

9th & Stewart Alley Vacation

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Diane Sugimura
Director, DPD

Osama Quotah, Chair

Shannon Loew, Vice Chair

Bernie Alonzo

Brodie Bain

Lee Copeland

Thaddeus Egging

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Martin Regge

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Commissioners Present

Shannon Loew, Vice Chair

Bernie Alonzo

Lee Copeland

Grant Hromas

Ellen Sollod

Commissioners Excused

Osama Quotah, Chair

Brodie Bain

Thaddeus Egging

Martin Regge

Ross Tilghman

Project Description

The applicant proposes to vacate the 16-foot-wide L-shaped alley in the block bounded by 9th Ave, Howell St, 8th Ave, and Stewart St in the Denny Triangle neighborhood. The alley area is roughly 6,000 square feet. The vacation would allow the development of a mixed-use project that includes:

- 1,500 hotel rooms
- 150,000 square feet of meeting room space
- 152 affordable housing units for households earning up to 80% AMI
- Ground-level retail and restaurants
- 700 below-grade parking spaces

The building massing includes a six-story base, an eight-story tower on Stewart for the housing, and a 35-story tower on Howell St for the hotel. A through-block connection would provide drop-off zones, access to parking, and a public pedestrian connection. Service access is from 8th Ave.

The applicant proposes the following public benefit items:

- 9th Ave Green Street enhancements
- Public art
- Voluntary setbacks
- Through-block pedestrian connection
- Bike share program
- Wayfinding program

Meeting Summary

The Design Commission reviewed and approved the public benefit package with a vote of 3 to 2. This was the fourth time the Commission had reviewed the project. On July 18, 2013, the Commission approved the urban design merit for the alley vacation. On October 17, 2013, and February 20, 2014, the Commission reviewed but did not vote on public benefit. Because the permitting process resulted in the need for a Supplemental Environmental Impact Statement (SEIS), a vote could not occur until notice of the Final SEIS was published; that document was published October 13, 2014.¹

Approval of urban design merit and public benefit constitutes a recommendation to the SDOT Director by the Design Commission to approve the vacation petition. SDOT then makes a recommendation to the City Council, which ultimately decides whether to vacate the alley.

Recusals and Disclosures

Osama Quotah and Ross Tilghman recused themselves.

¹Since features proposed in a public benefit package must exceed any code requirements for the project and required project mitigation, the notice of the Final EIS must be published before the Commission votes on the public benefit package.

October 16, 2014**2:00 – 4:00 pm****Type**

Alley Vacation

Phase

Public Benefit

Previous Reviews[February 20, 2014](#)[October 17, 2013](#)[July 18, 2013](#)**Project Team Present****Shauna Decker**

R.C. Hedreen Co.

Ryan Durkan

Hillis Clark Martin & Peterson P.S.

Greg Harris

R.C. Hedreen Co.

Walt Niehoff

LMN Architects

Mark Reddington

LMN Architects

Dave Schneider

LMN Architects

Dave Thyer

R.C. Hedreen Co.

Attendees**Michael Abate**

UNITE HERE Local 8

Mandy Achterberg

Gethsemane Lutheran Church

Beverly Barnett

SDOT

Kaaren Black

resident

Olga Chavarria

UNITE HERE Local 8

Marybeth Clotario

UNITE HERE Local 8

Michael Dorcy

DPD

Marc James

UNITE HERE Local 8

Emmanuel Mancilla

Church Council of Greater Seattle

Stefan Moritz

UNITE HERE Local 8

Levi Pine

UNITE HERE Local 8

Audrey Saylor

UNITE HERE Local 8

Sarah Warren

UNITE HERE Local 8

October 16, 2014

Summary of Presentation

Mark Reddington introduced the project and summarized its previous meetings before the Design Review Board and Design Commission. Several slides documented the overall building program, the extent of open space and pedestrian linkages, and the public benefit package. The presentation is [available on the Commission website](#).

Mr. Reddington detailed the defining features of each proposed public benefit item:

9th Ave Sculpture Garden

- 8,600 square feet of voluntary setback
- 9,300 square feet of right-of-way enhancements
- Three sculptures by Beverly Pepper
- Seating areas
- Landscape areas

Public art

- 3 aforementioned sculptures
- Through-block soffit art lighting
- Integrated artworks within right-of-way (manhole covers, paving inlay, bike racks, custom benches)

Voluntary setbacks

- 2' setback on 8th Ave
- 2' setback on Stewart St
- 15' setback on Howell St

Through-block pedestrian connection

- Publically accessible space that is at least 30' high and 70' wide with sidewalk widths more than sufficient to accommodate hotel-generated pedestrian traffic

Bike share program

- 1 bike share station with 20 bikes, ticket kiosk, and helmet vending machine
- Located in covered through-block connection

Wayfinding program

- 2 wayfinding kiosks
- 2 wayfinding sign poles

Agency Comments

Beverly Barnett remarked that unfortunately she had little to add. She felt the request for a vote on public benefit was premature since the proposed public benefit items had not changed since the last review in February; except for the September 30 prep meeting for today's meeting, she had not been in communication with the project team since the February 2014 review. She believed the strongest element was the sculpture garden, which looks to be a unique and successful space. Nevertheless, SDOT remains skeptical that the through-block connection will truly serve the public since it is an interior covered space and the team has not described any programming that would successfully activate it with uses other than hotel and related functions. Ms. Barnett also believed there was not enough detail about the bike share component. In sum, she questioned the overall balance of public benefit and private gain from the vacation given the scale and significance of the project.

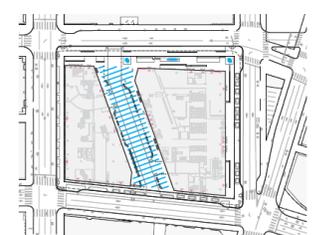
1. Green Street Sculpture Garden / Voluntary Setback on 9th Ave



2. Green Street Sculpture Garden / ROW Enhancement



3. Publicly Accessible Art



4. Additional Voluntary Setbacks / ROW Enhancement



5. Through-Block Pedestrian Connection



6. Bike Share Program



7. Wayfinding Program

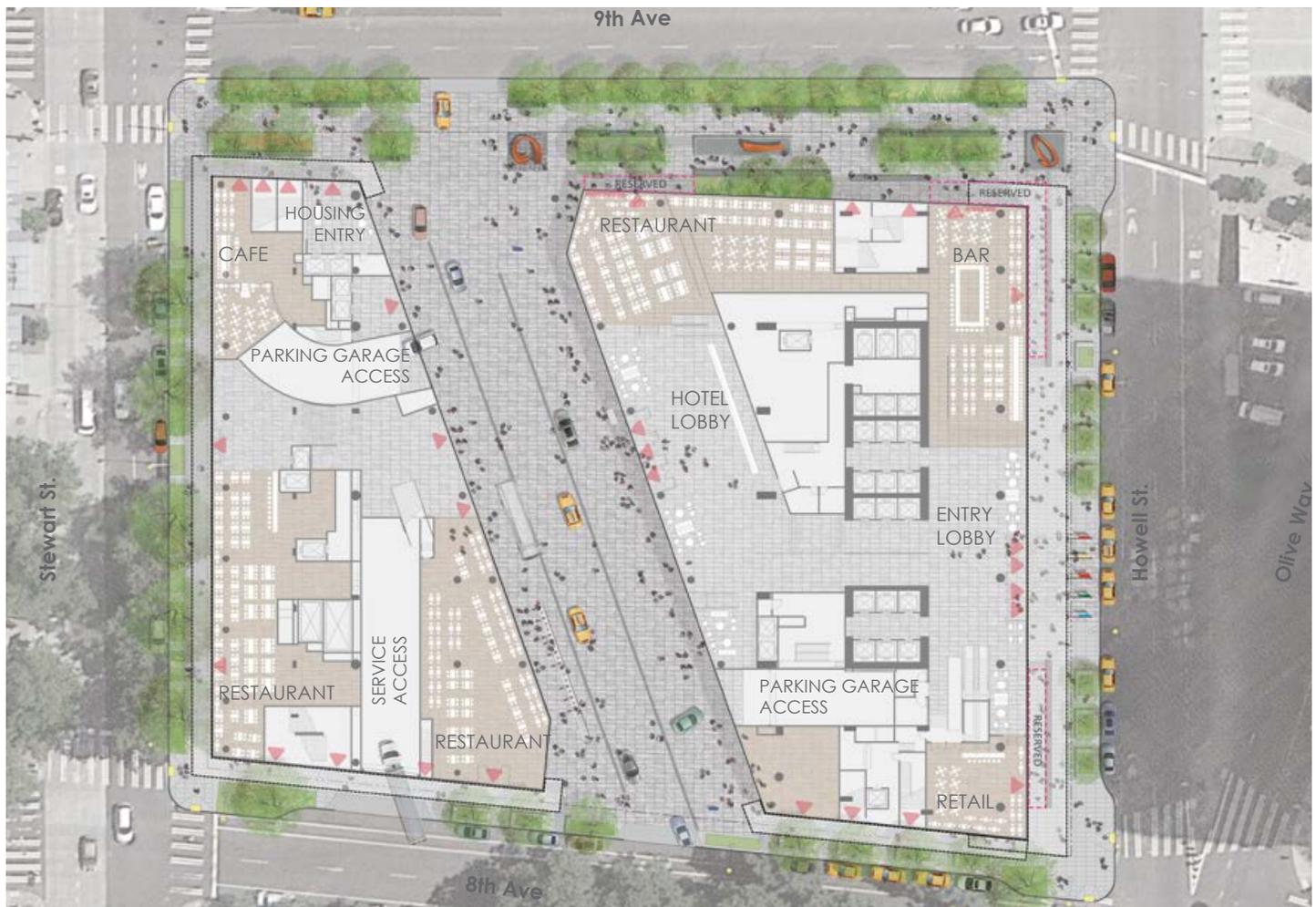


Michael Dorcy reminded the Commission that this project has gone through the Design Review process. The Design Review Board recommended approval of the necessary departures for the design. Mr. Dorcy also noted that the applicant has also submitted and received approval from the Board for an alternative three-quarter block development that wouldn't vacate the alley. The no-vacation alternative would not include affordable housing.

Public Comments

Kaaren Black spoke of the need for additional affordable housing in the Denny Triangle neighborhood—housing that is truly affordable to the more than 1,000 prospective employees of this building. According to Ms. Black, if just one third of the units were affordable to people making up to 50% of area median income (AMI), it would be possible for some employees to live where they work. She also believed that some units should be one- or two-bedroom units to accommodate households with more than one person.²

Stefan Moritz thanked the Design Commission for their review. He questioned the timing of the review since the SEIS was published on Monday, October 13, 2014, and the appeal period remained open. He requested that the Commission revisit today's decision in light of any successful appeal. Addressing public benefit, he noted that there was no additional information in today's presentation compared with the February 2014 review; in fact, he stated there was less information despite the Commission's request for additional material. He quoted the Commission's desire for more information on the public art proposal. Mr. Moritz also questioned the merits of the through-block connection as public benefit. He expressed frustration that the team had shortened the part of the presentation devoted to this item despite a recommendation in the previous meeting minutes to develop this element further. Mr. Moritz said his organization is excited about the project's potential to transform the neighborhood but believed the public benefit items were insufficient given the disproportionate private gain from the alley vacation. He recommended against approval.



² The Design Commission follows City Council policies ([Resolution 30702](#)) when evaluating public benefit features for street or alley vacations. While the Council policies indicate that “the City can consider...affordable housing” in its review of public benefits (Policy 5.F), the Design Commission uses Guideline 5.1 when determining whether a proposed feature should be considered a public benefit. Guideline 5.1 does not include the provision of affordable housing as a recognized public benefit feature.

Summary of Discussion

Prior to the Commission's deliberation, Michael Jenkins summarized the Council's street and alley vacation policies that allow both on- and offsite public benefit features and the process by which they are recognized. Mr. Jenkins provided the Commissioners with three options for the action on public benefit: a yes vote, a no vote, and a no vote with recommendations to the Council on how to proceed with approval of a public benefit package. This third option included recommendations that the Commission could make to the Council to enhance the public benefit package, including completion of missing green street segments along 9th Ave and completion of pedestrian enhancements at the intersection of 8th Ave, Howell St, and Olive Way; both elements were included in the applicant's initial public benefit package but subsequently removed.

During the question and answer period, the Commission asked for input on the probability of the vacation and non-vacation proposals. Shauna Decker stated that, since there was no assurance the vacation proposal would be approved, they had to create a viable alternative. Ms. Decker also referenced a comment by Beverly Barnett from the minutes of the February 20, 2014, review that the 9th Ave and Howell St designs were very good and the public benefit proposal commensurate with the scale of the project.

The Commission focused their discussion on whether the seven proposed public benefit items were commensurate with the loss of the right-of-way function and the gains to the petition resulting from the alley vacation. To resolve this question, the Commission discussed each public benefit item one by one. There was consensus that the Sculpture Garden on 9th Ave was the strongest item. Despite lingering concern about the COR-TEN steel and graffiti, the Commission felt overall the proposal would create a unique and generous public space on 9th Ave.

The other public benefit items seemed more modest in scale. As in previous reviews, the Commission was skeptical that the through-block connection would be inviting to the public, especially given the lack of detail about the proposed art lighting in the soffit. The Commission felt they were effectively being asked to take on faith that the artwork would be developed in a way that supports the public nature of the through-block.³ There was strong support, however, for the continuous, curbless paving throughout the site and the full integration of the art lighting into the through-block space.

Given the concern that some Commissioners felt that the public benefit package was inadequate, there was also discussion about the two public benefit items that the applicant had previously included in the proposal: implementation of Green Street elements elsewhere on 9th Ave and right-of-way enhancement at the triangular intersection of Olive Way and Howell St.

Action

The Seattle Design Commission thanked the project team for a thorough yet concise presentation. With a **vote of 3 to 2**, the Commission approved the public benefit items listed above for the proposal to vacate the L-shaped alley in the block bounded by 9th Ave, Howell St, 8th Ave, and Stewart St in the Denny Triangle Neighborhood. The Commission made the following comments and recommendations:

1. The Commission is encouraged by the Sculpture Garden, specifically the proposed landscaping, width, seating elements, and continuity of materials.
2. Ensure the sculptures by Beverly Pepper are adequately maintained.
3. The Commission is disappointed that the team has not chosen an artist for the art lighting in the through-block connection. Though generally understandable that the applicant wants assurance the project will move forward before making an investment, the Commission has consistently expressed how critical the artwork is to understanding the experience of the through-block connection. By not defining the artwork more clearly, it is difficult to assess its adequacy as public benefit. That said, the scale and proposed integration of the art lighting is a positive element.
4. The Commission acknowledges that through-block connection creates a weather-protected pedestrian connection through the site. We recognize that the continuous materials, the transparency of the interior facades, the height and width of the space, and the angled facades at 8th and 9th Avenues are important steps to making the through-block connection inviting to the public. The proposed art lighting in particular is critical for signaling that this is a public space. That said, the through-block connection continues to feel purely circula-

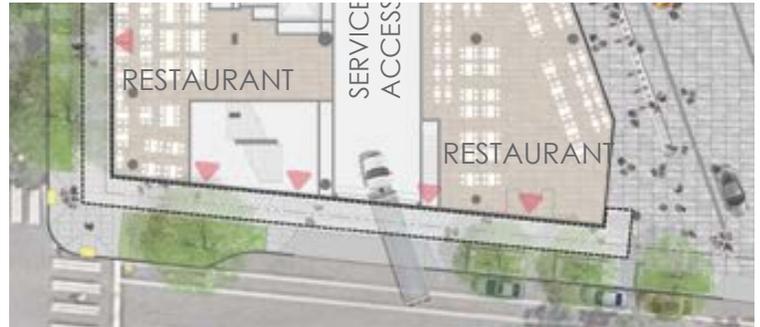
³ The project team included several criteria for the design and implementation of the proposed soffit art installation in the through-block connector on page 31 of the presentation.

tion. Circulation that is open to the public does not in and of itself constitute public benefit absent the uses or amenities that would invite the public and activate the space.

5. The wayfinding is a positive but very modest public benefit item with limited value given the ubiquity of smartphones.

The Commission also recommended the following conditions for subsequent review should the Council grant approval of the alley vacation:

1. Return to the Design Commission for a review of the art lighting when the applicant has selected the artist and the project team has defined the artwork proposal.
2. Evaluate the feasibility of extending the curb cut on 8th Ave for service access further away from the building so that it does not interrupt the sidewalk (shown at right).
3. Treat the interior façades of the through-block connector in a diverse manner so that they do not have the sort of uniformity that signals that this is a private zone. The façade design should exhibit the varied architectural elements that a public street would have.
4. Identify in advance a commensurate alternative to the proposed bike share station should it prove infeasible or inappropriate to implement when the project is constructed.



The reasons for the votes against were as follows:

1. **Grant Hromas:** I'm still unconvinced that the through-block connection will truly benefit the public. It is unclear what uses are fronting where. We do not know details about the proposed art lighting. Without that information, and considering the amount of parking and loading that will occur in this space, it is difficult to assess whether it meets the standard for public benefit.
2. **Ellen Sollod:** I hoped to support this project, but I am not confident that there is a clear path to understanding the significant artworks given the wording of the action. I am also unsure that the public benefit package is commensurate with what the petitioner gains as a result of vacating the alley. That said, I think the through-block connection is a positive feature of the design because it helps to facilitate pedestrian movement.

Approval of both urban design merit and public benefit constitutes a final recommendation to SDOT by the Design Commission to approve the vacation petition. The final decision to vacate the alley lies with the City Council. As the project proceeds with more detailed designs, the Commission will need to review that it meets the Commission's recommended conditions.

If the Council approves the vacation, the Commission recommends that the conditions be fulfilled prior to the issuance of a building permit other than a permit for grading or demolition.

The Design Commission was greatly encouraged by the proponent's desire to include onsite affordable housing in this project. While the Commission could not recognize the affordable housing component as a public benefit feature (see footnote 2 above), the Commission recognizes the need for greater production of onsite affordable housing in all mixed-use projects. Therefore, the Commission requests that the Council consider adoption of greater incentives for developers to include onsite affordable housing. This could include zoning code amendments to provide increased development potential for mixed-use projects that include onsite affordable housing, increasing fees to disincentivize payment in lieu of production when inclusion of onsite affordable housing is feasible, etc.