

9th & Lenora Alley Vacation

Ed Murray
Mayor

Diane Sugimura
Director, DPD

Shannon Loew, Chair

Ellen Sollod, Vice Chair

Brodie Bain

Lee Copeland

Thaddeus Egging

Grant Hromas

Martin Regge

John Savo

Ross Tilghman

Michael Jenkins
Director

Valerie Kinast
Coordinator

Nicolas Welch
Planner

Joan Nieman
Administrative Staff

**Department of Planning
and Development**
700 5th Avenue, Suite 2000
PO Box 34019
Seattle, WA 98124-4019

TEL 206-615-1349
FAX 206-233-7883
seattle.gov/dpd

Commissioners Present

Shannon Loew, Chair
Ellen Sollod, Vice Chair
Brodie Bain
Lee Copeland
Grant Hromas
John Savo
Ross Tilghman

Commissioners Excused

Thaddeus Egging
Martin Regge

Project Description

Seattle Parks and Recreation (Parks) and GID, a private developer, are jointly petitioning the City to vacate an alley in the Denny Triangle neighborhood. The 16-foot-wide east-west alley currently extends between Westlake Ave N to the north and Lenora St to the south. The alley separates an 8,700-square-foot parcel owned by Parks from a 21,000-square-foot parcel owned by GID. Parks proposes to construct a park identified in the 2008 Parks and Green Space Levy. GID proposes a 40-story residential tower with retail at the base.

The alley vacation would allow for a larger park area than could be built without the vacation. The GID development would benefit from an expanded site that allows and a direct connection between the ground-level retail and the new park. GID has received a Master Use Permit for its development proposal, and it does not require the vacation for construction.

As part of the joint alley vacation petition, Parks and GID propose several public benefit items. In brief, Parks would construct the expanded Westlake & Lenora Park and expand programming. GID's public benefits would include a storage area for Parks in the residential tower, contribute to park design enhancements, ensure an active use in the commercial space fronting the park, and do additional Green Street improvements on 9th Ave, among others. Refer to the action for a detailed discussion of the public benefit package that the Commission approved.

The co-petitioners are also proposing an alternate approach to the future property line created from the vacation. Under state law, a vacated right-of-way is divided down its centerline and given in equal part to each adjacent property owner. Instead, Parks and GID propose to divide the alley widthwise. As a result, Parks would acquire 175 square feet of additional property than if the property line followed the current alley centerline.

Meeting Summary

The Design Commission unanimously approved the public benefit package for the joint alley vacation petition. The approved public benefit package differed slightly from what was presented; the detailed list is on page 4.

Recusals and Disclosures

There were no recusals or disclosures.

March 19, 2015

1:30 – 3:30 pm

Type

Joint Alley Vacation

Phase

Public Benefit

Previous Reviews

[December 4, 2014](#)

[September 18, 2014](#)

Presenters

Kim Baldwin

Parks

Mark Brands

Site Workshop

Jeff Lowenberg

GID

Jack McCullough

McCullough Hill, PS

Brian Steinberg

Weber Thompson

Attendees

Beverly Barnett

SDOT

Clair Enlow

Daily Journal of Commerce

Courtney Kaylor

McCullough Hill, PS

Chip Nevins

Parks

Lise Ward

Parks

Lish Whitson

Council Central Staff

Summary of Presentation

Jack McCullough introduced the project team. Brian Steinberg oriented the Commissioners to the GID project site, the future Westlake & Lenora Park, and the subject alley. The full presentation is available on the [Design Commission website](#).

Mr. Steinberg compared the code compliant scheme for the GID residential tower, which would have parking and loading access from the alley, with the proposed design, where access would occur on 9th Avenue.¹ Though state law mandates that vacated right-of-way be divided down its centerline with half allocated to each adjacent property owner, Mr. Steinberg described the co-petitioners' alternative approach, as shown below:



Figure 1. Typical division of vacated right-of-way along the existing alley centerline (left) and proposed alternate approach to the future property line (right).

Jack McCullough described how the GID team revised the residential tower design due to its location on two Green Streets and a park. According to Mr. McCullough, these steps included relocating certain mechanical equipment, modifying the garage entrance, and providing additional landscaping on 9th Ave. All of these steps are beyond normal permitting requirements in order to help facilitate and respond to the creation of a park. Mr. Steinberg summarized some of the beneficial outcomes of the GID–Parks collaboration on this vacation.

As shown in Table 1, Mr. Steinberg presented information to support the argument that GID receives few quantitative benefits as a result of the vacation:

Table 1. Information presented by GID about the benefits it receives as a result of the vacation.

TYPICAL REASONS FOR ALLEY VACATIONS	GID
INCREASE FLOOR AREA	NA
BUILD ON FORMER ALLEY	NA
BUILD UNDER FORMER ALLEY	NA
BUILD OVER FORMER ALLEY	NA
RECONFIGURE SITE TO A SHAPE BETTER SUITED FOR DEVELOPMENT	NA
INCREASE SIZE OF SITE BY JOINING LOTS ACROSS ALLEY	NA
TYPICAL BENEFITS RECEIVED FROM ALLEY VACATIONS	GID
ADDITIONAL UNITS / LEASEABLE SF	NA
ADDITIONAL PARKING	NA
FEWER BELOW GRADE LEVELS REQUIRED / LESS EXCAVATION	NA
MORE EFFICIENCY / YIELD P/SF OF DEVELOPMENT	NA
INCREASED LAND VALUE	NA
TANGIBLE BENEFITS	GID
INCREASED RENT LEVELS	NA
INCREASED LEASE VALUE FOR RETAIL	NA
INTANGIBLE BENEFITS	GID
IMPROVED CURB APPEAL	Minimal benefit received. Because the alley is no longer required for service, the finish level could be more pedestrian friendly if vacation is not granted.

¹ GID already received approval in a separate determination from DPD and SDOT to take access from 9th Avenue, a Green Street, rather than from the alley.

Kim Baldwin introduced the Parks public benefit package. The primary public benefit item is the construction of Westlake & Lenora Park, outlined in Figure 2. Mr. McCullough and Mr. Steinberg described the GID public benefits. The co-petitioners' public benefit packages are listed in brief below. Refer to the action for the public benefit items that the Commission recognized in its approval.

Seattle Parks and Recreation

1. Expand and construct park improvements
2. Activate Initiative 42 – park in perpetuity
3. Activate Title 18 – safety and enforcement
4. Expand events and programming

GID

1. Commitment to retail
2. Storage area
3. Park / building edge enhancement
4. Allocation of additional alley square footage to Parks



Figure 2. Parks' primary public benefit would be the expansion and construction of Westlake & Lenora Park.

Agency Comments

Beverly Barnett echoed the comments Mr. McCullough made during the presentation about the unique and unprecedented nature of this public-private partnership and the joint alley vacation petition. She recommended this approach be a model for how Parks can manage and activate public spaces. Ms. Barnett recognized that GID has designed for this particular context and appreciated that the vacation improves the relationship between the tower and the park. Ms. Barnett noted that the challenge is assessing the appropriate level of public benefit for GID. She acknowledged that GID's presentation moved closer toward articulating a clear and appropriate level of public benefit. Ms. Barnett also emphasized the potential precedential effects of counting a retail use as public benefit. She cautioned that people should be able to use and enjoy public benefit items without spending money; historically the City has not recognized a use as public benefit.

Chip Nevins expressed his appreciation for the collaboration between Parks and GID.

Public Comments

none

Summary of Discussion

The Commissioners commended the collaborative relationship between Parks and GID and appreciated the close coordination that this vacation petition demonstrated. They recognized Parks' public benefit contribution—construction of Westlake & Lenora Park and expanded events and programming—as more than adequate for this joint vacation petition.

Most of the discussion focused on GID's proposed public benefit items. While the Commissioners acknowledged that GID would not gain many of the typical benefits from this vacation, such as additional FAR or leasable area, and that GID does not require the vacation to construct the residential tower, they also recognized that the seamless and pedestrian-friendly connection



Figure 3. GID's Green Street improvements on 9th Avenue.

with the park that this vacation facilitates will be an important asset for the residential tower. The Commissioners believed the proposed public benefit package was sufficient in this light.

The Commissioners made several specific comments about the public benefit items. First, they recognized that a retail use is generally not valid as public benefit but that, in this case, a street-activating use is essential to the success of the park. A key distinction for this public benefit item is that the commercial space fronts onto the park as opposed to a street. To ensure this street-activating use is effective, the Commission adopted a condition that regular coordination meetings occur among the tenant, building owner, and Parks.

Second, the Commissioners requested that the proposed Green Street improvements on 9th Ave, which were not initially included as public benefit, be recognized as public benefit. These improvements, shown in Figure 3, are not required by the land use code or for any mitigation. The Commission recognized that, coupled with the consolidated garage entry, they greatly enhance the public realm on 9th Ave.

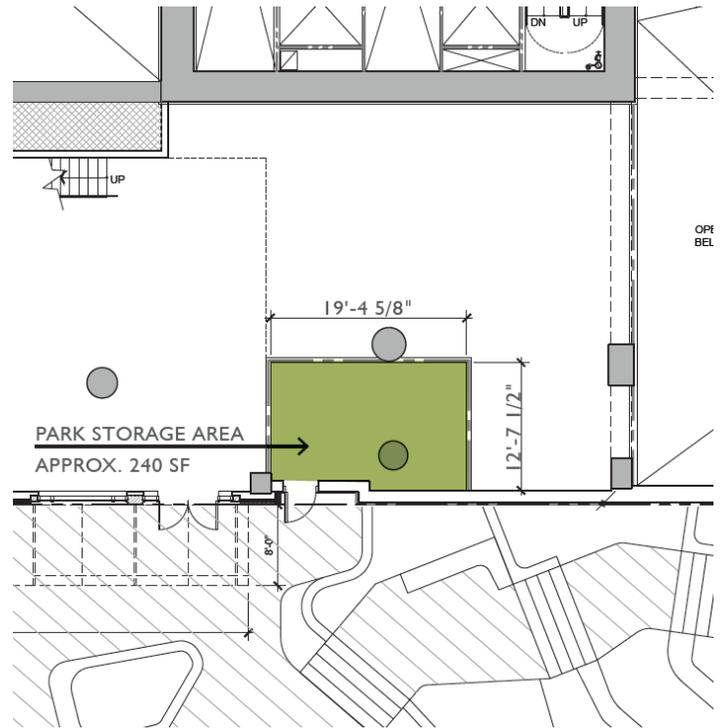


Figure 4. Proposed storage area for Parks.

Action

The Design Commission thanked the project teams for the public benefit presentation for the petition to vacate the alley in the block bounded by Westlake Ave, 9th Ave, and Lenora St in the Denny Triangle. The Commission appreciated the collaborative approach this project demonstrates and the potential for a new approach to activating City parks where there is adjacent private development.

With a **vote of 7 to 0**, the Commission approved the public benefit package for the alley vacation petition consisting of the following items:

SEATTLE PARKS AND RECREATION		
Public benefit item	Description	SDC comments
Expand and construct Westlake & Lenora Park	Parks will construct Westlake & Lenora Park.	The alley vacation allows for an additional 1,200 square feet of parkland; the proposed alternative approach to the future property line (discussed below and shown in Figure 1) adds an additional 175 square feet of parkland. This is a roughly 15% increase to the adjacent 8,722-square-foot Parks parcel.
Expand events and programming	<ul style="list-style-type: none"> • Inclusion in the weekday Buskers Program • Monitoring by Parks' downtown concierge circuit • Inclusion in Imagination Playground and other children's activities on select weekends • Purchase of additional equipment 	The aforementioned additional parkland allows the park to accommodate more people and Parks to program the site at a higher level. The storage area provided by GID (discussed below) further increases opportunities for programming.
GID		
Public benefit item	Description	SDC comments
Storage area for Parks	As shown in Figure 4, GID shall provide an approximately 240-square-foot storage space adjacent to Westlake & Lenora Park.	This space is for Parks' use to store equipment and furniture for events, programming, and maintenance and shall be designed in coordination with Parks in order to meet its needs and will be available for Parks' use for the life of the project.

<p>\$25,000 contribution to Parks</p>	<p>This contribution shall fund enhancements to the park edge in the approximate location shown in Figure 5.</p>	<p>These improvements go beyond the Design Review Board-approved design for the treatment of the wall on this edge. GID shall use this contribution to ensure the park edge reads as a public zone and not as a space associated with the adjacent residential tower.</p>
<p>Allocation to Parks of additional 175 square feet of vacated alley area</p>	<p>As a result of the proposed alternative approach to the future property line, shown in Figure 1, Parks will acquire 175 square feet of additional property than if the new property line followed the currently alley center.</p>	
<p>Commitment to a street-activating use in the ground-level space adjacent to the park</p>	<p>GID commits to utilizing the space adjacent to the park as a street-activating use, shown below in Figure 6.</p>	<p>While the Commission generally does not recognize a use as a valid public benefit item, in this case the Commission believes that a street-activating use increases interactivity between park and space. This commitment should encompass the full range of street-activating uses.</p> <p>A condition of this public benefit item is a provision recorded in the property use and development agreement (PUDA) for ongoing and regular meetings and coordination among the tenant, the owner or property manager, and Parks to ensure the relationship between the commercial space and the park is successful. If SDOT cannot recommend that item this be included, the Commission recognizes the street-activating use as fundamental to the success of the park.</p>
<p>Green Street improvements on 9th Avenue</p>	<p>1,620 square feet of additional planting and 650 square feet of additional paving beyond code requirements.</p>	<p>Though not included in the originally proposed public benefit package, the Commission recognizes the additional streetscape improvements along 9th Ave shown in Figure 3 as enhancements to the public realm.</p>

The Commission also recognized the merit of the proposed alternative approach to dividing the vacated alley area among the co-petitioners and supported this legal demarcation. The Commission found this approach a better response to the circumstances than adhering to the centerline division of the alley.

This is the last time the Commission expects to review the alley vacation petition. Approval of both the urban design merit and public benefit phases constitutes the Commission’s recommendation to SDOT that the vacation petition be granted. The City Council makes the final decision whether to vacate the right-of-way.

The public benefit items listed above reflect the presentation materials from March 19, 2015. If any of the items change or are found infeasible for any reason, the Commission requests that SDOT re-refer the petition to the Commission for additional review.

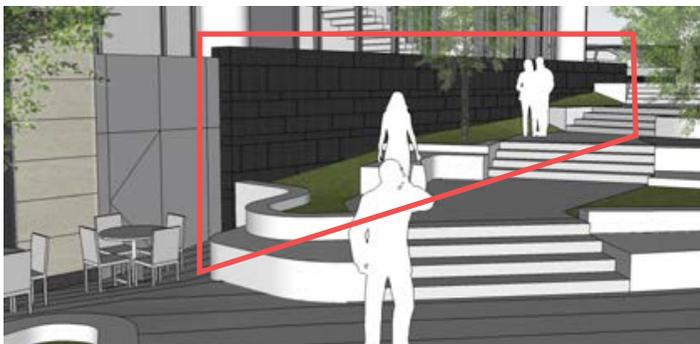


Figure 5. Approximate location of park edge enhancements funded through a \$25,000 contribution from GID.

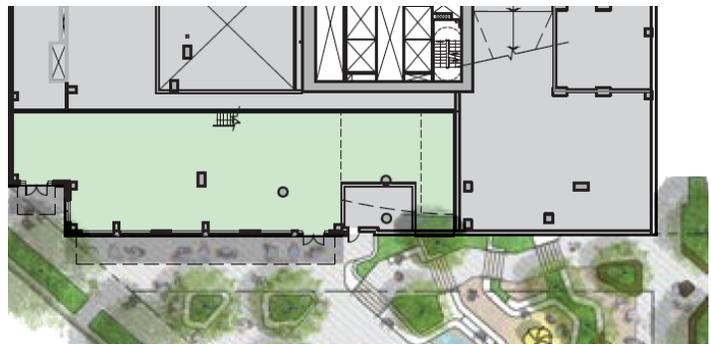


Figure 6. GID commits to a street-activating use in the ground-level space shown in light green above.