City of Seattle
Edward B. Murray, Mayor

**Department of Transportation**
Scott Kubly, Director

July 28, 2015

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

**Subject: Petition of Seattle City Light for the vacation of Pontius Avenue N lying between John Street and Denny Way in the South Lake Union Urban Center neighborhood of Seattle**
**Clerk File 313195**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition of Seattle City Light (SCL) for the vacation of Pontius Avenue N described as:

> **All that portion of Pontius Avenue North lying between Block 12 of the Supplementary Plat of Fairview Homestead Association For the Benefit of Mechanics and Laborers, according to the Plat thereof recorded in Volume 7 of Plats, Page 3, in King County Washington; and Block 13 of Pontius Fourth Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 7 of Plats, Page 8, in King County, Washington.**

The street proposed for vacation includes approximately 22,090 square feet of right-of-way.

**BACKGROUND**

The portion of Pontius Avenue N proposed for vacation runs north and south between John Street and Denny Way. The street, classified as a local access street, is approximately 60 feet wide and 360 feet in length. The street is improved and open and is available for standard street purposes.

SCL owns the property on the east side of Pontius Avenue N bounded by John Street, an alley, Denny Way, and Pontius Avenue N. SCL owns about ¾ of the block on the west side of Pontius Avenue N bounded by John Street, Pontius Avenue N, Denny Way, and Minor Avenue N. The existing Brewster Apartments (Brewster) is located on the corner of John Street and Minor Avenue N. The Brewster is privately owned and is not a part of the SCL proposal; the Brewster will remain in use as an apartment after SCL develops the new substation. SCL and the Brewster

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are working on an agreement to address issues relating to the development adjacent to the Brewster site, including landscaping for privacy, providing a loading zone, access and construction impacts. The Brewster does not wish to acquire any of the vacated right-of-way and SCL proposes to acquire and use all of the vacation area through an agreement with the Brewster. SCL is working with the Law Department to determine the requirements such as the deed form and whether there is a need for a lot boundary adjustment. While the Brewster, and Capitol Hill Housing which manages the Brewster, had objected to the vacation at the beginning of the review process, SCL and the Brewster have reached an agreement on outstanding issues. The Brewster and Capitol Hill Housing have indicated in writing there are no further objections to the vacation provided the agreement with SCL is completed.

The segment of Pontius Avenue N proposed for vacation is not continuous to the south and ends at Denny Way. Denny Way is the boundary between two street grids with different orientation, the South Lake Union street grid and the Downtown Seattle street grid. The change in orientation of the grid limits views and makes the neighborhoods on each side of Denny Way feel more distinct and separate. The segment of Pontius Avenue N is also discontinuous to the north as this block of street is offset about 135 feet from the segment of Pontius Avenue N which lies to the north.

The project site is in the South Lake Union neighborhood and is located within the South Lake Union Urban Center. 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.

SCL acquired the property east of Pontius Avenue N from Greyhound and the site had been in use for a bus maintenance building. The site had been contaminated by the prior use and SCL has been engaged in contaminated site remediation in preparation for the development of the new substation. This clean-up work began in 2012 and has now been largely completed.

## LEGISLATIVE HISTORY

A partial review of some previous City Council actions can provide a useful backdrop for the review of the Denny Substation proposal. An early action is Resolution 30610. This Resolution, adopted in 2003, affirmed the City's commitment to redeveloping the South Lake Union area as a central hub for biotech and high-tech research and manufacturing. It described the goal of making South Lake Union the region's most competitive location for biotech research and manufacturing, clean energy, advanced energy technology research, manufacturing and distribution, other high-tech research and other innovative entrepreneurial high-tech industries.

The City described improving infrastructure to support the anticipated long term growth and revitalization, including the addition of a new substation, among other goals.

Beginning around 2004, SCL began a review and analysis of potential sites for a substation in South Lake Union, Cascade, Denny Triangle and the north Downtown area.

In 2007, in Ordinance 122537, the City Council authorized the acquisition by negotiation or condemnation of the parcels abutting Pontius Avenue N. SCL studied approximately 59 sites in the area before determining that acquisition of the properties bounded by Denny Way, Minor Avenue N, John Street, and Yale Avenue N were necessary for the construction and operation of the new electrical substation.

In 2012, in Ordinance 123835, the City Council acted to lift budget provisos and made budget allocation adjustments for the North Downtown electrical substation, distribution network, and associated transmission improvements in the South Lake Union Urban Center.

The Ordinance specified that the existing substations in the downtown Seattle area did not have sufficient 13kV capacity to serve a new network distribution system for the South Lake Union area and the new substation would have sufficient capacity for a new network distribution system and provide additional capacity to manage loads in adjacent areas of downtown Seattle, including the Denny Triangle, Uptown, and First Hill Urban Centers.

These City Council actions provided direction for SCL as it moved forward in acquiring property and in the planning and design work for the Denny Substation that is the subject of this recommendation.

**REASON FOR VACATION**

The proposed vacation of Pontius Avenue N is intended to allow flexibility in the placement, orientation, and design of the proposed electrical substation, and to better integrate the development and the distribution lines associated with the substation into the surrounding neighborhood. The street vacation will also provide additional flexibility in the amount, design, and type of public amenities and open space that could be provided on-site.

The new Denny Substation project is within SCL's existing service area. The substation will serve high density electrical load growth in the South Lake Union Urban Center and the North Downtown area, estimated to reach 150-200 MW per square mile during a 20-year planning period. The substation project will also help provide service that meets the increased reliability requirements of high tech businesses and will provide added capacity for serving existing networks in the Denny Triangle and First Hill areas. The project will create options for meeting future system capacity needs (beyond 2030), such as upgrading transmission voltage to 230kV and adding a fourth transmission line to the north. The Substation will also incorporate equipment to limit regional power flow through the South Lake Union and Downtown areas that could adversely affect local service capability, as agreed to with the Bonneville Power Administration (BPA).

The vacation of Pontius Avenue N offers four advantages to SCL:

1. SCL can access the site from John Street; this provides efficient long-term operation and servicing of equipment as well as the most efficient physical arrangement for placement of future equipment. The added land allows the arrangement of the equipment to be separated by greater distances providing space for service vehicles and protection of the transformers and switchgear. Without the vacation the substation would require a two-level configuration with one level below grade. The two-level configuration has a higher level of operational complexity and would require watertight construction and ongoing operational provisions to mitigate the risk of water infiltration.
2. The street vacation provides SCL flexibility to plan and install the most efficient layout of the underground distribution network cabling that emanates from the substation to provide service to the community. The vacation provides the needed land area to provide the optimal separation of the distribution lines as well as to provide unimpeded access for maintenance.
3. By spreading the facility across Pontius Avenue N, the facility can maintain a lower height and profile.
4. The vacation of Pontius Avenue N provides more than adequate space for the substation facility and allows SCL to provide public open space on the site as a public benefit.

Without the vacation of Pontius Avenue N the substation would be an approximately 40-foot high vertical wall enclosure with minimal building setbacks. The structure would consist of an architectural screen wall and facility access points on John Street. There would be no requirement to provide public benefit. The internal equipment would need to be positioned closer to the public sidewalk and adjacent residential properties.

SCL notes that with the vacation alternative:

1. The design has greater urban merit than other alternatives;
2. The substation can be delivered at comparable or lower costs than other alternatives; and
3. The design does not have the operational challenges and limitations associated with consolidation of a facility on one parcel.

## PROJECT DESCRIPTION

While SCL's activity in the South Lake Union area includes three distinct elements, this review and recommendation addresses the proposed vacation and the new substation but does not address other work planned by SCL. The work proposed by SCL includes the following three elements:

1. A new electrical substation on Denny Way;
2. A new underground electrical network distribution system in the South Lake Union area; and
3. A new, primarily underground, high-voltage transmission line connecting the new substation to the existing Massachusetts substation in the South of Downtown (SODO) neighborhood.

The substation will initially be served by the existing transmission line running adjacent to the site, which will be spliced and reconfigured as the substation is built to provide power for the facility, allowing the substation to provide network service to some customers in the near future. A new transmission line would then be built between the Massachusetts substation located south of downtown and the new substation to fully power the substation and proposed distribution system by 2020. The network service area would be developed in phases, with a first set of new conduits and wire installed within right-of-way through the surrounding neighborhood, and the future connection to be constructed within street right-of-way, as needed, over the next 50 years. Over time, additional equipment would be brought into the substation to maintain reliable electrical service as loads expand, but the outer footprint of the substation would remain the same.

The vacation of Pontius Avenue N is sought to accommodate the development of the new substation. The substation site would include transformers, a control building, gas-insulated switchgear, capacitor banks, and inductors, as well as a portable propane-powered generator to power back-up power for the control building. The control building would be a climate-controlled facility that would house a battery room, communications room, mechanical room, and crew facilities (shower, lockers, restroom, and break room).

The project would extend across Pontius Avenue N incorporating the SCL property on the east side of Pontius Avenue N and the SCL property which is about ¾ of the block on the west side of Pontius Avenue N. The transmission line serving the substation and the distribution network emanating from the new facility would all be underground. The substation would be contained within a screening-wall structure. The structure would be approximately 32 feet tall on average, sloped in places, and multi-level and terraced to lessen the bulk and scale of the facility. The northern portion of the structure would be approximately 240 feet long, the east portion would be 305 feet long, the southern portion would be approximately 410 feet long and the western portion of the wall would be approximately 335 feet long.

The sloped wall of the structure will consist of a translucent glazed curtain wall and stainless steel panels. There will be transparent or translucent treatment at grade which will vary in transparency depending on the location.

An elevated pedestrian pathway would be constructed over the top of a portion of the facility (along the Denny Way side and the north along the alley to the east of the site). This pathway will be aligned with the existing urban grid and facilitate pedestrian movement. The facility will not have an enclosed structural roof.

Access to the substation for SCL crews and their vehicles would be from John Street. The facility would not have any on-site operators or employees. Employees providing service within the substation will park vehicles within the substation. The crews will visit the site occasionally to check equipment status or to maintain or repair the equipment. The facility might be visited by field crews who could use the facility as a check in point or as a break area. There would be little traffic visiting the site and no traffic on some days.

## 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 City Council Concept Approval of a city facility and waivers or modifications of development standards, SDOT review of the Street Improvement Plan (SIP), DPD review and conditioning of the Master Use Permit (MUP) and Design Commission review of the Capital Improvement Project (CIP) as well as the vacation. SCL was also required to prepare an Environmental Impact Statement (EIS).

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.***

The following comments were received:

### City Departments

**Department of Planning and Development:** Please accept these DPD comments on the proposal of Seattle City Light to vacate a portion of the above identified street. They are based upon the Land Use Policies section of Seattle's Street Vacation Policies.

According to the petitioners, the purpose of the vacation is, to enlarge the site to accommodate the proposed new Denny Substation. The vacation of Pontius would increase the size of the project area by approximately 22,000 square feet and consolidate two Seattle City Light (SCL) parcels on either side of the right-of-way. The additional space is required for the optimal orientation of the substation on one level, for the internal circulation of service vehicles and connection of the distribution system into the surrounding neighborhood. The vacation would allow additional area for open space and public amenities, and allow a lower structure height and massing of the substation.

The right-of-way proposed for vacation is one block of Pontius between John and Denny. The street is fully improved with curbs and sidewalks. It is 60 feet wide and 306 feet in length with parallel parking on the east side and diagonal parking on the west side. Pontius does not extend south of Denny. North of John, Pontius continues as a fully improved street for four blocks to Mercer Street. The portion of Pontius south of John is not in alignment with the portion of

Pontius to the north of John. The northern extension of the street lies approximately one-half block to the east.

SCL's proposed Denny Substation includes a new substation, a new underground electrical distribution network in the South Lake Union area, and a new transmission line. SCL is requesting the vacation of this portion of Pontius to allow for the development of the new substation portion of the project. The new facilities at the Denny Substation will increase service to the North Central Seattle area (South Lake Union, Denny Triangle, Uptown and First Hill) and will provide options for further service improvements to the north. The project is scheduled to be built in phases between 2014 and 2020. The first phase of the project includes the construction of the substation, connection to the existing transmission line and installation of new underground distribution lines and vaults in the surrounding neighborhood. Addition phased work includes construction of a new transmission line from the existing SCL Massachusetts substation in the South of Downtown (SODO) area to the new Denny substation and new connection in the right-of-way needed.

Land Use Considerations

Light and air functions would not be significantly affected by the proposed street vacation. The substation concept is an open-air facility — enclosed by a screen wall on four sides, without a roof. The substation would contain transformers and associated equipment (e.g., switchgear, grounding bank, and inductors). The portion of the right-of-way proposed for vacation does appear to serve utility functions beyond the adjacent sites owned by Seattle City Light; existing utilities would be relocated to adjacent rights-of-way not designated for vacation. Pedestrian and vehicle circulation would be provided on the adjacent rights-of-way and are proposed. Public views south of the intersection of John Street and Pontius Avenue N, from ground level up to a height of 30 feet would be altered by the proposed screen wall for the substation. As previously noted, this segment of Pontius is not in alignment with the northern street grid that is located approximately one-half block to the east.

Development associated with the street vacation would not appear to conflict with current transportation policies. The proposed vacation would not result in a prohibited use into the Seattle Mixed zone or the intrusion of a prohibited use into the Seattle Mixed zone.[1] If the proposed street vacation is approved, the parcel size that would result would be generally compatible with other Seattle Mixed zone parcels that currently exist in the immediate area.

Conclusion and Summary

DPD recommends that the requested street vacation be granted. The segment of Pontius in question would not significantly affect land use related functions. Construction of the Seattle City Light — Denny Substation will increase electric power service and will provide options for further electric power service improvements making this facility a public asset. The primary long-term effect of the change in development potential directly attributable to the vacation lies in the increase service to the North Central Seattle area (South Lake Union, Denny Triangle, Uptown and First Hill). In both the short term and long term there would not appear to be any

[1] See Seattle Municipal Code section 23.48.004.B. Prohibited uses.

appreciable detrimental effects on pedestrian/vehicle circulation and access, light, air, open space and view functions of nearby streets and nearby public places.

**Seattle Parks and Recreation:** The Parks and Recreation Department has reviewed the submission by Seattle City Light for the proposed vacation of Pontius Ave. N. and we have no comments or concerns about the proposal.

**SDOT Project Development:** No comments.

**SDOT Street Improvement Permitting:** The SIP Group has no comments.

**Seattle Public Utilities (SPU):**

Seattle Public Utilities (SPU) has reviewed the proposed vacation, and has identified the following concerns and has the following comments and request:
SPU Sewer & Drainage: Vault Plan 63-33 built an 8" clay sewer pipe in Pontius Ave N around date 1909. This plan also installed drainage inlets and catch basins clay drain pipes in the intersection to be vacated.

1. The petitioner shall take over ownership of the 8" pipe sewer main in the centerline of the proposed vacated Pontius Ave up to the first joint of the Maintenance Hole in John Street.
2. The petitioner shall take over ownership of the inlets and catch basins and the drain pipes in the proposed vacated Pontius Ave up to the first joint of the sewer main in John Street.
3. The petitioner shall be responsible to plug any pipes they remove or will not use.

SPU Water: The loss of the 8" supply capacity passing through the 100 block of Pontius Ave N off the 30" feeder main in Denny Way needs to be replaced in one of the remaining avenues that run parallel to Pontius, and then relayed to Pontius Ave N with an east-west connecting main in John St.

Specifically, the vacation should be conditioned upon the petitioner upsizing the existing 6" main in Minor Ave N, from Denny Way to John St, and connecting this main with the existing main in Pontius Ave N with a standard watermain in John St. The area is now zoned for commercial high rise, so any watermains installed would need to be 12" diameter. Retiring the main in Pontius Ave N would also be required for this street vacation. A hydrant at the northeast corner of Pontius Ave N & Denny Way would need to be relocated due to the retirement of the Pontius main.

Recommendations: With these considerations, SPU recommends the vacation of Pontius Avenue North, between John Street and Denny Way in the South Lake Union Urban Center area.

***SCL Response: Sewer and Drainage comments were noted and accepted as a condition of the project. Water comments were noted and accepted as part of the project design.***

***No further response required.***

**Seattle Design Commission (SDC):** The SDC reviewed the street vacation at four separate meetings. The first two meetings on November 7, 2013 and April 3, 2014 focused on urban design merit; the impacts on urban form from removing Pontius Avenue N. The second two meetings, November 6, 2014 and February 19, 2015, focused on the proposed public benefit package.

At the November 7, 2013 meeting the presentation included an overview of impacts on the street system from removing Pontius Avenue N, including impacts on automobile and pedestrian circulation, site access, open space, and impacts on utilities. At that meeting the SDC requested additional information on various project elements including how the elevated walkway would function, how the site would be accessed by pedestrians, how automobiles and pedestrians would circulate around the site and how art would be integrated into the project.

At the April 3 2014 meeting the SDC received additional information based, in part, on the questions raised in their previous meeting, including a lengthy review of how access to the neighborhood would be affected by the vacation and how the proposed onsite open spaces would function.

**November 7, 2013:** SDC review for Urban Design Merit: The Design Commission did not vote on the Urban Design Merit of the proposal to vacate a segment of Pontius Ave N. It will review both the Urban Design Merit and Public Benefit package of the vacation at a future meeting. The Commission is also completing a capital project review and will review the 60% design at a future meeting.

The Design Commission provided the following recommendations for the next review:

- The diagrammatic and traffic information was especially useful.
- Please provide more information on pedestrian movements.
- In future presentations, explain in greater detail each of the facades and the "roof" of the structure.
- Provide a clearer explanation of how the elevated walkways function within their proximate and larger context. Be aware that generally the Commission questions taking people away from street level.
- Provide additional information on shading of the open spaces.
- Reexamine the narrowness of the triangular open space at the point where it reaches Denny and Minor.
- Present how the art is integrated into the project.
- At each presentation, explain how previous recommendations of the commission were addressed.

**April 3, 2014:** SDC review and action for Urban Design Merit: The Design Commission thanked the Denny Substation team for a thorough and rigorous presentation of the urban design merit of their proposal to vacate Pontius Ave N between Denny Way and John St to facilitate development of a new electrical substation. We understand that this is a major piece of necessary infrastructure to support the growth of our city, including residents and businesses in the surrounding area of the site, and stability of the electrical grid through the city overall. The Commission noted the value of this project to the public realm, acknowledged the limited impacts to the transportation network and circulation surrounding the site, and appreciated the massing of the proposed design over the other alternatives. The Commission applauds City Light's thoughtfulness in determining how this building is sited and designed within such a dense urban area.

With a **vote of 9 to 0**, the Design Commission unanimously approved the urban design merit of the proposed vacation of Pontius Ave N with the following conditions and recommendation:

**Conditions**

1. Further develop and refine the public spaces to provide clarity on how they will indeed provide valued spaces to the public. The team should address program at all edges of the site, develop a plan and qualify their commitment to operations for the public spaces at the site, and provide more specificity around how these spaces will be understood as public and accessible, including through the use of transparency in the façade design.
2. Continue the strong commitment to community outreach and develop a memorandum of agreement (MOA) with the Brewster Apartments prior to the next Commission review to provide confidence that an agreement has been reached.

**Recommendations**

1. Develop a general sustainability strategy that includes stormwater management. Additionally, develop a clear strategy for how sustainability will be understood by the public and visible at the site.

***SCL Response:***

1. ***This comment was appreciated and action was taken as noted. SCL is working with the Office of Arts and Culture to manage a curated occupancy of segments of the community space in the SW shell space. SCL has committed budget and commissioned the design of the "Energy Inspiration Center" in the SE shell space.***
2. ***SCL continued with a strong community outreach program and has developed an MOA with Capitol Hill Housing in regard to the Brewster Apartments.***
3. ***SCL has designed the two occupied spaces in the project with the goal of attaining "Petal Certification" as part of the living building challenge. This includes designing the projects to meet a "Net Positive Energy" performance level. The project also developed other sustainability features on site including a bio-retention planter and a storm water runnel.***

The SDC reviewed the project on November 6, 2014 and February 19, 2015 for Public Benefit. The November 6, 2014 meeting provided the SDC with an overview of the proposed public benefit package—no vote was taken. At the February 19, 2015 meeting the SDC received a second update on the proposed public benefit package, including additional information on how the open space and pedestrian connections would function.

**November 6, 2014:** SDC review for Public Benefit, the SDC thanked the project team for the preview of the public benefit package. Because all public benefit items must exceed any code or mitigation requirements, the Final EIS must be published prior to a vote on public benefit. According, the Commission did not take an action at this meeting but expects to vote on public benefit (and review the design development of the CIP project) in early 2015. The Commission looks forward to discussing and reviewing the public benefit package once the Final EIS is published.

The Commission appreciated several positive changes since the last review, such as the two proposed pedestrian crossings at Denny Way. All of the offsite elements are positive, and the collaboration with other agencies is very encouraging. The Commission found that the public benefit package is generally on the right track and provided the following comments and recommendations to guide the team's development of the public benefit package:

1. Continue outreach to ensure that you adequately address neighbors' concerns. At the next review, help us understand how you are achieving that. Given that City Light is building a substation in this location, we appreciate your efforts to integrate it into the urban environment.
2. While we are generally happy with the progress on the shell spaces, there are several outstanding issues that should be resolved at the next review. Ensure the southwest shell space is a flexible, multi-use, but not multi-useless space. That shell space and the adjacent open space should function together as a single event zone. Consider whether the food trucks may be better suited for another location.
3. Refine the relationship between the transit hub and learning center so the two work together successfully. Consider how people waiting for the bus affect the experience of entering or occupying the southeast shell space.
4. Develop a stronger strategy for the entire open space. Continue the positive improvements you showed today. Ensure that the off-leash area is functional for dog owners. Consider how all of the open space features function together as a single element, not separate pieces.
5. At the next review, present 1) the implementation schedule for the project, ideally in a graphic and/or spatial way, and 2) more information about operations, maintenance, and programming of all public spaces.

Note that the comments listed above do not address the CIP project design, including color, materiality, and other outstanding concerns from the Commission's schematic design review in April 2014.

**February 19, 2015:** SDC review and action for Public Benefit, the SDC thanked the project team for presenting the public benefit and particularly for its responsiveness to previous

Commission recommendations and concerns. The Commission saw great improvement in the design because the project team has tried to listen and, wherever possible, make changes.

The Commission particularly noted the inclusion of the bus shelter and a new signalized pedestrian crossing of Denny Way at Minor Ave N in the proposed design as significant improvements to the public realm.

With a vote of 6 to 0, the Design Commission approved the following public benefit package for the petition to vacate Pontius Ave N between Denny Way and John St to facilitate the construction of an electrical substation:

| | Public Benefit Item | Description |
|---|---|---|
| 1 | Denny Way street crossings | Enhanced pedestrian crossing of Denny Way at the intersection of Denny Way and Stewart Street and a signalized pedestrian crossing at the intersection of Denny Way and Minor Ave. N. |
| 2 | Streetscape improvements on Pontius Ave N and Thomas St | In collaboration with SDOT, streetscape enhancements along Pontius Ave N between John St and Republican St and along Thomas St between Yale Ave N and Minor Ave N. These improvements include curb bulbs, treated pavement crossings, planter strips and trees, a rain garden, and additional pedestrian lighting. |
| 3 | Occupied use to activate street edge on Denny Way | A storefront space at the intersection of Denny Way and the alley in the southeast corner of the site currently programmed to be the Energy Inspiration Center for Seattle City Light. |
| 4 | Alley improvements | Paving enhancements, safety lighting, interactive micro-sound environments, and bioretention planters. |
| 5 | Bus shelter / transit hub | Integrated building overhang for shelter, passenger waiting lean rails, passenger waiting bench, bike racks, receptacles, and transit information kiosk. |
| 6 | Implementation of the intent of the Denny Way Streetscape | Voluntary setbacks along the Denny Way frontage. |
| 7 | John St Green Street enhancements | Increased pedestrian and planting zones north of the Brewster apartments and across the length of the project site; urban scale wayfinding and site related directional signage; bicycle parking. |
| 8 | Elevated walkway | Ambulatory walkway which includes a quarter-mile walking loop, seating elements, landscaped zones, educational viewing portals and interpretive graphics, and educational components integrated into the walkway experience |
| 9 | Public open space | Programmed open space for public use resulting from generous setbacks. The open space includes: SW shell space which is currently programmed as the Community Meeting Space; Off Leash Area; event zone and spill-out space which will be a dedicated paved zone for rotating uses such as food trucks, street fair, farmers market, or spill out for the Community Meeting Space; and street furniture |

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

- Return to the Commission to present the designs for streetscape improvements on Pontius Ave N and Thomas St.

The Commission also made the following recommendation:

- Continue to analyze functionality of the bus waiting and queuing area to understand and evaluate the potential for crowding and the use of the sidewalk.

***SCL Response to SDC action and discussion:***

1. ***SCL has committed to creating a curated program and is currently in the process of planning the development timeline for the content and is actively engaged with the Office of Arts and Culture to plan for maintaining content over time.***
2. ***The design was executed to implement lighting controls to program and modulate light levels appropriately.***
3. ***SCL will consider materials that will endure with little maintenance.***
4. ***The design team worked closely and directly with the artist and developed the landscaping at the "Transforest" piece.***
5. ***Security will remain a priority for SCL at the substation and will adapt security responses as needed to maintain a viable substation and public amenity.***

***Public Benefits***

1. ***SCL will share with the Design Commission the final design of the off-site improvements.***
2. ***The comment is appreciated and influenced the advancement and resolution of design detailing at the bus shelter space.***

**Outside Agencies**:

**Puget Sound Energy:** Pursuant to your letter dated August 22, 2013, Puget Sound Energy has conducted a review of existing gas facilities within the subject portion of Pontius Avenue North street right-of-way between John Street and Denny Way. PSE has only a deactivated 6" gas main located within the area affected by the proposed vacation being petitioned by Seattle City Light. With Seattle City Light's development of this block for a new substation, PSE will not plan for future reactivation of this main. Therefore, the main is considered abandoned.

***SCL Response: comment noted, no further response required.***

**CenturyLink:** This letter is in response to the notice for the above referenced vacation. 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.

***SCL Response: new infrastructure is accommodated as part of the project and has been accepted by CenturyLink. Language granting CenturyLink rights as requested is noted and an agreement is being developed between SCL and CenturyLink.***

**King County Wastewater Division:** No existing WTD facilities within the vicinity, thus no property interest in this site at this time.

***SCL Response: comment noted, no further response required.***

**Community Comments:**

**Brian Ramey:** Isn't this pretty much a done deal? City Light has already dug the hole for the Substation eliminating the alley. Who would want to use an alley that goes nowhere and travels between the transformers of a high voltage electrical substation? Use the space a vacated alley will provide to move the equipment as far as possible from any residential properties nearby. Thank you for giving me an opportunity to comment.

***SCL Response: this comment is regarding early details on the project. In meetings between SDOT and DPD, and in presentations to the Design Commission and the public, these topics were discussed and evolved. Over a year of meetings and discussions, the Design Commission took these and other comments into account in recommending approval of the proposed street vacation and public benefit package.***

***SCL located the substation equipment as far as possible from the adjacent residential properties.***

**Elizabeth Steele:** I am writing to express my concern regarding compensation to the city for the alley currently on the Greyhound site being redeveloped. I want to be certain that the needs of those currently living and/or working in the immediate area are addressed. Thank you

***SCL Response: this comment is regarding early details on the project. In meetings between SDOT and DPD, and in presentations to the Design Commission and the public, these topics were discussed and evolved. Over a year of meetings and discussions, the Design Commission took these and other comments into account in recommending approval of the proposed street vacation and public benefit package.***

**Kara Stone (REI):** Thanks for working to get me this information. For some reason I still can't get in there, but it is probably REI's lock tight security! No big deal, I think my comments would be the same…..my biggest concerns here is around parking. That block has about 30+ street parking spots that would be eliminated from community usage if it was vacated. Parking is at a premium and to eliminate spaces while the area is growing at the same time with new businesses and residential areas, doesn't make sense. My customers and employees are already challenged to find adequate parking, especially on weekends and during our busiest periods in the summer and holiday season. If the folks at the apartments and cancer center can't use the 30 spots on the proposed blocks, they will be taking up more spots closer to the REI store and further aggravate our density problems. Not to mention, the Swale on Yale project is also proposed to remove 90-100 parking spots along Pontius as well last I heard.
Access to the store is an issue, but not a huge one. Of course I don't want to eliminate ways to get here, but there are other alternatives to getting here that are more primary and will suffice.

I know the city of Seattle appreciates the millions of dollars in sales tax this store generates. I will say with absolute certainty that my business growth has shown a significant negative impact by the area construction and parking difficulties in the last two years. Not a total loss for REI necessarily, as we have found that many of our customers are heading to our suburban stores (Redmond, Issaquah, etc.) instead of to the Seattle store. But this does mean less sales tax generated for Seattle in the end.
***SCL Response: comment noted. Parking is not required for this development. The EIS contains a detailed analysis of parking availability and found the project would have a moderate impact. The finding is based on City policies that encourage increased use of alternative transportation modes, particularly in higher density areas such as the Downtown and South Lake Union Centers. It is further reported in the EIS that there is no SEPA authority provided in the SMC to mitigate the impact of development on parking availability in the Downtown and South Lake Union Urban Centers.***

***To address ongoing concerns about parking, SCL acknowledges comments by SDOT concerning ongoing programs it supports. SDOT actively manages on-street parking using both the Performance-Based Parking Pricing and the RPZ programs. SCL understands SDOT will continue to monitor and make adjustments to curb space utilization as conditions and demands change in South Lake Union. This will involve continued review of parking rates, time limits, and curb space uses as well as work with the neighborhood to balance competing needs of the area.***

**Terry Danysh for REI:** To Whom It May Concern: We represent Recreational Equipment Incorporated ("REI"), whose flagship store is located at 222 Yale Avenue North in the Cascade neighborhood of South Lake Union. The flagship store draws over one million visitors a year, and is the heart of REI's focus in Seattle. For that and its role as a pioneering investor in the Cascade neighborhood, REI has several concerns about the Denny Substation project ("the Project").

First, REI's comments are not limited to the Notice of Application for deviations from the Seattle Mixed zone under Project No. 3014772. Because the Project's March 27, 2014 DEIS and pending street vacation petition (Project No. 310078) filed by Seattle City Light to vacate a portion of Pontius Avenue North are directly related to the waivers/modifications sought in the Notice of Application, REI's comments should be construed to apply to each of these interdependent processes.

Second, the history of REI in the Cascade neighborhood, particularly with respect to its efforts to rejuvenate the same, is a long one. REI has resided in the Cascade neighborhood far longer than most of the neighborhood's current corporate denizens. As such, it has seen and lived through the complications of rapid growth of the community. Up until now, the tradeoff between growth and congestion is one REI has been willing to accept. However, the seemingly predetermined outcomes associated with siting of a major utility substation in the heart of the Cascade neighborhood where traffic impacts are greatest are unacceptable.

Transportation Impacts

Specifically, REI's concerns center on the vacation of Pontius Avenue North between Denny Way and John Street, and the multiple waivers and modifications sought from the new Seattle Mixed zone. Pontius Avenue North is the first street available to turn right into the southeast corner of the South Lake Union neighborhood (and access to REI's flagship store) when travelling westbound on Denny Way. Closing Pontius Avenue would force more traffic to use Minor Avenue North (the next street west of Pontius). As a result, it would double the amount of traffic that would meet at the intersection of John Street and Minor Avenue North. This intersection is currently a bottleneck for traffic due to the backup of traffic heading west on John Street.

John Street is heavily used by cars coming off Interstate 5 as well as Eastlake Avenue. Many drivers choose to head northbound on Minor and Fairview to reach Thomas (which is another busy route to the REI store). By closing Pontius, more congestion is created and must be pushed through the Yale/Thomas intersection that is closest to REI's parking garage entrance. A related congestion impact is that approximately 40 to 45 on-street parking spaces will be eliminated between the Denny Substation and "swale on Yale" projects. The loss of this parking will further increase congestion closer to the store.

The Project (as represented in the DEIS, street vacation petition and Notice of Application) does not adequately resolve the congestion from two major street projects (the Denny Substation and the "swale on Yale") occurring within two blocks of each of other and a block from the REI store. The Denny Substation project must be revised to address these issues.

Seattle Mixed Zone Deviations

As for the departures sought from the Seattle Mixed zone, REI is troubled by both their volume and degree. City Light is seeking a parade of deviations from what is a recently enacted code that has yet to be fully implemented or enforced. As a test of that code, approval of these departures would constitute a failure of the zone's original planning.

City Light is seeking waivers to the zone's setback requirements, blank façade and minimum façade height requirements, and "green' factor requirements, among others. This litany of deviations suggest that City Light cannot abide by the rules that the City Council put in place for the neighborhood, and must now seek, in effect, an illegal spot zone to accommodate the Project. Further, the touted "public benefits" of open space and landscaping identified in alternatives 2 and 3 of the Project are typical requirements of any large project. Open space and landscaping do not constitute by themselves the types of additional amenities that meet the "public benefits" criterion for street vacations.

In addition, the value of any additional open space (as identified in alternatives 2 and 3) is undermined by the community's experience with the adjacent Cascade Park. Cascade Park is a favorite destination for transients who are attracted there by the many human service organizations nearby. There is no reason to believe that the open space proposed in alternatives 2 and 3 will be treated any differently.

In summary, the Denny Substation project (as represented in the DEIS, street vacation petition, and Notice of Application) fails to address these very real concerns shared by many in the

Cascade neighborhood. We respectfully request that you include REI in the meaningful resolution of these issues prior to going to the City Council for approval. Please make sure that the undersigned is provided any and all notices related to any aspect of the Project (including environmental review and the street vacation petition process). Thank you for your consideration.

***SCL Response to Dorsey & Whitney:***
***This comment is regarding early details on the project. In meetings between SDOT and DPD, and in presentations to the Design Commission and to the public, these topics were discussed and evolved. Ultimately, after over a year of additional meetings, discussions, and Design Commission meetings, the Design Commission took these and other comments into account in recommending approval of the proposed street vacation and public benefit package.***

- ***Traffic***
  - ***A pedestrian through-block connection has been provided that connects Denny Way to Pontius Ave N.***
  - ***The EIS concluded that there will be no adverse impacts on traffic circulation resulting from the proposed street vacation.***
- ***Parking loss***
  - ***See above PARKING response.***
- ***Mixed Use Zone and Waivers***
  - ***The substation is a permitted land use in the zone. The land use code does not have development standards for public facilities such as the substation. The processes allowing for waiver of development standard exists for the purpose of managing public facility developments.***
- ***Statement of negative value of open space***
  - ***Social equity and access to public amenities without discrimination, including economic privilege and status of residence, is highly valued by the project. The provision of open space is one element to bring this noble characteristic to the project and the City of Seattle.***
  - ***Provisions for safety and security are integral to the project's physical development and include CPTED integration, 24/7 video monitoring of the site, and the establishment of security patrols.***

**John Pehrson:** My first comment relates to a file called: 'Pontius Ave N Vacation Information Part 2-2". This is a collection of four maps of the nine Urban area surrounding the proposed Denny Substation, titled H-2, H-3, H-4 and H-5.
I believe the Figure H-2 gives an inappropriately strong 'commercial flavor' to the area immediately around the Substation because:

1. The building on the SE corner of Minor and Thomas is shown as Commercial, but is Residential. Next to it is the Minor Street Child Care that sounds more residential than commercial.
2. The triangular block bounded by Denny Way, Minor and Stewart has an approved design for two 400' residential towers. Although that isn't currently built or under construction, this action by the City should be recognized.

3. The full block bounded by Fairview, Thomas, Minor and John has an approved project that will start before the end of this year. It is residential with 450 housing units and should be shown as Residential. An empty, 1 ½ story building is hardly commercial.
4. It seems a distortion to call the building on the block bounded by Pontius, Harrison, Yale and Thomas as Commercial. I believe that should be shown without color as it certainly is a developable block.

Including these changes would more correctly show the residential nature of the area immediately adjacent to the proposed substation. I would recommend that Figure H-2 be modified accordingly.

The following comments are on the file called: Pontius Ave N Vacation information Part 1

Under the section titled **Site Description** the location of parking is identified. The number of parking spaces that would be displaced and need to be replaced is even more important. This should be included in this paragraph.

Under the section titled **Reason for Vacation** the financial benefit of vacating Pontius and allowing more economical designs is not noted and should be. I do not know what that is, but a briefing to the City Council on April 1, 2013, provided data that the saving by vacating Pontius was $22,200,000 or more.

Under that same section, the schedule benefit of allowing the more economical design that requires the vacation of Pontius is substantial and should be noted in this section. I do not know what that is, but a briefing to the City Council on April 1, 2013 provided data that the saving by vacating Pontius was 9 to 12 months or more and that is important to support intensive development in progress in the service area.

Under the section titled **Project Description,** in the last paragraph it describes the substation top, the fifth façade, as possibly tightly spaced cables. We have not heard that before and doubt seriously that would meet the needs in this residential and urban environment of taller buildings looking down on the project.

In that same paragraph it states "Crews visiting the substation for meal breaks or restrooms would park on the street." With the potential for loss of parking due to the Pontius vacation, this would be an issue with the community. There should be consideration of parking for Seattle City Light employees on the site.

Under the section titled **Public Benefits (as proposed by the Petitioner)** there are a number of items. We certainly recognize the 16,000 square feet of open space as a potentially positive benefit to the community, if designed appropriately and programmed for active use. The community benefit of the elevated walkways is of questionable benefit to the neighborhood and has been questioned at all public meetings, the recent forum in the neighborhood and at the recent design commission meeting.

As we understand the City Policies, there are three kinds of design actions in cases such as this.

1. First are those actions required to mitigating the negative environmental impact of this large, essentially dead façade building in a residential, urban environment. The developer must take significant design actions to mitigate those impacts whether there is a Street Vacation or not. We should understand what these public benefits are and they provide a baseline. Examples of what these might be include: added set backs and landscaping, added art on all sides, special treatment of the building exterior including the fifth façade the top of the building. These are not public benefits for the street vacation per the city's street vacation policy.

2. Second, there are mitigations that must be taken for the adverse effects of the street vacation. Examples might be alternative pedestrian paths across this Super Block. The current preferred design seems to include some of these. Others might be means of mitigating the loss of parking spaces. Others might be improvements of Yale and Minor and John to compensate for the loss of vehicle traffic routes via Pontius and the noticeable increase in traffic on these three streets. <u>These are not public benefits for the street vacation per the city's street vacation policy.</u>
3. Third are those actions to compensate the public trust loss due to the street vacation. These should be proportional to the benefits gained by City Light and should related to the long-term community loss.

It would seem that what is proposed by the Petitioner relate primarily to the first and second category above. The only one that could be related to public benefits might be the 16,000 sq ft open space and it seems inadequate to compensate for the public trust loss and the benefits gained by City Light. Potential items that should be considered for addition might be:

1. Including a mini-community center or min library of possibly 4000 square feet into the project for the surrounding neighborhoods that are impacted and do not have these facilities.
2. Providing ROW facilities (e.g. pedestrian lighting, curb bulbs, curb treatments, landscaping) in the 6 to 8 block area north of the substation (between minor and Yale and between John and Mercer) to define this area in the midst of an intensive commercial area as a residential District. This was one of the recommendations of the SLU Urban Design Framework.

***SCL Response to John Pehrson:***
***This comment is regarding early details on the project. In meetings between SDOT and DPD, and in presentations to the Design Commission and to the public, these topics were discussed and evolved, and many were incorporated. Ultimately, after over a year of additional meetings, discussions, and Design Commission meetings, the Design Commission took these and other comments into account in recommending approval of the proposed street vacation and public benefit package.***

- ***Public art and the pedestrian through-block connection are not proposed as part of the public benefits.***
- ***See above PARKING response.***
- ***The comment regarding economic value of the vacation is noted and no further action is required.***
- ***The comment regarding visual screening from vantage points above the substation is noted.***
    - ***Structuring a horizontal visual screen above the substation yard was studied and determined to be impracticable. Individual structured enclosures over equipment (where possible) were developed as a final design solution.***
- ***The comment regarding SCL employee parking was noted. Employees providing service within the substation will park vehicles within the substation. The frequency***

***and volume of visits by field crews will be infrequent and will not create a significant parking loss burden on the community.***

- ***The project is providing additional off-site improvements designed to meet the intent of SDOT's street concept plan.***

**Plymouth Housing Group:** I am writing to provide comments regarding the proposed vacation of one block of Pontius Avenue North. I am writing on behalf of Plymouth Housing Group which owns two residential buildings within one block of the site. The current proposal for the vacation of Pontius eliminates public open space, pedestrian and vehicular access between John Street and Denny Way and public parking. The existing block of Pontius between John and Denny provides the Brewster apartments with public access and exiting. These are important amenities used by residents in our buildings that we do not believe are provided in the proposed design of the Denny substation. Plymouth Housing Group opposes the vacation of the single block of Pontius.

The proposed vacation creates a large mega-block that is unprecedented in size for the neighborhood. It removes the street grid that incorporates the Brewster Apartments into the surrounding block context. By creating one large block the residential properties to the east and west of the site, namely the Brewster and Colwell Apartments are further isolated from the context of residential scale streets within the neighborhood.

The current design alternative being pursued for the substation is not sufficiently complete to exhibit amenities that compensate for the losses proposed by the vacation. Therefore Plymouth Housing Group opposes the vacation proposed for Pontius Avenue North.

***SCL Response: This comment is regarding early details on the project. In meetings between SDOT and DPD, and in presentations to the Design Commission and to the public, these topics were discussed and evolved. Ultimately, after over a year of additional meetings, discussions, and Design Commission meetings, the Design Commission took these and other comments into account in recommending approval of the proposed street vacation and public benefit package.***

- ***"It removes the street grid that incorporates the Brewster Apartments … Isolates the Brewster and Colwell from the context of streets within the neighborhood."***
    - ***The existing segment of Pontius Avenue N proposed to be vacated is currently disconnected from the street grid.***
    - ***A pedestrian through-block connection has been provided that connects Denny Way to Pontius Ave N.***
    - ***The EIS concluded that there will be no adverse impacts on traffic circulation resulting from the proposed street vacation.***

**Capitol Hill Housing:** Capitol Hill Housing objects to the petition filed by Seattle City Light for the vacation of Pontius Avenue North.

Capitol Hill Housing is the owner of the property, Brewster Apartments, a thirty five unit affordable housing building butting Pontius Avenue North. The Brewster is located at 133 Pontius Avenue North, at the intersection of Pontius and John. Pontius Avenue North is a

functioning street that serves the residents in the neighborhood and especially the residents of the Brewster Apartments.

We have several areas of concern. First, neighborhood residents and visitors use Pontius Avenue to access businesses and residences in the area. The proposed street vacation will cause traffic pattern disruption in the area. Second, residents of the Brewster park on the street and the proposed street vacation will eliminate valuable street parking in an already underserved neighborhood. Third, the Brewster's main entrance is on Pontius and the proposed street vacation will reduce access to the property and cause severe disruption to our residents. Finally, the proposed street vacation of Pontius Avenue will allow the huge substation to be built closer to the Brewster causing unknown, potentially negative environmental and noise consequences for residents of the Brewster.

Seattle City Light has not clearly articulated what the public benefits are associated with the street vacation proposal and City Light has not shared any of the preliminary findings from the SEPA scoping process. There has been no information shared on the draft of the Environmental Impact Statement (EIS) to document any likely adverse impacts from construction or operation of the project.

We will continue our discussions with Seattle City Light and Council Member O'Brien. Until we resolve the areas of concerns cited above, Capitol Hill Housing objects to the street vacation of Pontius Avenue North.

***SCL Response: SCL has mitigated the concerns of CHH and has developed an MOA. The comments address an early version of the project.***

- ***Parking loss: see earlier parking response.***
- ***Traffic***
  - ***The EIS concluded the small amount of traffic that travels on Pontius N can be accommodated by nearby streets and that no adverse impacts on transportation including traffic circulation would occur as a result of the vacation. Consequently, not mitigation is required.***
- ***Brewster main entrance disruption***
  - ***SCL collaborated extensively with CHH to develop a solution to create significant site improvements and amenities for the Brewster, including***
    - ***Formal landscape and hardscape improvements at the east entrance***
    - ***Improved landscaping and loading zone on John Street***
    - ***New loading zone and consolidated trash/recycle zone on Minor Ave N***
    - ***New and upgraded fence on the south property line.***
- ***Potential negative environmental and noise impacts to the Brewster***
  - ***The EIS analysis identifies the potential for significant noise impacts during construction and makes commitments to mitigate noise.***

- ***The EIS finds that based on noise modeling predictions the substation operational noise levels at the Brewster apartments would meet applicable noise control standards.***

## 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 segment of Pontius Avenue N proposed for vacation is classified as a local access street which means it is not intended to provide for transit or freight mobility. The street is not a part of a larger grid as the street ends at Denny Way and does not continue south of Denny Way. North of the proposed vacation the street is not in alignment, but continues about 135 feet to the east. From John Street Pontius Avenue does continue north an additional four blocks and ends at Mercer Street. The discontinuity of Pontius Avenue N makes this a relatively low volume street and the EIS found that the volume of traffic that uses Pontius Avenue N can be accommodated on other adjacent streets.

The street does provide access to the adjacent sites, both the SCL property and the Brewster. SCL will provide access to the new substation from John Street and the code waiver for allowing this access requires City Council approval. The Brewster does not have on-site parking it needs to access but will still require access adjacent to the building. The Brewster abuts both John Street and Minor Avenue N and residents and visitors will continue to access the site from those streets.

Both property owners, SCL and the Brewster can access their property from other streets. The Brewster will have a new load zone on John Street and SCL will have access to its parking on John Street. Pedestrian and bicycle access will continue to be provided through the site with a pedestrian walkway and plaza area connecting from Denny Way to John Street.

While every street has value as a part of the circulation pattern and for the open, breathing space streets provide, this one-block segment of Pontius Avenue N does not have significant value as a through street or as a part of the larger circulation pattern in the neighborhood and the adjacent property owners have alternative means of access. Pontius Avenue N currently provides for approximately 37 on-street parking spaces and this parking seems to be the most important element of the public street to the neighborhood. The 37 parking spaces provided include 22 angle spaces on the west side of the street and 15 parallel spaces on the east side of the street.

The current 37 parking spaces are regulated by parking pay stations from 8am to 6pm and are part of a restricted parking zone (RPZ). The parking is intended to be two-hours during the day

but is not limited in the evening. The parking counts in the Final Environmental Impact Statement (FEIS) found 70% parking occupancy or 26 vehicles during the day and 76% parking occupancy or 28 vehicles in the evening. The FEIS identified that with the vacation alternative the parking utilization during midday in Cascade will go from 87% to 94%. The parking utilization during the evening in Cascade will go from 65% to 71%.

The City's target is to see parking utilization rates of 70% to 85%. The FEIS data indicates that with or without the vacation of Pontius Avenue N the midday utilization targets will be exceeded but the evening targets will only be exceeded with the vacation alternative.

The City has a number of tools to use to encourage parking turnover which makes parking spaces available for more users. The City can review parking rates and review the time limits on parking in the area. While these tools can assist with parking turnover, the residents of the area have expressed frustration with more competition for fewer spaces and more spaces with restrictions.

In evaluating the transportation impacts of this project, the loss of public parking should be considered in light of the post-development traffic from the proposal. An unusual element of this project is that the proposal has virtually no transportation impacts. The site is not classified as a "report to work" facility so no employees arrive every day to work at the site. It is not staffed on a regular basis and will not have regular deliveries or other activities associated with a residential or commercial development. For SLC employees who access the site or will be attending to maintenance of the facility, parking is provided interior to the substation with access from John Street into the parking and service area. The FEIS indicates that on some days no employee will visit the substation. While 37 public parking spaces will be lost from the vacation, the SCL facility will not contribute additional traffic to compete for parking or add to the traffic on the streets.

Another project that includes a proposed vacation is under review a few blocks from this site. That project includes a parking garage with over 800 parking spaces; 420,000 square feet of office; 460,000 square feet of residential; and 30,000 square feet of retail. These numbers are not in any way an analysis of what could happen on the Denny Substation site but are merely included to provide some context in evaluating the impacts of the vacation and the loss of the street parking in comparison with private development of a commercial or residential project.

The Street Vacation Policies provide that local access streets may be vacated only when the public parking provided is not needed, can be provided on nearby rights-of-way, or can be replaced. Guideline 1.4 goes on to state that streets which provide necessary on-street parking may be vacated only when the public parking can be otherwise provided.

However, the Policies do not define "necessary parking". In the absence of a specific definition the Policies need to be read in conjunction with additional policy direction regarding street parking. Other City policies more contemporary than the Street Vacation Policies are moving toward the use of transit, biking or walking, and reduced vehicle ownership.

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.

While recognizing that the loss of the parking was consistently identified by the neighboring community as an important concern, the balance between the loss of parking and the limited transportation impacts from the substation supports the vacation. In addition, policy goals of the City for South Lake Union support reducing the dependence on street parking and an increased reliance on other means of transportation.

The traffic analysis provided in the EIS did not recommend additional mitigation measures noting the availability of public transit in the area and City policies encouraging increased use of alternative transportation modes. The EIS concluded that the loss of the parking was a minor to moderate impact. The EIS also concluded that the small amount of traffic on Pontius Avenue N can be accommodated by nearby streets and the EIS concluded that the street vacation would not adversely affect traffic circulation.

SDOT does not find significant adverse transportation impacts and does not recommend additional mitigation.

Utility Impacts: In addition to the transportation purposes, street 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.

All services to existing structures within this block would be disconnected and services would be re-routed. Three utilities currently have infrastructure within the street that would need to be relocated: Seattle Public Utilities (SPU), SCL, and CenturyLink. SCL has been working with these utility providers and has reached agreements with each on re-routes around the project site. SCL has submitted preliminary engineering plans to SDOT and the plan submittal initiates meetings to coordinate a design and construction schedule.

SCL should be required to ensure that work to re-route utilities does not impact utility services to the Brewster.

SCL should be required to continue to coordinate with the impacted utilities and 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. The vacation conditioned to provide for utility agreements; 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 can provide important breathing space in dense urban areas. This street segment is open and available for public use and access 24 hours per day. It is approximately 60 feet in width and 360 feet in length. The right-of-way is slightly wider at each end so the total includes about 22,090 square feet of right-of-way. This open street segment provides for the use, access and breathing space that all streets provide. This street segment is not continuous to the south or directly to the north so views are limited and the pedestrian and vehicular travel routes are more circuitous.

SCL proposes to provide open space and community spaces on the site if the vacation is granted. The spaces proposed by SCL replace the utility and function of the standard street with spaces that are more recreational and community based.

The public spaces proposed by SCL are listed and described in more detail in the public benefit section of this recommendation. However, in part SCL proposes an open public plaza on Minor Avenue and John Street that is approximately 23,800 square feet, including an off-leash dog area that is approximately 6,000 square feet and community meeting space adjacent to the open space on Minor Avenue N of approximately 3,900 square feet. In addition to providing this 27,700 square feet of public space, SCL is proposing street furniture, green street enhancements, and off-site street enhancement's in the neighborhood. SCL is proposing some off-site street improvements as a part of its public benefit package. In addition, SCL has been working with the community and has agreed to add additional street-improvements in the area as mitigation for the proposed network distribution work.

The public space and amenities provided following the vacation far exceed the space and amenities currently available to the public and exceed what would be provided if a no-vacation alternative was developed. The vacation should be conditioned to provide the open spaces and community amenities proposed; as conditioned, 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.

Concurrent with the review of the proposed vacation of Pontius Avenue N the City Council will be reviewing the development of a city facility at this location and requested land use code waivers for this nonstandard structure. The code waivers sought by SCL deal with facade height, setback requirements, transparency, green factor, and access to parking. SCL will need to obtain all the necessary approvals in order to build the project as proposed. The street vacation review does not address the proposed code waivers.

The Street Vacation Policies don't provide specific guidance for the review of a public facility such as a substation so SDOT was guided by the decision of the City Council to acquire this site for the facility and by the review in the FEIS of the land use impacts of the facility with or without a vacation.

It is clear that with or without the vacation of Pontius Avenue N, SCL will build a substation on this site. In describing why the vacation is sought, SCL stated that that the additional space provided by the vacation facilitates the design and function of the substation. SCL has also stated that the preferred alternative provides for ease of operation and flexibility for installing equipment and creates greater opportunities for pedestrian access and public benefit.

The comparison of a no-vacation and vacation alternative in the FEIS does show that in order to achieve the same size of a control building and maintenance building, the facility would be taller and would not provide any of the proposed public benefits.

In its vacation petition, SCL noted that with the vacation alternative:

1. The design has greater urban merit than other alternatives;
2. The substation can be delivered at comparable or lower costs than other alternatives; and
3. The design does not have the operational challenges and limitations associated with consolidation of a facility on one parcel.

This is consistent with SDOT's review of the FEIS. This leads to a conclusion that the vacation alternative while more spread out than a no-vacation alternative provides significantly more to the public in both mitigation and public benefit. The vacation alternative should be supported as being a better fit in a growing community because the site can provide more public open space, community meeting rooms and other elements that would not be provided with a no-vacation alternative.

SDOT does not find significant adverse land use impacts associated with the proposed vacations and supports the vacation as providing more mitigation and public benefit to the community than the no-vacation alternative.

**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 also state that the provision of a public or governmental service does not in and of itself constitute a public benefit. The Policies specify that while the public benefit is not defined by the mission or work of the Petitioner, the nature of the service provided by the Petitioner can be considered as a factor in determining the adequacy of the public benefit. This means that the service that SCL provides to the community can be a part of the balancing test in evaluating the quality and adequacy of the public benefit proposal.

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.

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 | Pontius Avenue N is a local access street |
| Assessed value of adjacent property | Assessed value of adjacent properties varies widely from a low of $120/sq ft to a high of $5,685/sq ft. |
| Lease rates in the vicinity for similar projects | NA |
| Size of project, in square feet | Approximately 112,000 square feet |
| Size of area to be vacated, in square feet | Approximately 22,900 square feet |
| Contribution of vacated area to development potential | Maximum FAR for the site is 14 (309, 260 sq ft). Development without a vacation is FAR 1.27. FAR with the vacation is 0.75 |
| | |

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

**Denny Substation Public Benefits**

| | Public Benefit Item | Description | Quantity | Approximate Cost |
|---|---|---|---|---|
| 1 | Public open space & Community Meeting Space | The design includes programmed open space for public use resulting from generous setbacks. The open space includes: Off- | 23,800 SF of open space, including: 6,000 SF Off-leash | $3,630,000 |

| | | | | |
|---|---|---|---|---|
| | | Leash Area; event zone and spill-out space which will be a dedicated paved zone for rotating uses such as food trucks, street fair, farmers market, or spill out for the Community Meeting Space; and street furniture. Also included is an interior Community Meeting Space. | area,<br><br>1,540 SF event zone / spill out space, and<br><br>3,900 SF interior Community Meeting Space. | |
| 2 | Occupied use to activate street edge | A storefront space at the intersection of Denny Way and the alley in the southeast corner of the site is currently programmed to be the Energy Inspiration Center for Seattle City Light. | 2,900 GSF | $2,900,000 |
| 3 | Denny Way street crossings | Enhanced pedestrian crossing of Denny Way at the intersection of Denny Way & Stewart Street and a signalized pedestrian crossing at the intersection of Denny Way & Minor Ave N. | (2) crossings | $200,000 |
| 4 | Off-site improvements | In collaboration with SDOT, streetscape enhancements along Pontius Ave N between John St and Republican St and along Thomas St between Yale Ave N and Minor Ave N. These improvements include curb bulbs, treated pavement crossings, planter strips and trees, a rain garden, and additional pedestrian lighting | Curb: 869 LF; Sidewalk: 778 SY; (13) new trees | $250,000 |
| 5 | Bus shelter / transit hub | The design includes an integrated building overhang for shelter, passenger waiting lean rails, a passenger waiting bench, bike racks, receptacles, and a transit information kiosk. | 566 sf overhang, (3) lean rails, (1) bench, (3) bike racks, (2) receptacles | $130,000 |
| 6 | Alley improvements | The design includes paving enhancements, safety lighting, interactive micro-sound environments, and bio-retention planters. | 9,350 SF alley paving enhancements, 220 LF of bioretention planter, (3) speaker locations, 250 LF of safety | $250,000 |

| | | | | |
|---|---|---|---|---|
| | | | lighting | |
| 7 | Implementation of the intent of the Denny Way Streetscape Concept Plan | The design includes voluntary setbacks along the Denny Way frontage. | Sidewalk 5'0" wider & Planting 9" wider than minimum required. 47.5% increase over minimum development requirement | $33,000 |
| 8 | John Street Green Street enhancements | The design includes increased pedestrian and planting zones north of the Brewster apartments and across the length of the project site, urban scale way-finding and site-related directional signage, and bicycle parking. | Sidewalk 4'0" wider & Planting 2'4" wider than minimum required. 53.4% increase over minimum development requirement | $67,000 |
| 9 | Interpretive Walking Loop | A quarter-mile walking loop, seating elements, landscaped zones, viewing portals with interpretive graphics, and informational components are integrated into the walking loop experience. | 15,700 SF interpretive walking loop; (7) sitting rails; (10) viewing portals; 1,400 SF of landscaping | $3,200,000 |

The public benefit package contains elements that are clear public benefits and elements that have been accepted by the City Council as public benefits in previous vacations. While the list is clear on the proposed public benefit elements, some deserve more detailed discussion.

First is the open space and off-leash area; the approximately 6,000 square feet of open space on the site had been considered as more of a plaza however advocates for an off-leash area made a convincing case that this site would be well used as an off-leash area. SCL has planned the area as an off-leash site and has worked with advocates on design elements and materials to ensure that the area is used and enjoyed by dogs and their owners.

SCL has worked with SDOT to include expansion of the striped cross walk at Denny Way and Stewart Street and to add a pedestrian signal and crosswalk at Denny Way and Minor Avenue N. These two elements will help the Cascade community better connect with downtown and Capitol Hill and facilitate safe crossings for the many bus riders in the area. With the busy arterials and the mismatched street grids these small improvements will be very welcome.

SCL is planning some off-site street improvements consistent with the Pontius Cascade Neighborhood Street Concept Betterment Plan. This plan has been developed and proposed by the community and has been used for discussions as to where street improvements would be most valued by the community. This work will be coordinated with work SDOT in doing on Thomas Street. SCL is proposing $250,000 of work as an element of its public benefit. The improvements include curb bulbs, treated pavement crossing, planter strips and trees, a rain garden, and additional pedestrian lighting. This amount of public benefit has been approved by the Design Commission and supported by SDOT; the public benefit chart reflects street improvements in this amount.

The community has been consistent in asking for additional street improvements to be done throughout more of the neighborhood. Some have tied the request to mitigation related to the scale of the project and some have asked for the work as an additional required public benefit. SCL has responded to this request from the community and proposes to do additional off-site street improvements as part of its work on the network distribution system. The network distribution system work will require that SCL open up streets throughout the Cascade neighborhood to place the underground lines and SCL can add improvements to the work as it closes the pavement and repairs the street. SCL is budgeting approximately $3M for this work. Whatever label is applied to the work, it is directly responsive to the community and will add to the pedestrian character of the neighborhood streets.
Because this work is proposed as an element of the network distribution system it is not included as a condition of the vacation or an element of the public benefit plan chart. SCL has committed to this work through the network distributions work and not because of the vacation.

The alley improvements and amenities added at the bus shelter will work well together. SCL will be doing paving enhancements, adding a bio retention planter and adding lighting in the alley that runs north/south between Denny Way and John Street. This alley is remarkably busy and seems to have a consistent stream of pedestrians and bicyclists. The alley work will make the area safer and more pleasant to use. Many of the pedestrians are likely heading to the bus stop on Denny Way. This area provides space for all the bus riders heading up to Capitol Hill, a space that is busy and barren. SCL will install an overhang to provide some weather protection and include a bench, lean rails, bike racks, and trash receptacles. This busy bus stop will now be a much more pleasant place to wait.

Consistent with the Denny Way streetscape plan, SCL will widen the sidewalk and additional planter area along Denny Way. On John Street, which is a green street, SCL is also widening the sidewalk and adding planting beyond the code requirements.

The one element of the public benefit plan that has proved to be controversial is the proposed Interpretive Walking Loop. This loop takes the public up above the street and around the exterior of the facility. The ¼ mile loop is intended to provide a walking loop, views of the neighborhood, and a way to see into the interior of the facility and learn about the work.

The loop sparked some concern about safety and whether it would be really used and valued by the community. In response to the security concerns SCL has committed to rigorous enforcement and a regular review of safety at the site. As a secure facility SCL has cameras

around the site that will provide "eyes" on the loop around the clock. SCL will work out a security plan that will set the hours for the site and will monitor and make any safety changes as needed.

Some community members had suggested the loop be removed and the approximately $3M cost be spent on additional street improvements in the neighborhood finding that the loop did not merit consideration as a public benefit. SCL has responded to the interest in additional off-site street improvements by its commitment to add $3M in street improvements to the network distribution system budget. The loop remains as an element of the public benefit proposal.

Some had also argued that the loop had more value as mitigation for the scale of the project than public benefit. SDOT concurs with this view and finds that the greatest value in the loop trail is the way it acts to break up the long facades of the substation. But, the design of the loop led to an opportunity for wonderful additions to the public benefit package. SCL describes this as a "happy accident" but SCL identified that the loop created shell space at street level that could be improved for community use. SCL is including community meeting space in the project and is working with the Office of Arts & Culture to program the space. The community meeting space will include approximately 3,900 square feet adjacent to the plaza area and off-leash area in the vacated Pontius Avenue N right-of-way. Adjacent to the bus shelter on Denny Way, SCL will develop an Energy Inspiration Center of approximately 2,910 square feet. This center will provide an opportunity for education and will include displays of current high tech and low tech solutions to sustainable design.

The Street Vacation Policies only require that the public benefit proposal meet the criteria established in the Policies in order to be supported. SCL has worked very diligently to address all of the issues raised by the adjacent community. The final public benefit package reflects a number of changes to respond to the neighbors and reflects a process that was intense at times but resulted in a strong proposal. The neighborhood groups and SCL have together worked out a very strong public benefit package.

## RECOMMENDATION

It is recommended that the vacation be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied and all fees paid, 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 July 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, and landscaping around the site.

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 Petitioner shall ensure that the Brewster's utility services are protected as relocation work occurs. 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 City Light;
   - 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. The Design Commission has requested additional review of the proposed off-site street enhancements and SDOT may request additional review by the Design Commission of the implementation of other public benefit elements, as necessary. Public benefit elements in the right-of-way may require additional street use permits. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

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| 1 | Public open space & Community Meeting Space | The design includes programmed open space for public use resulting from generous setbacks. The open space includes: Off-Leash Area; event zone and spill-out space which will be a dedicated paved zone for rotating uses such as food trucks, street fair, farmers market, or spill out for the Community Meeting Space; and street furniture. Also included is an interior Community Meeting Space. | 23,800 SF of open space, including: 6,000 SF Off-leash area, 1,540 SF event zone / spill out space, and 3,900 SF interior Community Meeting Space. | $3,630,000 |
| 2 | Occupied use to activate street edge | A storefront space at the intersection of Denny Way and the alley in the southeast corner of the site is currently programmed to be the Energy Inspiration Center for Seattle City Light. | 2,900 GSF | $2,900,000 |
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| 5 | Bus shelter / transit hub | The design includes an integrated building overhang for shelter, passenger waiting lean rails, a passenger waiting bench, bike | 566 sf overhang, (3) lean rails, (1) bench, (3) bike racks, (2) | $130,000 |

| | | | | |
|---|---|---|---|---|
| | | racks, receptacles, and a transit information kiosk. | receptacles | |
| 6 | Alley improvements | The design includes paving enhancements, safety lighting, interactive micro-sound environments, and bio-retention planters. | 9,350 SF alley paving enhancements, 220 LF of bioretention planter, (3) speaker locations, 250 LF of safety lighting | $250,000 |
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Sincerely,

Scott Kubly
Seattle Department of Transportation

SK:bb

Enclosures