars to go towards Town Hall's renovation.

Response: With regard to the open space near Town Hall, the developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building.

In addition, as part of the public benefits approved by the Seattle Design Commission, the developer is providing \$25,000 (in payment or services in kind) to Freeway Park Association to assist in the design of the intersection at Hubbell Place and Seneca Street. In addition, the developer has committed to providing the final ADA-compliant ramp at the northwest corner of the intersection as part of its public benefits. The ultimate traffic signal function and intersection determinations will be determined by SDOT and it is premature to determine what SDOT would like to ultimately see at this intersection. Accordingly, additional intersection improvements, such as a permanent signal, are outside the scope of the proposed public benefits.

Town Hall Association, Wier Harman: Wants to make sure that the alley will continue to serve its operating needs, including vehicular access, emergency building egress, through-block travel of delivery vehicles and mobility-impaired patrons, and maintenance and utility access, in perpetuity. Wants to make sure their utility connections are not impacted. Town Hall's support of the alley vacation petition is contingent upon several matters, including execution of a final easement agreement. Additionally, Town Hall's conveyance of the east half of the alley to LMC is contingent on several items, including that there be provisions in the alley vacation and Master Use Permit decisions that preserve access to Town Hall. Town Hall supports the proposed plaza as it will serve as an attractive site amenity. Town Hall wants clarification on how the proposed open space is being used to meet the land use code-related bonuses that the project is seeking, including an increase in allowable height and an increase in allowable FAR.

Response: Town Hall will convey the eastern half of the alley to the developer, and will accordingly require a permanent easement to address operating needs, including vehicular access, emergency building egress, through-block travel of delivery vehicles and mobility-impaired patrons, and maintenance and utility access, in perpetuity. A permanent easement addressing Town Hall's concerns is being negotiated between the developer and Town Hall Association. The easement will address operating needs, including vehicular access, emergency building egress, through-block travel of delivery vehicles and mobility-impaired patrons, and maintenance and utility access, in perpetuity. Permanent utility connections are not being impacted except for very short-term service disruptions during construction.

Finally, no open space is being utilized to meet both public benefit requirements and zoning requirements. As made clear in the final submission to the Seattle Design Commission, there are clear demarcations between the proposed plaza and other public benefits and the proposed common amenity space that will be utilized to support height bonuses under the Land Use Code.

Gibraltar Investment Property Solutions, Gerry Pigotti: Thinks there are many positives to the proposed building, alley vacation, and public open space. Wants there to be more public benefit than the plaza. Wants the public benefit to include helping Town Hall with its renovation.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements around the project block, including replacement of sidewalk around the Town Hall facility, as a public benefit. The developer is also providing \$25,000 (in payment or services in kind) to Freeway Park Association to assist in the design of the intersection at Hubbell Place and Seneca Street, and has committed to providing the final ADA-compliant ramp at the northwest corner of the intersection as part of its public benefits.

Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

Linda Wolf, Skyline Community Resident: Supports the vacation and is excited about Town Hall's renovations for senior citizens.

Response: Comment noted.

Tina Cahall: Wants the public benefit to include community space and contributions to the preservation and renovation of Town Hall.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements, including replacement of sidewalk around the Town Hall facility, as a public benefit. Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

Melvin Belding and Kathy Brostoff: Supports the alley vacation and Town Hall's renovation.

Response: Comment noted.

Helena Khu, Marketing Manager at Hotel Sorrento: Wants the developer to provide a direct benefit to the renovation of Town Hall as part of its public benefit.

Response: The developer is providing an approximately 5,500 s.f. plaza near the new Town Hall entrance to highlight the entrance, provide access to the entrance, and provide sufficient light and air to the landmark building. In addition, the developer is also providing street enhancements, including replacement of sidewalk around the Town Hall facility, as a public benefit. Finally, while the following are not considered public benefits, the developer has negotiated an agreement with Town Hall that provides a construction storage area and construction access route at no cost that will facilitate Town Hall's renovation, and will purchase transferrable development potential from Town Hall Association in an amount exceeding \$1,000,000. These development rights may have been otherwise difficult to sell on the open market, due to restrictions on their use. These funds can be directly used for Town Hall's renovation if Town Hall chooses to do so.

~End of Comment Section~

POLICY FRAMEWORK

By State Statute, street vacation decisions are City Council decisions and have not been delegated to any City department. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. Vacating public right-of-way requires discretionary

legislative approval from the City Council, and the Council may not vacate public right-of-way unless it determines that potential development and use of the vacated right-of-way is in the public interest. The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

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

The Street Vacation Policies are currently contained in Clerk File 310078.

ANALYSIS

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

The Policies define the components of public interest as:

1. Protecting the public trust;
2. Protecting against adverse land use impacts; and
3. Providing public benefit.

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

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

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

Transportation Impacts: Alleys are intended to provide for access to adjacent properties, to provide for service functions such as loading bays and access to parking and to provide space for utility infrastructure. In reviewing alley vacations the critical questions are if the vacation pushes traditional alley functions out onto the street or otherwise impairs the function of the adjacent streets.

While the alley is being vacated for this project, the traditional alley functions will continue to be provided with the proposed use of the alley as a shared access for the two adjacent property owners. The existing public alley provides two points of entry to the block and after the vacation the restored alley way will provide two points of access to the block. Service, loading and garage entry for the project have been combined in one access point on Hubbell Way, to limit impact to the pedestrian use of the alley way. Vehicles and deliveries serving the west entrance of Town Hall will still use the alley way.

The block will have a private alley way subject to a public easement that serves the new project and Town Hall. The alley way is intended to provide a replacement for the vacated alley and will provide for continued use by the private property owners, the public, and provide for continued use of the alley by Town Hall for delivery and drop-off purposes.

Use of the alley way needs to be open and available 24 hours per day to the project, Town Hall and the public. The vacation should be conditioned to require an easement or other binding mechanism that provides for the use of the mid-block connector for Town Hall and the general public. The alley way can be supported by SDOT, provided the following are included as conditions of the vacation and provided for in the SIP and the MUP. The alley way shall include the following elements:

- The total width varies from 16 feet to 20 feet.
- Two-way vehicle traffic is accommodated, though the alley way will be signed as a south-bound one-way facility for vehicle traffic.
- A 5-foot wide elevated pedestrian sidewalk is located on the west side of the south half of the alley way, to facilitate pedestrian access up the existing slope of the site.
- Signage is provided at the Seneca Street entrance to the alley way indicating its vehicular use for loading/drop-off only
- Signage is provided at the Spring Street entrance to the alley indicating no entry for vehicles.
- Special paving is provided in accordance with the Petitioner's proposal to the Design Commission.
- Bollards are installed along the Town Hall frontage of the alley way to protect pedestrian access to the west entrances of Town Hall.

- Pedestrian lighting is provided.

A Transportation Impact Analysis (TIA) was prepared for the project by the Transpo Group. All parking and loading access for the project is designed to be served from a single curbcut on Hubbell Way, and all parking and loading activities will occur underground. Existing loading and drop-off access for Town Hall will be retained in the alley way. The TIA contained the following conclusions as a summary of the project impacts:

- The project proposal includes development of up to 548 apartment units with 4,000 sf restaurant and 1,350 sf retail on the ground level along with 387 underground parking stalls. The existing site is currently used as a surface parking lot, with the alley used for loading and access to the on-site parking aisles. The Town Hall cultural and performance center is on the northeast corner of the block, and will remain with the proposed project. Vehicular access to the site would be provided by a single full access driveway on Hubbell Place between Seneca Street and Spring Street. As part of the proposed development, the existing midblock north-south alley between Seneca and Spring Streets is proposed to be vacated; and vehicular access on the vacated alley would be limited to Town Hall loading, maintenance, drop-off/pick-up for mobility impaired persons, and emergency vehicles.
- The proposed development is anticipated to generate 1,334 weekday trips per day, with 107 trips occurring during the weekday AM peak hour (26 in, 81 out) and 119 trips occurring during the weekday PM peak hour (80 in, 39 out).
- Weekday AM and PM peak hour level of service (LOS) analyses, a measure of traffic congestion, were conducted at 11 study intersections. Nine of the signalized study intersections are expected to operate at LOS D or better during the AM and PM peak hours in 2020 without or with the proposed project. The intersection of Seneca Street/6th Ave/I-5 off-ramp (Study Int. #1) is anticipated to operate at LOS F during the AM peak hour and the intersection of Spring Street/6th Ave/I-5 onramp (Study Int. #5) is anticipated to operate at LOS F during the PM peak hour in 2020 without or with the proposed project. Increases in delay at these two signalized study intersections because of the proposed project would be less than 3 seconds, which is not considered to be significant.
- Vehicle access to/from the site would be provided via a single full access driveway on Hubbell Place between Seneca Street and Spring Street, which would provide access to the commercial and residential uses on the site. All turn-movements at the proposed site driveway are anticipated to operate at LOS B or better in 2020 with the proposed project during the AM and PM peak hours.
- Transportation concurrency was evaluated for the proposed Spring Street North Block project based on City requirements in Director's Rule 2009-5. The evaluated screen-line

would continue to operate below the concurrency threshold with construction of the project. As a result, no concurrency-related mitigation is warranted or required for the project.

- No specific off-site mitigation measures are required to reduce/offset potential site-generated traffic impacts.

The TIA concluded that “with-project” traffic operations at surrounding intersections would remain at acceptable levels and are not anticipated to degrade in LOS, from “without project” conditions.

No adverse impacts were identified through the TIA and the proposed alley way restoration was identified as providing a safe and functional pedestrian and vehicular way when designed as outlined above. The vacation should be conditioned to require SDOT’s review and approval of the final design of the alley way. In addition, a Property Use and Development Agreement (PUDA), an easement or other binding agreement to protect public access to the alley way and Town Hall should be vacation conditions.

Whenever there are multiple property owners on a block it is important for the City to address the needs and concerns of all property owners equally. The PUDA is an effective means to ensure that the access, service, and loading needs of the existing Town Hall facility are given equal weight to the needs of the new development. The PUDA or other agreement can also address maintenance, programming, and other operational issues that should be resolved before the new project opens. The two property owners agree on the terms and conditions but will need to formalize and record the agreement as the project moves forward.

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

Seattle City Light (SCL), Qwest (d/b/a as Century Link), and Enwave have identified that the vacation will impact their facilities. SCL has noted that it has facilities including a vault and duct banks within the proposed vacation area. SCL provided conceptual approval to re-route the system underground along the project site, noting the cost of relocating the service is fully borne by the Petitioner. The Petitioner must complete an agreement with City Light on the relocation and must provide an easement, deed restriction or other binding mechanism satisfactory to City Light for any facilities to be located on the project site.

Enwave also has pressurized steam lines in the proposed vacation area. The Petitioner proposes to maintain these lines in their existing locations and to provide an easement to Enwave for these lines. Enwave provided conceptual agreement with this proposal.

Qwest has indicated it has facilities in the area proposed for vacation but would not object to the vacation once Qwest's current and future rights are secured.

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

The Petitioner has a plan to address the issues identified by SCL and Enwave, and is working with Qwest. The vacation should be conditioned to require that this work continue, the final plans address issues to the satisfaction of the City or other utilities impacted by the vacation, and provide easements or other agreements as required.

Light, air, open space and views: Because alley right-of-way is open and not developed with structures, alleys can have value as open space and view corridors. Alleys also provide important breathing space in dense urban areas. The current alley does not provide any important views and because it is located within two surface parking lots, it provides little useable space for the public.

Following the vacation, the development will include a restored north/south alley way, privately owned but open to the public, an adjoining public plaza and public walkways connecting to adjacent streets. Design alternatives presented to the Seattle Design Commission showed that a development on the site without an alley vacation would likely include approximately 2,270 sf of open space but if the vacation were granted development on the site would provide approximately 23,209 sf of publicly accessible open space.

No adverse impacts to light, air, open space or views were identified. The project will provide useable open space in various forms in an amount that is greater than the amount of alley right-of-way being vacated and greater than what would be required if the project were developed without an alley vacation.

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

It is also important to assess whether the loss of the streets creates building sites that allow for projects that are out of scale with the area.

The project site is zoned as Highrise (HR) with a 300-foot height limit. 8th Avenue on the eastern border of the site is a green street. The site lies within the First Hill Urban Center. The Downtown Urban Center is located across I-5 to the west and Freeway Park is located north of the project site. Adjoining sites to the east are zoned HR and sites to the south are zoned NC3-160 and HR within the First Hill Urban Center. The total lot area of the development site is approximately 37,244 sf, with an additional 3,842 sf of alley area to be vacated. The SDCI project number is 3023101.

The HR zone is a multifamily zone intended to provide an area with a concentration of high-density multifamily housing in a pedestrian-oriented neighborhood with access to regional transit stations, amenities, and transit centers as provided in Seattle Municipal Code (SMC) 23.34.028. Permitted uses include residential uses, parks, community gardens, police and fire stations, and some ground floor commercial uses. Permitted ground floor commercial uses include general sales and service, medical services, offices, business support services, food processing and craft work, restaurants, and live-work units when paired with another of the ground floor commercial uses.

The project is designed to be consistent with the zoning and direction for the First Hill area. The First Hill area has experienced a significant amount of growth in recent years with older projects making way for newer, larger-scale buildings. The proposal will be similar in scale to other recent development nearby and with several projects also in the permitting stage in First Hill. The vacation facilitates the use and function of the site but does not make a major contribution to the scale of the project. Similar uses and density could occur without the vacation of the alley. The flexibility offered by the vacation process allows the developer the opportunity to provide more pedestrian access through the site and to provide more public open space on the site. With the growth and increase in density in the area additional open space and pedestrian connections make an important contribution.

The proposal has been very carefully reviewed. The project has been through two Design Review Board (DRB) meetings as part of the regulatory review process administered by SDCI. While the DRB does not review vacations and does not advise the City Council on these matters, a review of that process and the SDCI comments on the vacation can be useful in reviewing Comprehensive Plan and Neighborhood Plan goals. Over the course of its review meetings the DRB looked at the proposal in considerable depth, but the most relevant to the vacation review is the discussion of:

- The safety and functionality of the restored alley way as both a pedestrian and limited vehicular facility;
- The quality and character of the pedestrian experience around the project; and

- The important of the design of the public plaza at the northwest corner of the project site.

The restored alley way has been designed to serve as a joint pedestrian and limited vehicular facility, with special paving, pedestrian lighting, and landscaping. Signage and visual cues are used to limit vehicular use of the alley way and to indicate that it is also a pedestrian space. The restored alley way is designed to connect to the public plaza and to the public walkway to 8th Avenue. The DRB was satisfied with the function of the revised proposal and required that the design work continue and noted that the plan would require SDOT's review and approval. Through the SIP process, SDOT will have authority to review and approve the final engineered plans for access to the site and the restored alley way.

The Spring Street and 8th Avenue frontages of the site are identified within the First Hill Public Realm Action Plan (PRAP). The DRB noted the importance of development of a well-designed streetscape around the project site, with particular emphasis on the PRAP elements. The DRB reviewed building materials and the location of windows and residential and retail entries and uses along the streetscape, discussed the elements of the public plaza and recommended conditions that will be a part of the Master Use Permit (MUP) for the project.

The discussion of the pedestrian environment by the DRB echoed the SDOT and Design Commission review of the proposal and the discussion of the public benefits required for the project. Elements that support the goals of the First Hill community include the public plaza, well developed sidewalks with street trees and landscaping, special paving, lighting, street furniture, and bicycle parking. These elements contribute to a vibrant public space but as they are not all required elements, some are considered as public benefit elements and are outlined on more detail in the public benefit discussion.

The DRB supported placing all parking and loading activities below-grade, with only a single curbcut along Hubbell Place. Placing retail uses along 8th Avenue is viewed as important to activating that street and the pedestrian interconnections through and across the block promote the permeability of the site. The thoughtful design of the plaza was noted as a key element of the design.

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

Providing Public Benefit: The Street Vacation Policies note that vacations must provide a long-term public benefit. Vacations will not be approved to achieve short-term public benefits or for the sole benefit of individuals. The current Vacation Policies prioritize specific and tangible physical elements. The Policies also provide that facilitating economic development, meeting code requirements for development, or mitigating defined impacts is not a sufficient public benefit and are clear that public benefit features must be additive and not meeting any other obligations.

The Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large, or if the project has significant impacts, then the Policies anticipate the public benefit proposal must also be significant. By eliminating the alley, the Petitioner can develop the entire block in a way that best suits its programmatic needs and can consolidate below-grade functions such as parking and loading. Since the vacations make an important contribution to a project that is significant in scale, the Policies require that a significant public benefit be provided.

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

The chart below outlines the public benefit package.

Public Benefit	Description	Approximate Value	Code Req'd
1 - Public Plaza	<i>5,500 SF Public Plaza Open Space, includes: 2,500 SF special paving 1,015 SF terraced planting 2 existing trees preserved 3 new trees 845 SF seating lawn 25 LF wood benches 200 SF wood platform Lighting - tree lights, pedestrian poles, bollard lights, bench lights, handrail lights</i>	\$4,800,000	No
2 - Town Hall Improvements	<i>Contribution for 3,000 SF of sidewalk improvements along Seneca Street + 8th Avenue 1,140 SF of new landscaping at south side of site 3,000 SF of Woonerf, includes special paving + bollards</i>	\$50,000 \$97,000 \$204,000	No
3 - ROW Improvements	<i>Hubbell Place: 30 LF of underlit seating + pedestrian lights Seneca Street: 100 SF of special paving + 6 bike racks</i>	\$135,000	No

	<p>Spring Street: 145 SF of planting + 217 SF of special paving + 15 LF of underlit seating + 5 bike racks + pedestrian lights</p> <p>8th Avenue: 320 SF of planting + 650 SF of special paving + 16 LF of underlit seating + 8 bike racks + pedestrian lights</p>		
4 - Freeway Park Connection	<p>Design contribution to intersection improvements</p> <p>Accessible curb ramp at northwest corner of Seneca and Hubbell</p>	<p>\$25,000</p> <p>\$10,000</p>	No

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

Public Benefit Matrix

Zoning designation	HR
Street classification	Alley
Assessed value of adjacent property	Assessed value of adjacent property is approximately \$275 per square foot
Lease rates in the vicinity for similar projects	Approximately \$3.00/s.f. for residential rates; approximately \$25-\$45/s.f. for commercial rates depending upon the size of the tenant and cost of tenant improvements
Size of project, in square feet	Approximately 531,395 s.f. (Site area is 41,086 s.f.)
Size of area to be vacated, in square feet	3,842 s.f.
Contribution of vacated area to development potential	None

North Block is proposing to provide open space, street improvements, and enhanced community connections to meet its public benefit obligations. During the early stages of the review of the vacation petition advocates for Town Hall asked that the project provide a financial contribution towards the seismic and renovation work anticipated by Town Hall. North Block development did not propose a financial contribution and has instead proposed open space and street improvements adjacent to the site. These physical improvements will enhance the Town Hall facility and will be visible and available to everyone whether attending an event at Town Hall,

accessing the North Block properties, or just enjoying the area. Tangible, physical improvements are a higher priority in the Vacation Policies.

Moving around the block, North Block is proposing to add elements beyond code requirements to enhance the pedestrian experience. This includes benches, pedestrian lighting, additional plantings, special paving and bike racks. Pedestrian and bicycle enhancements to the public realm have been accepted as public benefits with other projects. Improvements such as those proposed by North Block are in the right-of-way or adjacent to it and can be clearly identified as accessible and useable to the public. These types of amenities support the community in moving around the area and enhance the character of the area. North Block is also proposing to provide street improvements adjacent to the Town Hall site. This includes sidewalk improvements at Seneca Street and 8th Avenue, additional landscaping, and the private alley (woonerf) improvements on the west side of Town Hall at its renovated entry.

Retail and restaurants and entries to buildings help to activate a streetscape and provide something interesting to see or do for pedestrians. While this activation can support and contribute to public benefit elements, generally building entries and retail space should not be considered as a part of the public open space.

To support community connections to downtown and Freeway Park, North Block is contributing \$25,000 for the design of intersection improvements to connect to Freeway Park and an additional \$10,000 for an accessible curb ramp at Seneca Street and Hubbell Place.

The largest element of the public benefit proposal is the plaza open space at Hubbell Place and Seneca Street. This plaza is approximately 5,500 sf in size and is designed to terrace down from Town Hall to Hubbell Place. It will include special pavers, trees and landscaping, benches, and lighting. The plaza is specifically designed and located to preserve views to the Town Hall building. The space is intended to support the residential development, Town Hall, and the larger community by providing ways to move through the site, places to relax and linger, and adequate space for programming.

In its review of recent vacations that proposed to provide on-site open space, the City Council discussed whether the spaces provided were clearly public. Some proposed spaces were identified as perhaps having more of a corporate character and the spaces might be identified as belonging more to the adjacent building than to the public. In reviewing public benefit features, SDOT identified some elements that help define a space as public. This includes whether the space is connected to the sidewalk or is more interior to a site, the amount of frontage on the sidewalk, whether the space is open to the sky or covered, and whether the design and size of the space create opportunities for the public to feel welcomed to spend time.

This open space is proposed at a corner so that two sides of the space front directly on public sidewalk. The space is entirely open, there are no building overhangs or aerial connections. The design includes a variety of pathways and seating opportunities and the space is large enough that community events may be planned. In addition, the space is adjacent to the Town Hall

building and provides visual access to this landmark. The public plaza provided by North Block as a public benefit is a strong design that meets the criteria for a public benefit.

The public benefit proposal advanced by North Block contains elements that will make a strong contribution to the vibrancy of First Hill by providing pedestrian amenities and space for community activities. The proposal will provide views to the Town Hall building and space for patrons to enjoy before or after an event.

RECOMMENDATION

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

1. The vacation is granted to allow the Petitioner to build a project substantially in conformance with the project presented to the City Council and for no other purpose.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation through a Street Improvement Permit.
3. A Property Use and Development Agreement (PUDA), public access easement, or other binding mechanism shall be required to outline the design, use, maintenance, programming and other obligations related to the proposed private alley or woonerf. The agreement between Town Hall and North Block shall be completed before a Certificate of Occupancy is issued for the North Block. The agreement relating to the private alley and access to the site is in addition to obligations related to public benefit features. The PUDA or other binding mechanism shall include the following provisions:
 - The total width will vary from 16 feet to 20 feet.
 - Two-way vehicle traffic will be accommodated, though the alley way will be signed as a south-bound one-way for vehicle traffic.
 - A 5-foot wide elevated pedestrian sidewalk will be located on the west side of the south half of the alley way, to facilitate pedestrian access up the existing slope of the site.
 - Signage will be provided at the Seneca Street entrance to the alley way indicating its vehicular use for loading/drop-off only
 - Signage will be provided at the Spring Street entrance to the alley indicating no entry for vehicles.

- Special paving will be provided in accordance with the Petitioner's proposal to the Seattle Design Commission.
 - Bollards will be installed along the Town Hall frontage of the alley way to protect pedestrian access to the west entrances of Town Hall.
 - Pedestrian lighting will be provided.
4. The utility issues will be resolved to the full satisfaction of the affected utility before the final vacation ordinance is approved. Before commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted may include:
 - Enwave;
 - Qwest (d/b/a Century Link); and
 - Seattle City Light (SCL)
 5. It is expected that development activity will commence within approximately 18 months of this approval and that development activity will be completed within 5 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the SDOT with Quarterly Reports, following Council approval of the vacation. The reports will provide an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy until SDOT has determined that all conditions have been satisfied and all fees have been paid as applicable.
 6. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes including SEPA.
 7. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed within the onsite vacation public benefit features. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying public access and allowed free speech activities is required at the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity spaces. Any violation of these condition will be enforced through Chapter 15.90 of the Seattle Municipal Code.

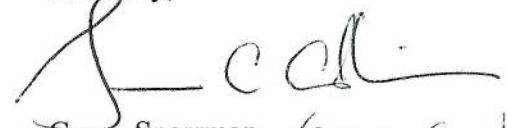
8. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A PUDA or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. Signage clearly identifying public access is required at the public open space elements and shall require the review and approval of SDOT Street Vacations. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. The public benefit requirements include the following features and corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA as follows:

Public Benefit	Description	Approximate Value	Code Req'd
1 – Public Plaza	<i>5,500 SF Public Plaza Open Space, includes: 2,500 SF special paving 1,015 SF terraced planting 2 existing trees preserved 3 new trees 845 SF seating lawn 25 LF wood benches 200 SF wood platform Lighting - tree lights, pedestrian poles, bollard lights, bench lights, handrail lights</i>	\$4,800,000	No
2 – Town Hall Improvements	<i>Contribution for 3,000 SF of sidewalk improvements along Seneca Street + 8th Avenue</i>	\$50,000	No
	<i>1,140 SF of new landscaping at south side of site</i>	\$97,000	
	<i>3,000 SF of Woonerf, includes special paving + bollards</i>	\$204,000	
3 – ROW Improvements	<i>Hubbell Place: 30 LF of underlit seating + pedestrian lights Seneca Street: 100 SF of special paving + 6 bike racks Spring Street: 145 SF of planting + 217 SF of special paving + 15 LF of underlit seating + 5 bike racks + pedestrian lights 8th Avenue: 320 SF of planting + 650 SF of special paving + 16 LF of underlit seating + 8 bike racks + pedestrian lights</i>	\$135,000	No
4 – Freeway Park Connection	<i>Design contribution to intersection improvements</i>	\$25,000	No
		\$10,000	

Honorable Mike O'Brien
Block 52, North Block alley vacation
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	<i>Accessible curb ramp at northwest corner of Seneca and Hubbell</i>		
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Sincerely,


Goran Sparrman *Goran C. Sparrman*
Acting Director
Seattle Department of Transportation

GS:bb

Enclosures