



City of Seattle
Edward B. Murray, Mayor

Department of Transportation
Scott Kubly, Director

September 22, 2015

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

**Subject: Petition of City Investors IV, LLC for the vacation of a subterranean portion of the alley in Block 89 lying between John Street and Denny Way in the South Lake Union Urban Center neighborhood of Seattle
Clerk File 313894**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of City Investors IV, LLC (City Investors) for the vacation of a subterranean portion of the alley in Block 89 lying between John Street and Denny Way in the South Lake Union Urban Center neighborhood of Seattle described as:

That portion of the alley bisecting Block 89, D.T. Denny's 5th Addition to North Seattle, according to the plat thereof, recorded in Volume 1 of plats, page 202, records of King County, Washington, lying below an inclined plane situated 6.00 feet below, and parallel with, the finished grade elevation of said alley, said inclined plane being more particularly described as follows:

Beginning at a point on the south right-of-way line of John Street at the north end of said alley, said point having an elevation of 57.8 feet;

Thence south along the course of the alley a distance of 100.00 feet to a point having an elevation of 62.4 feet;

Thence continuing south along the course of the alley a distance of 130.5 feet to a point having an elevation of 63.7 feet;

Thence continuing along the course of the alley a distance of 130.5 feet, more or less, to a point on the north right-of-way line of Denny Way and the terminus of said inclined plane, said point having an elevation of 61.4 feet.

The inclined plane herein described spans the full alley and is bounded on the north by the south right-of-way line of John Street, on the south by the north right-of-way line of Denny Way, on the east by the west line of Lots 1 through 6 and on the west by the east line of Lots 7 through 12, all of said Block 89.

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The elevations described herein are expressed in terms of North American Vertical Datum of 1988 (NAVD 88) and are based upon City of Seattle Benchmark No. SNV-5007, a 2 inch surface brass disk in the concrete walk, vicinity of the northwest corner of Westlake Avenue and 9th Avenue, elevation 79.14 feet.

Situate in the City of Seattle, County of King, State of Washington.

The alley includes approximately 5,776 square feet of right-of-way and the vacation would begin at approximately six feet below the surface of the alley.

BACKGROUND

The project site is in the block bounded by John Street on the north, Westlake Avenue N on the east, Denny Way on the south and 9th Avenue N on the west. The Petitioner owns all of the property on the block on both sides of the alley with the exception of a small triangle at the corner of 9th Avenue N and Denny Way which is right-of-way and not a parcel. This triangle of right-of-way (including the sidewalk area) contains approximately 4,506 square feet. This section of right-of-way is not proposed for vacation and will remain as public right-of-way following the development of the site.

The western ½ of the block, fronting on 9th Avenue N has been in use as a publically accessible basketball and sports court known as the Denny Playfield and an open lawn area. While these sports facilities have been open and in use by the public, they are privately owned and are now closed in preparation for development of the site. The eastern ½ of the block, fronting on Westlake Avenue N contains the one-story, 11,000 square foot SLU Discovery Center and surface parking for 28 vehicles.

The alley runs north and south through the block between John Street and Denny Way. The alley currently appears as a part of the interim Denny Playfield area and is mainly green lawn. The street grid shifts south of Denny Way and has an altered axis from the streets north of Denny Way, the alley does not continue south of Denny Way. North of John Street the alley continues for five blocks and terminates at Valley Street.

The project site is in the South Lake Union neighborhood and is located within the South Lake Union Urban Center. The project site is zoned Seattle Mixed or SM- 240/125-400. The City Council adopted zoning changes for the South Lake Union Urban Center in 2013, which changed the zoning designation for the project site from Seattle Mixed 125 (SM-125) to SM-240/125-400. The new SM-240/125-400 allows buildings with a maximum height limit of 240 feet for portions of a project which contain non-residential and live-work uses, a base height limit of 125 feet for portions of a project in residential use, and a maximum residential height limit of 400 feet.

REASON FOR VACATION

The Petitioner states that the reason for the subterranean vacation is that a subterranean vacation is the best way to accommodate project-related traffic while enhancing the public pedestrian

experiences. The vacation is requested to accommodate garage and loading access in a single location with loading below grade rather than in the alley, in order to maintain the surface alley as a non-vehicular pedestrian walk way. In the vacation petition the Petitioner provided three reasons why they are seeking a subterranean vacation. The Petitioner stated:

1. A full vacation is necessary only when a building is proposed atop the alley area, thus making private ownership critical. Those circumstances do not apply to the proposed Block 89 project as no building is proposed above the ground surface of the alley.
2. A full vacation is necessary when a petitioner seeks to gain extra land area in order to increase the building floor area that can be achieved. That circumstance does not apply to the proposed Block 89 project as the vacation is not sought for extra floor area and has no effect on the amount of floor area built above grade.
3. Post-vacation the alley would continue to function as public pedestrian access, and so it is appropriate that the alley surface and sky above it remain as public alley. Under the Street Vacation Policies, public ownership of the right-of-way is the preferred method of guaranteeing public access, in lieu of an agreement with the private land owner.

The original proposal was to vacate the subterranean portion of the alley immediately below the surface, leaving only the alley surface and above in public ownership. In response to concerns regarding that proposal, the Petitioner has revised the vacation request so that the subterranean vacation would begin at a depth six feet below the surface of the alley rather than at the alley surface. The six-foot area retained in public ownership would be available for any right-of-way purpose, such as potential future utility needs. The surface of the alley also remains as public right-of-way although the use is proposed to change from vehicular access to a pedestrian concourse.

PROJECT DESCRIPTION

The proposed project would include a full-block, mixed-use development of approximately 910,000 square feet. Included in the development would be approximately 460,000 square feet of residential development, 422,000 square feet of commercial office space, 30,000 square feet of street-level retail space and below-grade parking for approximately 848 vehicles. The residential, office, and retail developments would be contained within four buildings: a one- or two-story retail structure would be located near the southwest corner of the site, a 40-story (400-foot) residential tower with a four-level podium would be located in the northwest corner of the site, a three-story retail/office structure on the northeast corner of the site, and an 18-story (240-foot) office building would be located in the southeast corner of the site.

All of the four buildings will be separated by interconnected pedestrian plazas and walkways and a mid-block pedestrian connector would provide at-grade, east-west access through the center of the block. The alley would be reserved for pedestrian access north-south through the site and enhanced with lighting, landscaping and street furniture.

Parking for the entire development would be provided below-grade in a four to six level parking garage. The 848-stall garage will provide 421 vehicle spaces for the residential units and 427 spaces for commercial/retail tenants. Ingress and egress to the parking area would be provided

from John Street. All services and loading functions for the block, such as delivery, garbage/recycling, and maintenance vehicles would be from John Street.

A subterranean vacation is requested in order to enable all service and loading functions for the entire project to be consolidated. Without the proposed subterranean vacations, two separate below-grade garages would be necessary to serve the development on each half of the block and each garage would be accessed from the alley. Separate service and loading functions would be provided for each of the four buildings from surface loading areas that would be accessed from the alley. A vehicle turnaround would also be provided in the southwest building.

NO-VACATION ALTERNATIVE

The no-vacation development alternative would involve development of two separate below-grade parking structures to serve the development on the east and west sides of the alley. The alley would function to provide for access to the two parking garages as well as providing for vehicle circulation and access and for all service and loading functions. Since SDOT does not support alley access to Denny Way from this location, the alley would be widened to 18 feet and would be improved with all ingress/egress at John Street and a hammerhead turnaround in the alley. Passenger vehicles would access below-grade parking levels by ramps from the alley. Due to restrictions on ramp slope, length, and clearance, service and loading functions would need to be accessed from the alley at street level. The Petitioner has stated the following concerns with the no-vacation alternative:

- It reduces or eliminates the use of the alley as a pedestrian concourse,
- Service use in the alley would limit the ability to locate retail and pedestrian amenities in the alley,
- Provision of a vehicle turnaround in the southwest building reduces ground level active space, and
- Reduces the potential to reinforce pedestrian connections among the uses on the site.

CIRCULATION/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)

The proposed vacation was circulated to various City departments, outside agencies and community groups for comment. In addition to the review associated with the vacation petition, the project is subject to SDOT review of the Street Improvement Plan (SIP), DPD review and conditioning of the Master Use Permit (MUP), review by the Design Review Board (DRB) and Design Commission review as a part of the vacation process.

The purpose of the broad review of the vacation petition is to identify issues specifically associated with the vacation that need to be addressed. Certain technical and design issues are resolved in other forums. The comments, closely reproduced below, reflect the statements made by the reviewers and any issues identified during the initial portion of the review process. The comments reflect a “snapshot in time” when the comments were received and do not reflect any project revisions, updates or responses to comments. All the comments received are a part of the record and are not revised or amended by Seattle Department of Transportation.

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

City of Seattle:

Seattle Department of Transportation (SDOT) Traffic Management:

The Traffic Management Division has reviewed the petition for the proposed vacation of the subterranean portion of the alley between 9th Ave N and Westlake Ave N and between Denny Way and John St and offers these comments:

- The proposal acknowledges that John St is a green street and thus will have a high number of pedestrians using the sidewalk. Consequently, the primary entry and exit to the parking garage needs to be a standard driveway apron. It should also be the minimum driveway width.
- There does not seem to be a need for a dedicated bicycle lane to the parking garage, bicycles should be able to interact safely to and from the parking garage.
- The curb alignment on 9th Avenue indicates curb bulbs to expand the pedestrian area and provides two areas for parking. This is consistent with other development along 9th Avenue and will not interfere with SDOT's bicycle master Plan that calls for a cycle track.
- Any utility issues/concerns will need to be worked out with the respective Departments.

Petitioner's Response:

- 1. The 30% SIP drawings reflect a standard driveway apron on John Street.***
- 2. Petitioner acknowledges SDOT, Traffic Management's comments.***
- 3. Curb bulbs on 9th Avenue will be determined during the SIP process.***
- 4. The only utility concern was expressed by SPU and that has been resolved. See response to SPU's comments.***

SDOT Roadway Structures: No concerning comments on this vacation; assuming the subterranean structure would be applicant's responsibility to own and maintain.

Petitioner's Response: Petitioner will be responsible for ownership and maintenance of the subterranean structure (a parking garage serving the entire block), and will indemnify the City for any damage caused by the subterranean structure to the portion of the alley retained in public ownership.

SDOT Street Use and Urban Forestry: October 15, 2014 SIP Meeting comments:

- The proposal to allow vehicular and service access to the project from John Street (Green Street) rather than the alley is a Type 1 decision made by DPD in consultation with SDOT: it does appear that this request could be accommodated with appropriate design.
- Intersection of Westlake Ave N and John – will probably need a signal in the future, it does not appear at this time that this project will generate sufficient traffic volumes to require the signal. The signal or a percentage participation in the signal is related to project impacts and should be considered mitigation and not public benefit.
- City will need to ensure the public nature of the surface alley; ability to use for all types of access.
- Current proposal includes public benefit elements in the public alley. This would require the City to grant permits for the encroachments and limit the City's ability to revoke the permits in future if the use of alley needed to change.
- The remaining public alley should allow for future public utility purposes.
- As presented the 2 plazas are code required spaces not proposed as vacation public benefits.
- Project has an opportunity to interface with Denny Park on 9th Avenue N and the street improvements proposed should relate to the park.
- The 9th Avenue N and Denny Way corner is a gateway node – opportunity for public benefit that instead appears to be proposed as a retail entry. This space should relate to Denny Park across the street. Improvements to this public right-of-way will need to consider the location and elevation of utilities.
- Street improvements on Denny Way that are consistent with design proposed in the Denny Street Design Concept would be appropriate public benefits.
- Voluntary setbacks on John Street should also be considered as part of the public benefit.
- SIP is reviewing the clearance of proposed access doors along the alley.

Petitioner's Response:

- 1) ***Petitioner sought a Type 1 access decision to allow the driveway on John Street. Based on an in-depth traffic study by Heffron Transportation, and in consultation with SDOT, DPD approved the access location on October 21, 2014.***
- 2) ***Traffic mitigation for the project will be determined through the Master Use Permit and SIP process.***
- 3) ***The alley surface has been designed to be an extension of the public sidewalk surrounding the site and welcoming to the public. The subterranean vacation ensures the alley surface will remain in public ownership. The alley has been structurally designed to accommodate HS-20 loading, similar to other alleys.***
- 4) ***The improvements in the alley include paving, LED strip lighting, landscaping in the northern portion, and lighting to enhance the pedestrian experience. These improvements in the alley will require street use permits. As is the case with all street use permits, the City has the right to revoke the street use permit and require removal***

of the elements allowed by the permit. If in the future the City requires the Petitioner to remove the alley improvements, then that work would be done at Petitioner's cost.

- 5) *No utilities would remain in the alley, other than two catch basins for the City's stormwater from the alley. City maintenance of these catch basins would not be impaired by the limited amount of landscaping in the northern portion of the alley. Ms. Susie Larson of SPU confirmed on April 3, 2015 that the proposed design allows City maintenance vehicles to access both catch basins. The alley provides paved access to the catch basins from the project's driveway apron on John Street. The Petitioner would maintain the alley, other than those two catch basins. No utility provider has expressed a future need for use of the alley. See Appendix E to the Petition. Nonetheless, the petition has been revised to provide for a six-foot utility corridor under the alley surface to remain in public ownership.*
- 6) *That is correct. The two plazas are not included as Public Benefits for the vacation. The Public Benefit package was unanimously approved by the Design Commission on March 19, 2015.*
- 7) *The improvements at 9th Avenue N facing Denny Park are designed to relate to the park and visually extend the landscaping of the park into the project site.*
- 8) *The design for the corner of 9th Avenue N and Denny Way also relates to Denny Park. The existing utilities in the right-of-way at the corner of 9th Avenue N and Denny Way were considered in the proposed design, and proposed improvements to that corner do not affect the utilities.*
- 9) *The project is providing improvements on Denny Way that are consistent with the Denny Way Streetscape Concept Plan. The Design Commission has endorsed those improvements as an appropriate part of the Public Benefits for the vacation.*
- 10) *In addition to the significant expansion of the landscaping and pedestrian improvements within the John Street ROW, there are voluntary setbacks on John Street to improve the Green Street condition, and they also have been approved by the Design Commission as an appropriate Public Benefit.*
- 11) *Retail space has been set back sufficiently from the alley to avoid door openings into the alley and provide sufficient space for the retail functions to operate if the alley ROW were to revert to vehicular use.*

SDOT Policy and Planning:

Thank you for the opportunity to comment on the petition to vacate the subterranean portion of the alley in the block bounded by Westlake Avenue, 9th Avenue, Denny Way, and John Street in the South Lake Union neighborhood. My comments on the proposed vacation and related public benefit are as follows:

- The petitioner proposes improving the alley ROW by using special paving and other streetscape treatments to create an inviting, mid-block pedestrian space and plazas between the buildings. The petitioner, however, does not address how the design of the space will be tailored to encourage public use of this space between private buildings. Specifically, will paving and landscape treatments for the pedestrian connection be consistent with the materials used within the sidewalk area, such that the space “reads” as a continuation of the public realm and invites public use? Will pedestrian-scale lighting be provided to enhance safety and access? Will wayfinding signage be provided encouraging public passage through the middle of the block? It is crucial that these design details communicate the public nature of this space and encourage public passage. Enhancing the alley to improve pedestrian conditions will only be of public benefit if the space does not “read” as private, and the public is implicitly (and perhaps explicitly) encouraged to use the space.
- No mention is made within the petition of how the pedestrian spaces *adjacent* to the public ROW (but fully within private property) will be managed. Will these spaces allow and encourage public use as well, and will these spaces be composed of the same palette of materials such that it too “reads” as a public space? Given the continuous nature of this mid-block space, it could be potentially confusing to users if only the narrow, north/south strip allows for public use, while the adjacent, private portions of the space are not managed to also allow for public use.
- While limiting the development to a single curb cut is desirable, the proposed width seems overly wide (30 feet), does not lend itself to a pedestrian-oriented streetscape.
- The Denny Way Streetscape Concept Plan provides several streetscape improvement recommendations for Denny Way. The petitioner’s drawings do not provide details regarding proposed improvements/dimensions along Denny Way. Plan recommendations include:
 - Providing a generous landscape buffer (including a double row of trees) along Denny Way. The Preferred Cross Section for Denny Way calls for a minimum 8-foot landscape buffer with pedestrian lights, ground level plantings, and street trees. A generous landscape buffer would provide a visual link between Denny Park and Westlake Ave., as well as buffer pedestrians from vehicular traffic on Denny, improving pedestrian safety and comfort. The petitioner’s materials do not indicate the dimension or design details of the plant strip, nor whether the development plans to provide pedestrian lighting along this frontage.
 - The streetscape plan calls for minimum 10-foot sidewalks (provided via building setbacks, if necessary) along the north side of Denny Way.
 - Providing pedestrian scale lighting and an enhanced crosswalk treatment (such as colored or scored concrete) at the intersection of Denny Way and Westlake. Given the pedestrian amenities that the petitioner is proposing, and the high volume of pedestrian traffic that this is likely to attract, an enhanced crossing in this location may be appropriate.
 - Other plan recommendations include adding curb bulbs where 9th Ave. meets Denny, and providing a large setback along Denny Way to create a visual and physical connection between Westlake and Denny Park.

Thank you again for the opportunity to comment.

Petitioner's Response:

- 1) *The surface of the alley has been designed to encourage public use. The treatment of the surface is distinct from the surface of the plazas within the project, and the alley space is designed to read as public space. Pedestrian-scale lighting will be provided in the alley and around the street frontages. Wayfinding signage is not proposed within the alley because the public nature of the alley will be evident from its design treatment. (The Design Commission endorsed this approach when approving the Public Benefits package.)*
- 2) *All open space areas within the project, including the plazas adjacent to the alley, have been designed and will be managed to be inviting to the public and improve the pedestrian experience on the site.*
- 3) *The width of the driveway on John Street was necessary to avoid a second curb cut. SDOT and DPD reviewed the proposed driveway, and DPD formally approved it on October 21, 2014.*
- 4) *The project incorporates many elements from the voluntary Denny Way Streetscape Concept Plan, including a six-foot landscape buffer, and sidewalk/building setback areas ranging from 9'-10" to 55'-6". The design of the Denny way setback areas was approved by the Design Commission as a Public Benefit for the vacation.*

Department of Planning and Development:

This memo is in response to a request for comments dated August 04, 2014, regarding the subterranean alley vacation proposed by City Investors IV, LLC. The proponents have requested vacation of the subterranean space below the alley between two private development sites, both subject to concurrent MUP proposals from City Investors. The alley is currently non-functional and unimproved, and is bounded by Denny Way, John Street, Westlake Avenue and 9th Avenue N. The Petitioner has indicated in application materials that the primary purpose of the subterranean vacation is to implement full-block, below-grade parking and loading levels. This would require one curb cut for the entire block, and eliminate the typical loading and parking functions from at grade along the alley. The use, function and ownership of the alley ROW surface and airspace above would remain public.

DPD-Applicable Street Vacation Policies (Clerk File # 310078, amended July 2009) and DPD Responses

Policy 1: Circulation and Access

Guideline 1.1 - Protection of Circulation and Access According to Street Classification.

F. Alleys. [DPD regulates the location of street curb cuts via the land use code]

1. *The primary purpose of alleys is to provide access to individual properties for loading functions and to provide utility corridors and access to off-street public services such as water, sewer, solid waste and electricity. In addition, alleys may provide other public purposes and benefits including pedestrian and bicycle connections, and commercial and public uses. Alleys should be retained for their primary purposes and other public purposes and benefits. Alley vacations may be approved only when they would not interrupt an established pattern in a vicinity, such as continuity of an alley through a number of blocks or a grid, which is a consistent feature of neighborhood scale.*

DPD Comments: The alley has no continuity to the south, as there are no existing alleys aligned to the south across Denny Way. The alley is aligned with an existing one to the north across John Street. As mentioned, the alley surface would remain public and functional for pedestrians, bikes and service vehicles, but all loading and parking access would be from a separate, private street curb cut and ramp on John Street, which has no overlap with the public alley.

SDOT does not support a vehicular curb cut onto Denny Way to the south, but pedestrian and bike continuity to the Denny Way sidewalk is warranted, and proposed.

3. *Commercial Zones [NOTE: the applicable SM zoning is classified "commercial"]. In general, alleys in commercial zones will be preserved. Such alleys may be considered for vacation only when: a) their loading, service, delivery, and access to parking functions are retained on the petitioners property; and b) the number of curb cuts along commercial frontage is not likely to be increased as a result of the proposed vacation.*

DPD Comments: The proposed two half-block developments would share all parking, loading and service access needs via one new street curb cut off the adjacent John Street, into the petitioners property. The two proposed projects would reduce the curb cuts on the block perimeter from an existing two to one. The proposal meets both criteria.

G. Bicycle Routes; H. Pedestrian Access; and I. Unimproved Streets and Alleys: potential uses for unimproved rights-of-way will be identified...these include...bike use and access to public spaces or parks or adjacent streets.

DPD Comments: The proposed two half-block projects retain the linear alley surface at approximately 14 ft wide, for bicycle and pedestrian continuity between John Street and Denny Way. The landscape design proposes a minimally sloping paving that distributes pedestrians and bikes throughout the site, including adjacent public plazas that connect to Westlake Avenue, 9th Avenue and Denny Park.

Policy 4: Land Use;

Guideline 4.1 - Land Use Considerations

To determine whether the land use effects of vacation are in the public interest, the following factors will be considered:

- A. *The long-term and short-term effects of the changes in development potential directly attributable to the vacation on the circulation, access, utility, light, air, open space and view functions of nearby streets and nearby public places;*
- C *In commercial and residential zones, the compatibility of the size, scale and character of potential development with the size, scale and character of both existing development in*

the area and development provided for by the zoning code, given typical lot sizes and configurations;

DPD Comments: The petitioner's development proposals leave the alley surface and air space above intact. There are no changes to the development potential attributable to the vacation, and the proposed forms are compatible in size, scale and character to existing and code- anticipated development in the context.

Guideline 4.2 - Land Use Information

D. If an EIS is not required, the Petitioner shall provide a traffic analysis, a completed Environmental check list and any other information as requested by the City. The project will not be forwarded for City Council review until all requested information has been provided and reviewed by City staff.

DPD Comments: The development proposals have been submitted for Master Use Permit review, including an Environmental checklist, traffic analysis, and other required information. DPD assessment of the traffic analysis indicates the proposed parking access and loading movements onto John Street are acceptable.

Guideline 4.6 - Zone Specific Review

D. Commercial Areas: Access to off-street loading and parking areas and the continuity of street fronts, particularly in areas with pedestrian activity, will be preserved.

DPD Comment: The site is within the South Lake Union Urban Center and the South Lake Union Neighborhood Plan; zoning is Seattle Mixed (SM 240/125-400). The site has high pedestrian activity, and is at a neighborhood plan designated "Gateway" and between two designated "Hearts": Westlake Avenue and Denny Park. The development proposals include a mid-block crossing that connects these two hearts, and overlaps with the pedestrian paving of the alley surface. The one proposed curb cut off John Street provides a consolidated access for the whole block to off-street parking and loading, and allows the rest of the perimeter to be pedestrian supporting and activating uses. This also frees up the alley facing façades from typical loading and parking doors, replaced by activating uses and a design treatment that supports the pedestrian amenity of the mid-block crossing (east-west) and its complementary north-south alley.

The adjacent development proposals by City Investors (MUP #3017320 & 3017321) have gone through the Early Design Guidance (EDG) phase before the West Design Review Board (DRB), where the preliminary ground floor plans were carefully reviewed. At the EDG meeting, the DRB endorsed the pedestrian and landscape design for the alley surface, and the proposed parking and loading access location on John Street, with guidance to reduce the curb cut street presence, and to ensure the landscape continuity of the adjacent John Street Green Street treatment.

Conclusion and Summary

DPD recommends that the requested subterranean alley vacation be granted, assuming the current building, alley and streetscape design continues and it is endorsed by the future Design Review process. This may include certain DRB design review conditions on the proposal relating

to the Green Street landscape continuity on John Street, façade materials and design treatment along John Street, and façade materials, activating uses and design treatment of the alley façades along the alley ROW.

Petitioner's Response:

Petitioner agrees with DPD's characterization of the proposal. The Design Review process will be completed following a Council decision on the vacation. This sequence fits the subterranean vacation. Because the vacation is subterranean only, the project massing and on-site open space are the same with or without the vacation. The key difference is that with the vacation, all parking, loading and access are underground, so that the alley can be a pleasant pedestrian experience. Without the vacation, the alley would be used for all vehicle access, and large truck turnaround areas would need to be provided in and on both sides of the alley since the City has not been inclined to allow a curb cut on Denny Way for through traffic. Pedestrian and bicycle use of the alley would be highly undesirable in that condition.

At the Early Design Guidance meeting held on July 2, 2014, the Design Review Board was presented with site development options for both the subterranean vacation and no vacation. The DRB Conceptually supported the subterranean vacation option because it reduced at grade vehicle movements and ramps, and created a more seamless pedestrian environment.

Seattle Parks and Recreation:

The Department of Parks and Recreation has reviewed the referenced Subterranean Alley Vacation Petition (CF 313894). **We do not support this petition.**

Vulcan's stated vision for the South Lake Union neighborhood was a "live/work/play" neighborhood, however other than a financial contribution to the development of Lake Union Park, situated at the far north end of the neighborhood, they have done little if anything to provide space for the play/recreation needs of those occupying the housing or offices they are developing.

The development of the Denny Playfield site with four buildings; a 40 story (400 foot) residential tower (likely the tallest building in South Lake Union), an 18 story (240 foot) office building both of which will most likely cast significant shadows over Seattle's oldest park, Denny Park (the only other significant open space conveniently and easily accessible park in the area), a one or two story retail structure and a second three story retail and office building, will result in the loss of the most heavily used and conveniently located community open space. A space that has accommodated many informal recreational activities, everything from soccer, basketball, Frisbee throwing, and dog walking for years, and is the site of heavily attended special neighborhood events such as the South Lake Union Block Party, Cider Summit, etc. Denny Park does not lend itself to those kinds of uses and Lake Union Park has limits on special events, and does not lend itself to soccer, basketball etc., nor is it central to the neighborhood. The proposed development will leave a huge deficit of open space in the neighborhood and the public benefit related to this vacation petition needs to address that loss.

The public benefits proposed by the petitioners do not do that, nor do they, on their face, appear to be even “public” as opposed to enhancing the private development.

The only acceptable public benefit in allowing Vulcan to vacate the subterranean alley would be the provision of another substantial open space in the neighborhood.

Petitioner’s Response:

- 1) ***Petitioner has a track record of producing high quality development, including provision of public open spaces, such as contributions to Denny Park Playground, Cascade Playground, Fairview Playground and the Ping Pong Plaza at Block 39. A specific purpose of the subterranean alley vacation is to create a substantial north-south public pedestrian connection integrated with the east-west through-block pedestrian connection, free of vehicular/pedestrian conflicts within the block. That opportunity is lost without the proposed alley vacation. Further, the current project provides a substantial amount of public open space, in excess of Land Use Code requirements, to enhance the site and area. The onsite public open space will be designed and programmed to accommodate a variety of activities and events.***
- 2) ***The Denny Playfield would be removed under either the no-vacation or the subterranean vacation alternatives. Thus, removal of this playfield is not related to the requested alley vacation. Further, Denny Playfield is privately owned property, not a City park. The playfield was specifically designed to be a temporary condition until the site underwent development. Throughout the Parks Department’s North Downtown Park Plan (June, 2004), there is explicit recognition of the temporary condition of Denny Playfield. For example, see page one of the Executive Summary and Policy B-6 of the Implementation Plan. In addition, the diagram on page 52 of the Implementation Plan identifies the Block 89 site as the location of a “new building oriented to Denny Park with complementary open space.” The diagram does not show Denny Playfield remaining on the site, and note further that the proposed Block 89 project provides more public open space than shown on the diagram.***
- 3) ***The overall massing of the no-vacation and the subterranean vacation alternatives are the same, and thus shadow impacts do not change due to the alley vacation. Also, the Denny Playfield would be removed with or without the alley vacation. Shadow analysis is part of the environmental review conducted by DPD for the project.***
- 4) ***See response to comment #1.***
- 5) ***The open space provided as part of the project will improve pedestrian circulation on this site. As described in the letter to Beverly Barnett dated April 9, 2015, the corner of Westlake Avenue N and Denny Way experiences massive pedestrian volumes. The surface of the alley has been designed to feel like an extension of the public sidewalk. The project will provide significant benefits to the public.***

See response to comment #1. Also, although not required, the Petitioner is working with the Parks Department to help the Department investigate possible replacement of the recreation space at Denny Playfield, with inclusion of a sports court within a portion of Denny Park.

Revised Parks Comments: The Superintendent's Office provided the following comments to update the record.

Seattle Parks and Recreation would like to revise our previous response to the Subterranean Alley Vacation petition in the Denny Triangle, otherwise known as Block 89. The department's previous response to this matter was not vetted with the Superintendent's Office and contained responses that exceeded the scope of information requested in the subterranean alley vacation survey. The intent of this memorandum is to correct the public record and to accurately reflect Seattle Park Recreation's position.

While the initial department response expressed concerns related to the loss of open space in the Denny Triangle area, we believe that sufficient tools and strategies exist to mitigate this concern. These strategies were proposed in the North Downtown Neighborhood Plan. Reference page 35, *Draft North Downtown Neighborhood Plan, Comprehensive Strategies*.

City and County programs that have the potential to generate open space include:

- Open space requirements for residential and office development;
- County Transfer of Development Credits Program;
- City Transfer of Development Rights Program;
- Land "trades" for street and alley vacations;
- "Fee-in-lieu of" option for open space requirements; and the
- Development Bonus Program.

In addition, the department's previous response expressed a concern with the potential construction of a 40-story building, casting a shadow on Denny Park. Building shadows are not an unusual situation for parks located in the urban core.

In summary, we support the petition for the Block 89 subterranean alley vacation.

Seattle Public Utilities (SPU): has reviewed the proposed vacation, and has the following comments:

SPU Sewer & Drainage: There is no existing or any future SPU sewer and drainage infrastructure in this alley right of way. It is currently being used as a park and/or playfield. It does not appear to be any other major utilities are in this alley right of way.

The vertical clearance requested by the petitioner is currently just for surface pavement only. Depending on other utility stakeholders who may or currently uses this right of way, there are two outcomes:

1. If there is an existing utility or future utility or SDOT wants to use the alley for mobility purposes. SPU recommends requiring 6 feet minimum clearance from proposed alley grade to top of underground structure for the purposes of installing an alley drainage infrastructure. If the petitioner refuses to provide the 6 feet minimum clearance, please deny this subterranean alley vacation request.
2. If there is no utility or future utility or SDOT, the subterranean vacation request should actually be denied and they should apply and be granted for a full alley vacation and this will allow them to develop the full block.

SPU Water: There is a 4" DOM Service (EQNUM 483651) which is tapped off the main in 9th Ave, is bushed down from 4" to 2", and which crosses to the east side of the alley in order to serve 101 Westlake Ave N which fronts Westlake Ave.

There is also a 2" DOM Service which is also tapped off of the water main in 9th Ave and which serves the lot fronting 9th Ave on the west side of the alley.

Presumably the project will replace the existing structure across the alley served by the meter.

So from a water system point of view, there is no objection to the proposed street vacation provided the petitioner owns both sides of the alley and arranges a reassignment of the existing service addresses with SPU Customer Services to the new facility being built or that one or both of the existing services is retired.

Seattle Public Utilities, Utility System Management, drinking water division has no, water facilities and no future extensions that appear to be affected by this street vacation.

Seattle Public Utilities recommends the following conditions be met in order to approve the requested Street Vacation of the Subterranean Portion of the Alley in Block 89, D.T. Denny's 5th Addition to North Seattle:

"Seattle Public Utilities (SPU) requires a 6 feet minimum clearance from proposed alley grade to top of underground structure for future drainage infrastructure if needed for any future SDOT required paving purposes. If no other utilities or SDOT pavement purposes are needed the subterranean vacation shall be denied and the petitioner shall be directed to vacate the entire alley in which SPU will approve."

Petitioner's Response:

- 1) *In addition to SPU's comment verifying no existing or future utilities in the alley, Appendix E to the Vacation Petition includes a letter from Jeff Peterson at Coughlin Porter Lundeen that describes Petitioner's outreach to utility providers in the area. Mr. Peterson contacted Comcast Cable, Electric Lightwave, Verizon, CenturyLink, AboveNet, Time Warner, Level 3, City of Seattle Department of Information Technology, Seattle City Light, Seattle Steam, and 360 Networks/Zero. All utility providers confirmed that the proposed subterranean alley vacation does not have an impact the existing or future utility infrastructure.*

- 2) *The vacation has been revised to retain in public ownership a six-foot area below the alley surface for potential future utility use. The vacation is thus limited to the area below that six-foot utility corridor.*

In terms of alley drainage infrastructure, subsequent to receipt of SPU's comments, the Petitioner and Coughlin Porter Lundeen met with Mr. Herman Wong of SPU on February 17, 2015 to provide background information on drainage that had not been available to Ms. Johnson. The SIP drawings of the alley drainage were provided to Mr. Wong, and he confirmed on February 24, 2015 that drainage concerns were resolved to SPU's satisfaction from an engineering standpoint.

In March of 2015, drainage comments were provided to Coughlin Porter Lundeen as part of SPU's review of the 30% SIP drawings. SPU requested documentation that the proposed alley drainage design would be sufficient to accommodate a major storm event, due to concerns with global warming and the potential for "micro-bursts." Coughlin Porter Lundeen ran models of alley drainage capacity to handle such theoretical storm events. Their calculations showed that the alley drainage system is designed to handle well over even a 200-year storm event. On April 1, 2015, Ms. Susie Larson of SPU confirmed the calculations and that the proposed alley drainage system had adequate capacity.

- 3) *See #2 above.*
- 4) *Petitioner will be retiring the existing water services, as new water services will be provided as part of project development.*
- 5) *See #2 above.*

Seattle City Light:

Seattle City Light has received your request to review the petition from City Investors IV, LLC to vacate a subterranean portion of the alley in Block 89, D.T. Denny's 5th Addition to North Seattle, Clerk File 313894.

City Light has no objection to the proposed vacation, provided SCL retains the ability to maintain or install overhead and underground facilities on Westlake Avenue N., 9th Avenue N, and John Street, as needed to provide service and maintain system integrity.

If you have any further questions, please let me know. Seattle City Light thanks you for the opportunity to review and comment on the proposed vacation.

Petitioner's Response: the proposed vacation will not interfere with SCL's ability to maintain or install facilities on Westlake Avenue N, 9th Avenue N, or John Street.

Seattle Design Commission (SDC):

The SDC reviewed the project on November 20, 2014 for Urban Design Merit:

The Design Commission thanked the project team for the presentation of the subterranean alley vacation proposed in the block bounded by Westlake Ave N, Denny Way, 9th Ave N, and John St. The Commission appreciated several aspects of the proposed design, especially the opportunity for connections to Bell Street and Denny Park.

With a vote of 6 to 1, the Commission approved the urban design merit of the petition to vacate the subterranean portion of the 16-foot-wide north-south alley between John St and Denny Way with the following conditions:

1. Work with SDOT and all utility stakeholders to determine the minimum necessary depth between the surface of the alley and the top of any below-grade structure to accommodate all planned or potential utility uses. This should be resolved and approved by SDOT before proceeding with the Commission's public benefit review. While we recognize that there are no current & may be no future utility needs for this right-of-way, the Commission acknowledges that diminishing area for services and infrastructure is a challenge for the City.
2. Demonstrate how setbacks, sightlines, and placement of landscape elements in the alley reinforce that the right-of-way is a public space and would allow it to perform as a fully serviced alley if necessary.

The Commission also made the following comments and recommendations for the project:

1. Consider opportunities for green storm-water infrastructure (GSI) as encouraged in the South Lake Union Urban Design Framework, perhaps as part of the public benefit package.
2. Refine the treatment of the northern portion of the alley surface, including paving materials, lighting, signage, and street furniture, so that it feels as urban and public as the rest of the proposed open space.
3. Strengthen the civic nature of the proposed public spaces, especially the pavilion.
4. Identify and present in section opportunities to bring people off the ground plane, as part of the public or private program.
5. Consider various ways to differentiate the ground-plane materials to distinguish the public and private realm. Whatever approach you choose, we would like to understand the logic driving the decision.
6. Present more detail about the lighting scheme for the entire site.
7. We appreciate that the subterranean alley vacation scheme is a sensible alternative to a full vacation particularly because it preserves the existing platting rather than creating the potential for a superblock. We support the proposed massing.

The SDC also reviewed the Public Benefit proposal on March 19, 2015:

The Design Commission thanked the project team for presenting the proposed public benefit items for the subterranean vacation petition at Block 89. The Commission particularly appreciated the introduction of landscape, lighting, and other treatments into the alley area to enhance the public realm for all users. The Commission also commended the proposed Green

Street treatments along John St, which support the boarder effort to reconnect the east-west pedestrian network across SR 99.

With a vote of 8-0, the Design Commission approved the following public benefit items for the petition to vacate the subterranean portion of the alley in the block bounded by Denny Way, Westlake Ave N, John St, and 9th Ave N. The public benefit items are based on the presentation materials from March 19, 2015, available on the Commission website.

Approved public benefit items as presented and described by the petitioner:

- Alley right-of-way improvements: Special paving, landscaping, pedestrian-scaled lighting, wayfinding, seating, and furnishing in the alley right-of-way between John St and Denny Way, which remains in public ownership.
- Improvements to Denny Way/9th Ave N triangular portion of the right-of-way: Paving based on 2'x2' City of Seattle standard sidewalk module, landscaping, lighting, and seating.
- Green Street improvements on John St: Relocation of existing curb between 9 and 16 feet to the north to expand pedestrian streetscape, including new paving, landscaping, lighting, and seating.
- Setback and streetscape improvements on Denny Way: Expanded street-level building setback, seating, landscaping, and lighting to implement some of the recommendation in the Denny Way Streetscape Concept Plan.
- Streetscape Improvements on 9th Ave N and Westlake Ave N: Relocation of existing curb to widen sidewalk, including new paving and additional landscaping.

The Commission's approval of public benefit is subject to the following conditions:

1. If a Council requirement for a minimum depth for this subterranean vacation results in any changes to 1) the site plan for the project or 2) the size, configuration, or characteristics of any of the public benefit items listed above, the Design Commission requests that the petition be re-referred to the Commission for further review. The Commission would then determine 1) if the revision affected the public benefit package, 2) if the revised proposal is still sufficient, and 3) if the revised proposal is insufficient, what changes would make the package acceptable.
2. If at a future date the City determines that vehicle access to the alley is necessary, resulting in removal or any alteration of the alley improvements counted as public benefit in the table above, the petitioner shall provide in-kind replacement of those items elsewhere onsite.
3. Return for an administrative review of the design of the right-of-way triangle at the corner of Denny Way and 9th Ave N. Continue to develop this area to enhance the physical and visual connections among the project site, Denny Park, and Bell Street.
4. Return for an administrative review to provide additional detail on the integration transit infrastructure, such as a bus shelter, real-time transit information, and other improvements to support transit users, into the building and public realm design.

The Commission did not consider the minimum depth for this subterranean vacation because that issue is in the purview of SDOT.

The Commission also recommended that the width of the proposed curb cut be the minimum necessary for SPU to access and maintain the catch basin from John St.

Aside from the required administrative review mentioned above, this is the final time the Design Commission expects to review this subterranean alley vacation petition. Approval of both the urban design merit and public benefit phases constitutes the Commission's recommendation to SDOT that the subterranean alley vacation be approved. The City Council ultimately decides whether to grant the vacation.

June 4 SDC Administrative Review

The Commissioners reviewed updates to the right-of-way triangle at the corner of Denny Way and 9th Ave. The petitioner proposed to delineate the property line in the ground plane. The Commissioners appreciated the intent to make this delineation subtle through the use of abstract inlaid lines indicating relevant destinations and distances. The Commissioners agreed that using lighting embedded into the ground plane to provide a subtle glow could be a positive gesture but cautioned that such uplighting can be disorienting to some people.

The Commissioners also reviewed updates to the Denny Way frontage that integrate transit amenities into the project design. The Commissioners supported these changes and appreciated that the canopy was integrated into but not fully attached to the building. The project team indicated that the petitioner, Vulcan, would maintain the benches and canopy.

Recommendation: The Commissioners determined that the petitioner had satisfied the two conditions from the Design Commission's March 19, 2015, approval of the public benefit package for the petitioner to vacate the subterranean portion of the alley in the block bounded by Denny Way, 9th Ave, John St, and Westlake Ave.

The Commissioners offered the following comments:

- Be thoughtful about the drip edge on the canopy at the bus stop on Denny Way.
- Ensure that the ground-plane treatment delineating the property line throughout the site either is very subtle or engages pedestrians in an interesting way. It remains important that pedestrians recognize that they are on public property.
- Be judicious with the use of uplighting as part of the ground-plane treatment at the right-of-way triangle since it can be disorienting to some people.
- Ensure the destinations to which the ground-plane treatment orients people are civic and/or public places, such as Seattle Center, Bell Street Park, and the Washington State Convention Center.

Petitioner's Response:

The Seattle Design Commission reviewed the project's urban design merits on November 20, 2014. The Commission voted 6 to 1 in support of the urban design merits of the proposed subterranean alley vacation. The Commission conditioned approval on the Petitioner working with utility stakeholders on the minimum depth issue and on a demonstration of how the alley could perform as a fully serviced alley if necessary. Commission members commented that the subterranean alley vacation scheme is a "sensible alternative to a full vacation particularly because it preserves the existing platting rather than creating the potential for a superblock." They supported the proposed building massing. The Commission reviewed the project's Public Benefits package on March 19, 2015. The following is a summary of the public benefits proposed for the subterranean vacation.

<i>Public Benefit</i>	<i>Area</i>
<i>1. Alley ROW improvements</i>	<i>= Approx. 7,444 sf</i>
<i>2. Denny Way/9th Avenue N triangle ROW and sidewalk improvements</i>	<i>=Approx. 4,506 sf</i>
<i>3. Green street improvements at John Street</i>	<i>= Approx. 6,968 sf</i>
<i>4. Denny Way streetscape improvements</i>	<i>= Approx. 3,933 sf</i>
<i>5. Westlake Avenue N sidewalk widening, streetscape improvements</i>	<i>= Approx. 906 sf</i>
<i>6. 9th Avenue N sidewalk widening, streetscape improvements</i>	<i>=Approx. 2,237 sf</i>
TOTAL AREA OF ALL PUBLIC BENEFITS	=Approx. 25,994 sf
AREA OF SUBTERRANEAN VACATION	=5,775 sf

The Commission voted unanimously in support of the proposed Public Benefits package, noting its support for the alley becoming a well-designed north-south public pedestrian corridor. The Commission's approval of Public Benefit was subject to the following conditions:

- 1. If a Council requirement for a minimum depth for this subterranean vacation results in any changes to 1) the site plan for the project or 2) the size, configuration, or characteristics of any of the public benefit items listed above, the Design Commission requests that the petition be re-referred to the Commission for further review. The Commission would then determine 1) if the revision affected the public benefit package, 2) if the revised proposal is*

still sufficient, and 3) if the revised proposal is insufficient, what changes would make the package acceptable.

2. If at a future date the City determines that vehicle access to the alley is necessary, resulting in removal or alteration of the alley improvements counted as public benefit in the table above, the petitioner shall provide in-kind replacement of those items elsewhere onsite.

3. Return for an administrative review of the design of the right-of-way triangle at the corner of Denny Way and 9th Ave N. Continue to develop this area to enhance the physical and visual connections among the project site, Denny Park, and Bell Street.

4. Return for an administrative review to provide additional detail on the integration [of] transit infrastructure, such as a bus shelter, real-time transit information, and other improvements to support transit users, into the building and public realm design.

The Commission also recommended that the width of the proposed curb cut on John Street be the minimum necessary for SPU to access and maintain the catch basin from John Street.

[Note: this issue is moot as SPU has determined that maintenance of the catch basins in the alley can be done from the project's driveway apron, thus it is not necessary to have a wider curb cut than shown on Figure 1.]

Petitioner's Response

A sub-group of the Design Commission conducted the administrative review on June 4, 2016 (conditions 3 and 4 above). With regard to item 3, ZGF Architects described the proposed design elements for the triangle, which are depicted in the attached Exhibit 3. The Commission endorsed having the paving in the triangle be the same as the plaza paving on private property and expressed that the property line demarcation and LED strip lighting should be subtle. The directional elements were very much appreciated as making the space feel public and providing orientation to nearby public places.

With regard to item 4, ZGF reviewed the elements that integrate transit infrastructure into the project, such as a glass canopy to provide overhead weather protection, a bench, and bus information display. The Commission endorsed those elements and approach, while noting that it may be preferable to Metro to display the bus information on the Metro pole in the right-of-way, rather than incorporated it into the building; that decision will be up to Metro.

Formal minutes of the administrative review meeting are not kept by the Commission staff. However, the Petitioner requested staff's notes from the meeting, so the notes could be provided as requested in your May 21, 2015 email. Those notes will be provided as soon as they are available from Commission staff.

Outside Agencies:

King County Metro:

King County Metro Transit has conducted a review of the above referenced street vacation. We've concluded that the subject alley vacation will have no effect on our facilities or operations in the vicinity of the subject alley right of way. Thank you for providing Metro with the opportunity to comment.

Petitioner's Response: Petitioner acknowledges King County's comments.

King County Wastewater Treatment:

No existing WTD facilities within the vicinity, thus no property interest in this site at this time.

Petitioner's Response: Petitioner acknowledges King County's comments.

Puget Sound Energy:

I have been able to review the package form Block 89 DT Denny's 5th Add for the block bounded by Denny Way, Westlake N, John St, and 9th Ave N. There are no PSE facilities in the alley located within this area.

CenturyLink:

Please be advised that Qwest Corporation (d/b/a CenturyLink) currently has facilities in the area addressed by this action and wishes to retain any and all rights to remain in said area and to add facilities in the future as needed. At this time, Qwest (d/b/a CenturyLink) has no issues with the proposed vacation so long as provisions are made to retain our rights by means of explicit language granting to "Qwest Corporation d/b/a CenturyLink QC and its successors" rights that will cover our existing & future facilities.

Petitioner's Response: Petitioner agrees to relocate CenturyLink facilities.

Community:

Denny Triangle Neighborhood Association:

On behalf of the Denny Triangle Neighborhood Association, I respectfully submit this letter as a public comment on the proposed alley vacation at 111 Westlake Avenue North/110 9th Avenue North (Block 89). Our association received a presentation on August 19, 2014 by City Investor representatives on their proposal for a subterranean alley vacation as part of a full block mixed-use project adjacent to Denny Triangle neighborhood.

Our association was pleased to see the improved pedestrian circulation and overall ground level design with the proposed subterranean alley vacation. We understand that the subterranean alley vacation will also make it possible to provide a single, full-block connected garage. This helps the alley be maintained for pedestrians, and allow retail facades to open onto the alley, inviting pedestrian movement.

Although this site is technically outside of Denny Triangle neighborhood boundaries, the proposal is consistent with our neighborhood's visions and desire to activate retail and commercial uses at ground level, including alleys.

In consideration of the reasons stated above, the Denny Triangle Neighborhood Association supports approval of the proposed alley vacation.

Petitioner's Response: Petitioner acknowledges the comments

South Lake Union Community Council:

The South Lake Union Community Council (SLUCC), a community organization representing the South Lake Union neighborhood, appreciates the opportunity to comment on the proposed alley vacation for the project at 111 Westlake Avenue North/110 9th Avenue North (Block 89). On July 15th, 2014, SLUCC was briefed on City Investor's proposal for the full block project including an overview of the proposed subterranean alley vacation.

We understand that the subterranean alley vacation makes it possible to provide a single, full-block connected garage. This would have a single point of access from a 30' wide curb-cut east of the alley at John Street. What is important to us about this vacation proposal is the potential for improved pedestrian connections along the alley that result. City Investors described these significant pedestrian-oriented improvements to the site. The alley would be maintained for pedestrians, and along portions, retail/commercial facades would open onto the alley, inviting pedestrian movement.

SLUCC is encouraged by the pedestrian circulation in the site. This includes the east-west pedestrian thoroughway as well as the pedestrian nature of the alley and the retail/commercial activation within the site.

This proposal is consistent with our neighborhood's vision as expressed in our updated neighborhood plan and the Urban Design Framework in the following ways:

- The alley vacation results in a more pedestrian friendly environment within the block;
- With the vacation, the north-south pedestrianized alley knits together with the east-west pedestrian thoroughway;
- If the vacation is approved, it consolidates access to a single point on John Street and avoids the potential congestion that would be experienced if access was directly to/from one of the three Principal Arterials of Ninth Avenue N, Westlake Avenue N, or Denny Way ; and
- There would be more retail/commercial uses at ground level, particularly programmed space adjacent to the alley.

Based on the above factors, the South Lake Union Community Council recommends that the proposed alley vacation be approved.

Petitioner's Response: Petitioner acknowledges the comments.

POLICY FRAMEWORK

Street vacation decisions are City Council decisions as provided by State statute and have not been delegated to any City department. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. Vacation of public right-of-way requires discretionary legislative approval that must be obtained from the City Council, and the Council may not vacate

public right-of-way unless it determines that to do so is in the public interest. The decisions must assure that potential development and use of the vacated right-of-way is in the public interest.

The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

Rights-of-way are dedicated in perpetuity for use by the residents of Seattle for purposes of public travel and transportation of goods. The dedication carries with it certain public rights to circulation, access, utilities, light, air, open space, and views. City government acts as the public's trustee in administering streets and alleys. The City Council first adopted Street Vacation Policies in 1986 in Resolution 27527. A few sections of the policies were revised in 1991 in Resolution 28387, 1993 in Resolution 28605 and in again in 2001 in Resolution 30297. Significant revisions were made to the Vacation Policies in 2004 in Resolution 30702. The Policies were again amended in 2009 in Resolution 31142 and the Policies are currently contained in Clerk File 310078.

ANALYSIS

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

The Policies define the components of public interest as:

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

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

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

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

Transportation Impacts:

The Petitioner is seeking a subterranean vacation, this means that the surface of the alley will remain as public right-of-way and should remain available for any standard alley purposes. The proposal is to begin the vacation at six feet below the surface of the alley in order to provide adequate space for potential utility needs and to protect the surface of the alley.

Subterranean vacations are not common. In 2014, the City Council approved a subterranean vacation of a segment of E Howe Street in the Eastlake area of Seattle. In reviewing that petition SDOT found that only about eight subterranean vacations have been proposed since the Vacation Policies were adopted in 1985, that number includes E Howe Street and this petition for Block 89. Of the other six petitions, one was withdrawn before City Council consideration and one was withdrawn following City Council approval. Three projects with subterranean vacations have been approved and constructed since 1985; all continued the surface use that existed prior to the vacation. Three of the proposals were to connect below-grade parking without full block ownership and three were proposed to allow parking encroachments below the sidewalk.

Generally, subterranean vacations are requested when there is a specific reason why a full vacation is not feasible. A property owner who does not own all the property on a block but wants to connect a garage between its properties on both sides of the alley may explore a subterranean vacation. On constrained sites a Petitioner may want to extend the parking garage under the adjacent street. The 5th & Columbia project currently under construction includes a subterranean vacation that begins 20-feet below grade and extends under 5th Avenue for seven feet. The encroachment under 5th Avenue allows the parking garage sufficient space to accommodate ramps and parking at a constrained and steeply sloped site.

Another circumstance supporting a subterranean vacation rather than a full vacation would be when the surface of the street or alley was clearly needed for a public purpose. In the case of the E Howe Street vacation, the adjacent community had identified that use of E Howe Street as public open space was a community priority. The Eastlake Neighborhood Plan specifically identified the E Howe Street right-of-way as a priority to create pedestrian connections.

SDOT could not identify another subterranean vacation petition where the Petitioner owns all of the property on the entire block and the right-of-way was not in any City, community or neighborhood plan identifying the right-of-way for an alternative public purpose such as a pedestrian concourse.

It is true that the Vacation Policies are conservative in nature and every segment of right-of-way is defined in the Policies as having value to the public. The value to the public is defined broadly and is not limited to vehicular transportation functions. Every street or alley has value for the open breathing space it provides in an urban area. The Policies state clearly that the City preference is to retain right-of-way rather than vacate it. The difficulty in the review of this petition has been that while the Petitioner is seeking only a subterranean vacation the design of the project incorporates the right-of-way into the project in a way that makes the entire block, right-of-way and private property, appear to be a unified whole. While a consistent design over the project site best serves the Petitioner's interest for a cohesive project it has raised questions

about the decision to request only a subterranean vacation. This specific policy question of requesting a subterranean vacation but utilizing the entire right-of-way has not been addressed by the City Council.

During the review, SDOT had strongly recommended that the Petitioner request a full vacation of the alley. The Petitioner is correct that a full vacation is necessary if a proposal is to build over and develop right-of-way. However, a full vacation is also necessary if the private project so subsumes the public right-of-way that public use is limited, the public cannot distinguish between public and private space, and the private project cannot function in the same way if the public right-of-way is no longer available.

It appeared to SDOT that the project so incorporated the alley that a full vacation was the appropriate means to achieve the project goals. SDOT has worked with the Petitioner to revise the project to provide more clarity between public and private space on the site. The design changes include elements such as changes in the paving treatment, distinguishing the type of landscaping and street furniture, and requiring signage on the public spaces.

During this review process SDOT has also raised issues about the merit of the proposed public spaces and whether the project should seek a full or a partial vacation. Most of the comments received on the project were positive and all of the public comment expressed support for the open space provided on the project.

Generally, reviewers do not address procedural issues such as the type of vacation requested but rather comment on the design of the proposal. The public comments that supported the project noted that the proposal with the subterranean vacation provided more pedestrian and public space than a no-vacation alternative. Those public comments in support did not address the use of a Green Street to provide access to the site, the issue of managing public space in the middle of a private project, or what would happen to the project and the public spaces if the alley needs to be opened up to service vehicles. While the comments in favor all supported the increase in pedestrian amenities around the site, no one identified the north-south alley as a priority or a part of a larger community plan.

One of the areas considered with any alley vacation is whether the vacation turns a block inside out and puts the services and access on the street and amenities in the interior of the site. That is a concern with this proposal. The Petitioner has proposed that access to the site be from John Street, a Green Street. In part this was driven by City direction that the project should not use the alley to provide access to and from Denny Way.

Instead of designing the alley to provide for both ingress and egress on John Street, the Petitioner has proposed removing access from the alley and providing a new curb cut and garage access on John Street. Removing access from the alley to the Green Street is a Type 1 Land Use Code decision that is made by DPD, in consultation with SDOT. The Petitioner secured this approval in October, 2014 and will have a 30-foot curb cut on John Street that will provide access to services and loading for the entire block. Should the alley be needed again at any time, there would be an additional 20-foot curb cut for access to the alley. During the review of the Type 1 action, the Petitioners made a successful argument that taking access from John Street did not

increase any traffic or vehicular activity on John Street as the City has previously indicated that the project should not propose that the alley exit onto Denny Way. The volume of traffic using John Street is same whether the access is from the alley or from a new curb cut for the garage.

An alternative to use the alley for access to the garage and provide for service/loading bays was not preferred by the Petitioner as the space needed for the service use was so large that lobbies and retail proposed for the project would be impacted. This block is a difficult site for access but the use of the Green Street to provide access and the use of the alley to provide pedestrian space deserves careful thought.

One of the factors behind the request for the subterranean vacation is to provide a garage of sufficient size to meet the goals of the project. The garage will provide 848 spaces, 421 for the residential units and 427 for the commercial and retail tenants. This amount of parking is in compliance with the Land Use Code and does not exceed the maximum parking allowed for the site. However, it is a significant amount of parking to be provided in an area that is growing rapidly and already can feel very congested. This amount of parking is a response to market conditions for the intended tenants rather than requirements from the City.

The City's Comprehensive Plan adopted in 2014 provides that the City should manage the parking supply with the goal of increasing other modes of transportation such as walking, biking or taking the bus. The City acted to specifically limit the amount of parking required for new development in the area recognizing that the amount of growth could overwhelm the street grid if alternatives to the car were not utilized. The amount of parking provided at this site is unlikely to encourage the use of alternative modes of transportation.

The Petitioner proposes to change the intended use of the alley from vehicular service and to improve the alley as a pedestrian concourse to encourage pedestrian use in the alley and throughout the site. While any pedestrian amenities are welcome in a busy urban neighborhood, the decision to focus on the alley as a pedestrian concourse does not seem to coordinate well with existing neighborhood amenities. This project lies between the oldest park in the City, Denny Park, and one of the busiest corners in the City at Denny Way and Westlake Avenue N. Enhanced pedestrian space on either 9th Avenue or Westlake Avenue N would likely have more value and be more useful to the larger community than the one-block of pedestrian enhancements in the north-south alley.

This proposal has produced a wide variety of viewpoints. The Design Commission did support the overall urban design merit of the project as well as the public benefit proposal but Parks spoke strongly in opposition. The Denny Triangle Neighborhood Association and the South Lake Union Community Council supported the petition. DPD in consultation with SDOT Traffic Operations supported the change in access to John Street. All of these varying views and opinions focus on the use of the alley right-of-way and the public spaces on the site and reach strongly different conclusions. SDOT does not find significant adverse transportation impacts from the subterranean vacation itself, the transportation impacts from both a vacation and a no-vacation alternative are similar. However, the overall design strategy does not provide high priority pedestrian space and does not provide sufficient consideration of the unique, gateway character of this important block.

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

The depth of a proposed subterranean vacation is important as there must be enough physical space for both current and potential future utilities and sufficient space that utilities can be accessed for maintenance and service upgrades. The Petitioner has originally proposed that the vacation begin directly below the surface of the alley. Both SDOT and SPU expressed strong concerns that that was equivalent to a full vacation of the alley as it would preclude any possible future use of the alley for utility purposes. The Petitioner has agreed to begin the subterranean vacation at 6 feet below grade as requested. This depth should provide sufficient space for any future utilities to be located in the public alley. In addition to providing adequate space for the utilities, the City must be protected from any failures or problems resulting from a private parking garage below a public alley. The City must be indemnified through an agreement which would be modeled after the provisions of Public Place Indemnity Agreements as provided in SMC 15.04. Such an agreement would address:

1. The vacation shall begin at six feet below grade.
2. The Petitioner shall be required to sign an indemnity agreement satisfactory to the City prior to the passage of the final vacation ordinance.

In addition, CenturyLink has identified that it has facilities in the alley that would need to be relocated. The Petitioner has already been working with these utilities and this work should continue. The vacation should be conditioned to require that utilities located within the street secure easements, are relocated or abandoned to the satisfaction of the impacted utilities prior to the completion of the final vacation ordinance and that the Indemnity Agreement with SPU is completed. As conditioned, SDOT does not find adverse utility impacts from the proposed vacation.

Light, air, open space and views: Because street right-of-way is open and undeveloped, streets and alleys can have value as open space and can be important view corridors. Streets and alleys can provide important breathing space in dense urban areas. This alley segment has been open and available for public use but it is currently fenced. The alley is a standard 16 feet in width and runs north and south between John Street and Denny Way. This alley segment provides for the use, access and breathing space that all streets provide and because the vacation is only subterranean, the alley right-of-way will remain open and accessible to the public 24 hours per day following the development of the block.

The project anticipates developing the alley as a pedestrian concourse to enhance pedestrian movement north and south through the site. In addition, the project will develop a plaza on both

the west and east sides of the block that will be connected by the alley concourse. The subterranean vacation does not diminish the open space on the site, the amount of right-of-way on the block remains the same and the project is providing private open space.

However, Parks has noted that the project may shadow Denny Park. In addition, Parks also notes that the past public use of the site for recreation purposes is being taken away and no adequate replacement is proposed. Parks has raised a larger issue about development activity associated with this Petitioner and the amount of active public space provided to the community through its development activity. The larger questions posed by Parks are beyond the scope of the vacation review. Any shadowing impacts would likely be similar in either a vacation or non-vacation alternative. From the narrow perspective of the review of the subterranean vacation since the right-of-way will remain accessible to the public, SDOT finds no adverse impacts on light, air, open space or views.

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

This vacation is for a subterranean vacation only; no additional property is being acquired. The result is that the parcels owned by the Petitioner do not increase. No additional square footage is acquired and no additional development rights are acquired. The pre-vacation and post-vacation development potential is the same in terms of size and FAR. The vacation is an important factor in the feasibility of the project as it provides an easier and more cost effective way to build a garage and provide for service and loading functions. The vacation helps to make the project viable but it does not make it larger.

Because the vacation does not change the scale or building orientation or the development potential of the site it can be concluded that there are no significant adverse impacts from the proposed vacation. However, it should be noted that the decision to request only a subterranean vacation rather than a full vacation limits the opportunity to develop a signature, gateway building on this important site. This Petitioner has a skilled team that could have developed the site to address issues raised by Parks and provide more significant and useable pedestrian spaces that related to Denny Park and the hub of activity at Denny Way and Westlake Avenue N.

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

The Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large in size or if the project has significant impacts, then the Policies anticipate that the public benefit proposal must also be significant.

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

This vacation is below-grade and does not impact the scale or size of the development, the public is unlikely to be aware there is a vacation below the surface of the alley. The vacation does provide flexibility to develop a single parking garage and share access to service and loading areas which make the development more feasible. According to the factors balanced in the Street Vacation Policies, a more modest public benefit proposal would be appropriate.

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

Public Benefit Matrix

Zoning designation	SM-240/125-400
Street classification	Alley
Assessed value of adjacent property	Assessed value of adjacent properties varies widely from a low of \$288/sq ft to a high of \$1,492/sq ft.
Lease rates in the vicinity for similar projects	Office: \$20-\$25/sq ft per year Residential: \$3/sq ft per month
Size of project, in square feet	<ul style="list-style-type: none"> • 460,000sq ft residential • 422,000 sq ft commercial office • 30,000 sq ft street-level retail • 362,000 sq ft below grade parking (800 stalls)
Size of area to be vacated, in square feet	Approximately 5,760 square feet
Contribution of vacated area to development potential	No additional FAR for a subterranean vacation

The public benefit proposal from Vulcan as approved by the Design Commission includes the following elements:

Block 89 Subterranean Alley Vacation Public Benefits		
	Public Benefit Item	Description
1	Alley right-of-way improvements	Special paving, landscaping, pedestrian-scaled lighting, wayfinding, seating, and furnishings in the alley right-of-way between John St and Denny Way, which remains in public ownership.
2	Improvements to the triangular portion of right-of-way at the corner of 9 th Ave and Denny Way	Paving based on 2'x2' City of Seattle standard sidewalk module, landscaping, lighting, and seating.
3	Green Street improvements on John St	Relocation of existing curb between 9 and 16 feet to the north to expand pedestrian streetscape, including new paving, landscaping, lighting, and seating.
4	Voluntary setback and streetscape improvements on Denny Way	Expanded street-level building setback, seating, landscaping, and lighting to implement some of the recommendations in the Denny Way Streetscape Concept Plan.
5	Streetscape improvements on 9 th Ave N and Westlake Ave N	Relocation of existing curb to widen sidewalk, including new paving and additional landscaping.

The public benefit package contains elements intended to enhance and encourage the public to move freely through the project and around the site. Widened sidewalks and additional landscaping are features proposed around the block that will enhance the pedestrian experience in a very busy area. The improvements proposed along John Street are the most generous. Here the Petitioner will implement the Green Street standards and add between 9 and 16 feet to the existing sidewalk and include street furniture, new paving treatment, additional landscaping, and pedestrian level lighting.

The Petitioner provided the following information about the dimension of the public benefit elements:

<i>Public Benefit</i>	<i>Area</i>
1. Alley ROW improvements	= Approx. 7,444 sf
2. Denny Way/9th Avenue N triangle ROW and sidewalk improvements	=Approx. 4,506 sf
3. Green street improvements at John Street	= Approx. 6,968 sf
4. Denny Way streetscape improvements	= Approx. 3,933 sf
5. Westlake Avenue N sidewalk widening,	= Approx. 906 sf

<i>streetscape improvements</i>	
6. 9th Avenue N sidewalk widening, streetscape improvements	=Approx. 2,237 sf
TOTAL AREA OF ALL PUBLIC BENEFITS	=Approx. 25,994 sf
AREA OF SUBTERRANEAN VACATION	=5,775 sf

Also proposed are pedestrian enhancements to the alley right-of-way and to the triangular right-of-way at the corner of the site. These enhancements are attractive on the project drawings and welcomed by the adjacent community but as noted earlier in the recommendation, can pose some challenges. Because the right-of-way remains as public right-of-way it needs to be available for public purposes as defined by the City. There is a possibility, however remote and unlikely, that there could be some public need for the alley for more standard alley uses or perhaps the corner right-of-way might be needed for utility purposes. Those elements of the public benefit package could be reduced or eliminated if there is a public need for the space. Elements that are in the public right-of-way must be distinguished from the enhancements provided on the private property so the public can clearly understand what is private property and what is public property. Changes in the pavement treatment, landscaping plan, type of street furniture and other elements can provide signals for the change in the character of the property. The Petitioner should also provide a marker in the sidewalk showing the property line. Signage will be important to identify public space on the site.

This proposal can be distinguished from the previous subterranean vacation at E Howe Street in several ways. E Howe Street was a street rather than an alley. Streets provide for circulation, utilities, parking, and pedestrian and bike use. Alleys mainly provide for access, services, and utilities. At the E Howe Street location, the steep topography meant that street could never function as a through street for vehicles. While the street could provide for other street purposes such as parking, utilities and pedestrian uses; the adjacent community had identified improving the right-of-way for pedestrian space as a community priority for a number of years. The topography won't change so it is not possible for E Howe Street to be needed for additional street purposes in the future. It was clear there was no additional use of the right-of-way other than as pedestrian space and the vacation process was a way to implement a neighborhood priority. It is possible that the public right-of-way associated with the current vacation may be needed for a public purpose in the future. It would be necessary than to remove some enhancements and anticipate vehicular use on the proposed pedestrian concourse.

The public benefit elements that would be in the public right-of-way will require permits from SDOT. The Petitioner has begun work with SDOT and all of the improvements proposed can be accommodated with a permit, the Petitioner will move forward to secure the permits should the City Council grant the vacation.

This package of public benefit elements is consistent with other vacation proposals from this property owner and includes elements that have been supported by the City Council with other vacation petitions. This Petitioner has a history of using high quality materials and has high standards for maintaining all of its spaces.

RECOMMENDATION

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

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in September of 2015.
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; nonstandard elements will require a Street Use Permit and indemnification agreement; elements of the street improvement plan and required street improvements to be reviewed include:
 - Street improvement plan showing sidewalks, street trees, bike racks, street furniture, lighting, art or artist-made elements, signage or wayfinding, and landscaping around the site.
 - Permitted encroachments in the public alley such as treatments to the surface of the alley and other elements as noted above.
 - Elements that distinguish public right-of-way from private property, including clear signage, property demarcation, and changes in paving treatment, street furniture and landscaping.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. The City shall require indemnification for the private structure below the public alley. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:
 - Seattle Public Utilities, and
 - CenturyLink Communications.
4. It is expected that development activity will commence within 18 months of this approval and that development activity will be completed within five years. In order to insure

timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) for the project until SDOT Street Vacations has determined that all conditions have been satisfied and all fees have been paid.

5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
6. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT may request additional review by the Design Commission of the implementation of public benefit elements or the pedestrian enhancements in the alley, as necessary. Public benefit elements in the right-of-way require additional street use permits and indemnification, public and private areas must be distinguished and markers in the sidewalk shall be required. Signage clearly marking public access areas must be reviewed by SDOT and shall be provided. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

Block 89 Subterranean Alley Vacation Public Benefits		
	Public Benefit Item	Description
1	Alley right-of-way improvements	Special paving, landscaping, pedestrian-scaled lighting, wayfinding, seating, and furnishings in the alley right-of-way between John St and Denny Way, which remains in public ownership. <ul style="list-style-type: none"> • Approximately 7,444 sf of alley improvements.
2	Improvements to the triangular portion of right-of-way at the corner of 9 th Ave and Denny Way	Paving based on 2'x2' City of Seattle standard sidewalk module, landscaping, lighting, and seating. <ul style="list-style-type: none"> • Approximately 4,506 sf of improvements.
3	Green Street improvements on John St	Relocation of existing curb between 9 and 16 feet to the north to expand pedestrian streetscape, including new paving, landscaping, lighting, and seating. <ul style="list-style-type: none"> • Approximately 6,968 sf of improvements.
4	Voluntary setback and streetscape improvements on Denny Way	Expanded street-level building setback, seating, landscaping, and lighting to implement some of the recommendations in the Denny Way Streetscape Concept Plan.

		<ul style="list-style-type: none">• Approximately 3,933 sf of improvements.
5	Streetscape improvements on 9 th Ave N and Westlake Ave N	Relocation of existing curb to widen sidewalk, including new paving and additional landscaping. <ul style="list-style-type: none">• Approximately 906 sf of improvements on Westlake and• 2,237 sf of improvements on 9th Avenue N.

Sincerely,



Scott Kubly
Seattle Department of Transportation

SK:bb

Enclosures