



November 20, 2019

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

**Subject: Petition of Willow Crossing LLLP for the vacation of 39th Avenue South lying south of South Willow Street and between Tract 2 of Coffman Garden Tracts
Clerk File 314422**

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

We are returning the petition from Willow Crossing LLLP ("Willow Crossing" or "Petitioner") for the vacation of a portion of 39th Avenue South lying South of South Willow Street and between Tract 2 of Coffman Garden Tracts, as recorded in Volume 10 of Plats on page 17, and Block 16, Hillman City Addition, as recorded in Volume 11 of Plats on page 23 all in the Southeast quarter of the Northwest quarter of Section 27, Township 24 North, Range 4 East of the Willamette Meridian, described as:

BEGINNING at the Southeast corner of said Tract 2;
THENCE North 88°59'33" West, along the South line of said Tract 2, 25.00 feet to a line 25.00 feet West of and parallel with the East line of said Tract 2;
THENCE North 00°18'12" East, along said parallel line, 104.68 feet to a line 25.00 feet South of and parallel with the north line of said Tract 2 (also being the centerline of South Willow Street);
THENCE South 88°53'43" East, 25.00 feet to the intersection of the East line of said Tract 2 and a line 5.00 feet South of and parallel with the North line of said Block 16;
THENCE South 00°18'12" West, along said East line, 104.64 feet to the TRUE POINT OF BEGINNING.

The vacation includes approximately 2,616 square feet of right-of-way.

I. CITY COUNCIL DISTRICT

The proposed street vacation is in City Council District 2.

II. ACTIVITIES PRIOR TO FORMAL VACATION APPLICATION

Property owners have always worked closely with Seattle Department of Transportation (SDOT) before beginning the formal review of a proposed vacation to understand the process and whether a vacation would be feasible. This early work included other City staff to identify technical, utility, and policy questions that would need to be addressed if the proposal moved forward. SDOT and Seattle Department of Construction and Inspections (SDCI) provided early guidance on code and Street Improvement Permit (SIP) requirements through pre-submittal meetings and other early guidance meetings. If the project was subject to design review, the proposal went through the Early Design Guidance (EDG) process administered by SDCI. Community input was less formal and varied depending on the size and location of the project. Community activity was most often in the form of notification about the project.

In the policy revisions adopted in Resolution 31809 in 2018, the City Council formalized a number of procedural obligations that a developer must address before beginning the formal vacation petition and review. The Council imposes a much more rigorous and consistent plan to engage the community before the review process begins. The pre-petition activities outlined in the Vacation Policies includes:

- **Feasibility assessment:** SDOT requires a developer to provide conceptual information about the proposal and how the vacation contributes to the development. SDOT staff can then provide information about the time frame, costs, and obligations of a vacation, including the public benefit obligations and the appraisal process to determine the vacation fee. SDOT will as needed include other City staff such as SDCI, Department of Neighborhoods (DON), utility representatives, and the Seattle Design Commission (SDC). City staff will work to provide an initial feasibility assessment based on the information provided.
- **Community Engagement Plan:** The developer is required to consult with DON staff and develop a Community Engagement Plan that must be included in the vacation application.
- **Conduct early community engagement:** Consistent with the plan, the developer must proceed with early community engagement.
- **SDC early review:** The vacation proposal must be presented to the SDC before any EDG meeting so that the SDC can provide input to the Design Review Board.
- **Capital Improvement Projects (CIP):** If a CIP project is proposed by the City or other public agency, the proposal including a vacation and a no-vacation alternative must be presented to the SDC at pre-design or 15% review of the proposed facility.
- **Early Design Guidance:** If the project is subject to design review the EDG process must be completed before the vacation can be accepted by SDOT.

This early work creates opportunities for meaningful early input from the community and various City staff and can assist a developer in determining whether to proceed with a vacation.

III. COMMUNITY ENGAGEMENT PLAN

A significant change in the revised Vacation Policies is the obligation that before a Petitioner can begin the formal vacation review, the Petitioner must work with DON on developing a Community Engagement Plan. The City first expanded the obligation to develop Community Engagement Plans in Ordinance 125429. This legislation added requirements to Seattle Municipal Code (SMC) 23.41 that all projects going through Streamlined, Administrative, or the Full Design Review program administered by SDCI must prepare a community outreach plan before scheduling the EDG meeting. SDCI Director's Rule 4-2081 and DON Director's Rule 1-2018 provide more guidance about the components of the plan.

The vacation review follows the guidance provided by the SMC and the Director's Rule. The developer can then work with DON on a plan that will be accepted by both SDCI and SDOT.

The Community Engagement Plan uses a number of strategies to reach individuals and organizations in the neighborhood where a vacation is proposed. DON will guide the developer on the strategies to employ, organizations to contact or meet, and whether translation of materials or at meetings is necessary. DON provides support throughout the process.

GMD Development LLC (GMD), the developer for Willow Crossing LLLP, consulted with DON on developing an appropriate Community Engagement Plan. GMD conducted outreach by sending mailings regarding the proposed vacation and the development. GMD also attended meetings or contacted organizations in the area including:

- Othello Station Community Action Team monthly meeting;
- UW Othello Commons;
- On Board Othello;
- Homesight;
- Puget Sound Sage; and
- Rainier Valley Community Development Fund.

GMD has indicated that all the groups supported the project and the affordable housing it provides. Selected comments include:

- Prefer smaller retail spaces;
- Include community garden or play space;
- Add lighting on S Willow Street;
- Greenway for bicycles along S Willow Street;
- Add art (on- or off-site);
- Off-site public benefit could be at Othello Park or Sealth Trail between Othello and New Holly; and
- Some strong support for off-site public benefit at "Places for People."

IV. EARLY CITY COUNCIL REVIEW

The Vacation Policies provide that the Council may host a briefing on a new vacation petition. The purpose of the briefing is to provide the public with an early opportunity to give input on the vacation to the City Council, the Petitioner, and City reviewers. The briefing provides an opportunity for the Council to hear about the vacation, and to provide early feedback regarding the process.

The briefings are held after a petition has been accepted and introduced at City Council and early in the review process. The goal is for the Petitioner to present the vacation to the City Council and the community before the elements of the formal review process such as SDC, Design Review Board meetings, SIP review, or other City procedures have begun to identify issues and work to refine the proposal.

An early Council briefing was held on April 16, 2019 at the Sustainability & Transportation Committee. During that briefing the Committee expressed clear support for the proposed development of affordable housing and was interested in the financing and affordability level of the apartments. The Committee noted the on-site public benefit elements seemed to serve the building program rather than being truly public, but that concern would be balanced with providing affordable housing units. The Committee also asked for additional clarity on the S Willow Street streetscape and where services and access would be located.

V. BACKGROUND

The proposal is to vacate a portion of 39th Avenue South, south of its intersection with South Willow Street. The street right-of-way is approximately 25 feet in width and extends south from South Willow Street for approximately 105 feet in length for a total of about 2,615 square feet (SF). 39th Avenue South then terminates at private property to the south creating a dead-end section of right-of-way.

Willow Crossing owns the parcels on both sides of 39th Avenue South, the larger parcel of approximately 18,431 SF fronts on Martin Luther King Jr Way S and the corner of S Willow Street. The smaller parcel of approximately 7,875 SF is west of 39th Avenue South and fronts on S Willow Street. The consolidated site is known as the Willow Crossing project and this name appears on drawings and documents.

The street proposed for vacation is unimproved and generally flat and was used to provide parking for adjacent buildings. There are existing buildings on both sides of 39th Avenue South that are currently vacant, this includes a former radio station to the west and a former restaurant to the east.

The project is in the Othello neighborhood and in the Othello Residential Urban Village. The Othello area was included in legislation the City Council adopted on March 18, 2019 to support

the development of affordable housing. The legislation approved by the City Council included Ordinance 125790 that amended the Comprehensive Plan and Ordinance 125791 that rezoned certain areas and modified development standards. This area was rezoned to Neighborhood Commercial 3 with a 75-foot height limit (NC3-75).

VI. REASON FOR VACATION

The vacation is sought to support the affordable housing project, Willow Crossing, which is to be developed by GMD. GMD is a private, mission-based developer and owner of affordable housing based in the Pacific Northwest. The proposal is to develop approximately 211 affordable apartments with street level retail and below grade parking for vehicles and bicycles. The apartments will be 100% affordable and will be restricted to families and individuals earning 60% Area Median Income or less. The affordability of the housing units is secured through two land use restriction agreements, one from the City of Seattle for 20 years and one from the Washington State Housing Finance Agency (associated with the tax credits) for 37 years. The affordability obligation must be maintained for a minimum of the longer of the two.

GMD has secured an acquisition loan from the Office of Housing to purchase the property which will be paid back at project completion. The 4% Low Income Housing Tax Credit equity covers approximately \$18M or about 31% of the project. Tax exempt bond permanent first mortgage debt of \$38M will comprise an additional 66% of the financing. A deferred developer note, energy credits, and stabilized Net Operating Income complete the necessary financing. Interim construction financing has also been secured. The project budget is estimated at approximately \$57.6M.

Vacating 39th Avenue South allows GMD to consolidate the property on both sides of the street and build a project of sufficient size that the project is financially feasible without significant public funding.

VII. NO-VACATION ALTERNATIVE

For many large-scale projects such as a full-block office tower located downtown or institutional expansion such as a new hospital building, the proposed projects cannot be built without using the vacation process to connect property and create a site of sufficient size for development. For other projects the vacation is requested because of the flexibility to develop the site to meet the functional and program goals of the developer. Site flexibility can provide for anything from a more desirable building orientation on the site or for a plaza area with more sunlight or visibility.

With this site, housing could be developed with 39th Avenue South remaining in place. The 39th Avenue South right-of-way could serve to provide access to the separate building sites whether the sites were developed at the same time or not. This developer has indicated it could not develop the site without the vacation. GMD has indicated that the vacation and the consolidated site add sufficiently to the development potential to add approximately 33 additional units of housing. This increase in scale means that GMD can develop the entire site with affordable

housing units as GMD has found that development on just one of the sites is not financially feasible for affordable housing.

Without the vacation, GMD could not develop the site without significant public financing. Because of this, the GMD proposal would not proceed without the vacation. Another developer could potentially choose to develop the site for market rate housing or for publicly financed affordable housing at some time in the future.

The no-vacation alternative would not require any public benefits.

VIII. PROJECT DESCRIPTION

The Willow Crossing project is the first project to be reviewed under the revised Vacation Policies. The project complied with the pre-application activities including early SDC review and developing a Community Engagement Plan. The documentation supporting the vacation responded to the revised policies. But a portion of the site had already secured permits for development when acquired by GMD. When GMD began to explore developing affordable housing at the site, they acquired the property fronting on Martin Luther King Jr Way S (MLK) and then acquired the parcel fronting on S Willow Street. The MLK parcel had been proposed for a market rate housing project by a previous owner. That site had an existing MUP and had been through Design Review and other regulatory requirements.

The review prior to the vacation had established the setbacks, plaza and entry area, art and other features along the MLK frontage. This meant that the vacation review needed to recognize some elements already reviewed and approved by the City.

The acquisition of both parcels led to the decision to proceed with a vacation to connect the sites and develop more units of affordable housing. The project on the consolidated site includes a 7-story building, 70 feet in height, with approximately 211 units of affordable housing. The units include studio, one and two bedrooms, all units have one bathroom and average in size about 400, 522, and 812 square feet, respectively. The project will provide private open space for the tenants in the interior of the site that will include landscaping, seating, and recreation options. The building will provide amenity space for tenants including community rooms, a lounge with kitchen and dining, and a fitness center. A building courtyard on Martin Luther King Jr Way S, of approximately 1,250 SF, provides for the main residential building entry and accessible public open space. The public open space will include seating, art elements, and special pavers. Building setbacks along the building frontage also adds additional open space. S Willow Street will include an approximately 309 square foot setback area with seating and landscaping.

Small scale street level retail is proposed with the retail entries located along Martin Luther King Jr Way S. Art elements and streetscape improvements are also proposed.

The building will have a below grade parking garage that will provide space for 32 vehicles and include 172 bike stalls. Access to the below grade garage will be from S Willow Street. Recycle

and solid waste staging and pickup will also occur on S Willow Street and will be accessed from the sidewalk.

The proposal includes:

- Total Gross Floor Area: 163,500 square feet
- Residential Floor Area: 90,550 square feet
- Commercial Floor Area: 3,990 square feet
- Building Height: 70 feet/7 stories
- Number of Residential Units: 211
- Number of Vehicle Stalls: 32
- Number of Bike Stalls: 172
- Uses: Affordable Multifamily units with retail

The public benefit proposed for the project includes:

- Added elements at the MLK plaza such as paving, landscaping, and street furniture;
- Added element along S Willow Street such as pavers, landscaping, and street furniture; and
- Funding of \$25,000 provided to HOSTED for work at Inflorescence Park or similar right-of-way improvement project in the Othello neighborhood.

IX. CIRCULATION/ISSUE IDENTIFICATION

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

- Design Review Board review as required by SDCI;
- Master Use Permit (MUP) review;
- Preparation of a SEPA Checklist;
- Street Improvement Plan (SIP) review, the SDOT process to review street design and utility issues; and
- Utility Major Permit, the process to review major utility changes.

Start of Comment Section

The purpose of the broad review of the vacation petition is to identify issues that need to be addressed through the vacation process by changes to the project or by adding vacation conditions. 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 SDOT.

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

The comment section does not reflect the resolution of the issue, subsequent design changes, or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address issues or concerns. The Petitioner responded to some of the comments received and those comments are in italics following each comment.

City Departments:

Seattle Fire Department: The Seattle Fire Department has no objection to the granting of this street vacation.

Response: Acknowledged.

SDOT Transportation Operations: While the vacation of this section of 39th Ave S does not create an operational concern for transportation operations, it appears that the Willow plaza is describing an area that includes code required sidewalk and is replacing the required sidewalk with concrete pavers.

This is problematic because it both appears to be counting a required code element as a public benefit and proposing a sidewalk material that is inconsistent with our published standards and that is at risk of not meeting ADA requirements for smooth level surface.

Response: The design has been modified to only include the area within the property boundary as a different material and pattern and not the ROW area. The paving in this area will not be pavers and will be materials that are flush with grade. The ROW will remain consistent with City standards. The public benefit area is only counted within the property boundary.

SDOT Roadway Structures: has reviewed the vacation petition and has no comments.

Response: Acknowledged

SDOT Project Development: No concerns. One possible public benefit they could provide is to construct a short section of sidewalk from their frontage to the existing sidewalk on the south side of S Willow St at 38th Ave S.

Response: The project is planning to construct the sidewalk along S Willow Street for the length of the property, but not connect further down the street. The sidewalk will be designed to connect with future developments to the West once they are improved.

Seattle Parks and Recreation: Parks does not have any issues with the vacation of the one block portion of 39th Avenue S, near S Willow St and MLK Jr. Way S given the proposed public benefits.

Response: Acknowledged.

Seattle Public Utilities (SPU): has identified the following concerns and has the following conditions – recommendations:

SPU Sewer & Drainage: There are no DWW facilities within the proposed ROW to be vacated.
SPU Water: The SPU water system includes an existing fire hydrant located near the east edge of the portion of 39th Ave S that the petitioner proposes for vacation. Provided that the petitioner agrees to pay for resetting or relocating this fire hydrant to a location acceptable to SPU, including the granting of an easement for the hydrant if necessary, the drinking water LOB would not object to the street vacation. Moving the hydrant, and potentially placing it in an easement along the project's S Willow St frontage, would be our only condition on the vacation of 39th Ave S. Street improvements along S Willow St and along MLK Jr Way S, could create conflicts with other aspects of SPU water infrastructure. Any such conflicts would need to be resolved at project expense, using the normal SIP review process, and are beyond the scope of this street vacation assessment.

Recommendations: SPU recommends the proposed Vacation of 39th S. Street Vacation for Willow Crossing Project, with the above-mentioned recommendations and conditions.

Response: Understood, the Owner will be relocating the fire hydrant and will grant an easement if necessary.

Seattle Department of Construction & Inspections (SDCI): SDCI's comments address the areas of concern from the Land Use Policy section of the Street Vacation Policies in italics.

Guideline 4.1 Land Use Considerations

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

- A. *The long- and short-term effects of the changes in development potential directly attributable to the vacation on the circulation, access, utility, light, air, open space and view functions of nearby streets and nearby public places;*

The proposed street vacation includes 39th Avenue S located adjacent to a parcel occupied by structure currently used as a radio station to the west, and a second parcel currently occupied by a commercial building fronting MLK Jr. S. to the east. Both parcels are targeted for the proposed Willow Crossing mixed use redevelopment project.

This portion of 39th Ave S, targeted for vacation is an unimproved gravel driveway that dead ends at the property line of an adjacent multi-family residential property to the south. The gravel driveway is currently used for surface level parking by the adjacent radio station building located to the west. The proposed street vacation would improve the short- and long-term desirability of the two adjacent lots for future development that would accommodate a mixed-use residential/commercial development that would include an underground parking facility and 211 affordable housing units. The development would have a large positive impact on the area without substantially changing the street network and adjacent land uses. Further the proposed street vacation would not cause a reduction in vehicle access, as the street is currently unimproved and dead ends at the adjacent property line where there is currently an existing multi-family housing development as previously noted.

The right-of-way does not appear at present to serve any utility functions. Light and air functions would not be adversely affected by the proposed street vacation.

B. Consistency of land use changes with the City's Comprehensive Plan, particularly in the land use, urban village, transportation and neighborhood elements of the plan;

The land area of the street vacation and the adjacent parcel located to the west are located in an area which was recently up-zoned to NC3-75 which also includes the three parcels located further west of the proposal site. The parcel located to the east of the street proposed to be vacated is in an area that was recently up-zoned to NC3P-95 as part of the City Land Use goals in the Comprehensive Plan that promotes increased city-wide density.

The proposed street vacations would precipitate the addition of an affordable housing component to the previously approved commercial mixed-use development located along MLK Jr. Way S, which is in the Othello Station Area Overlay District. The affordable housing component would consist of 211 affordable multi-family apartments, fitness room, and other accessory spaces. The below grade parking facility would be accessed off S. Willow St.

C. In commercial and residential zones, the compatibility of the size, scale and character of potential development with the size, scale and character of both existing development in the area and development provided for by the zoning code, given typical lot sizes and configurations; and

The size, scale, and character of the proposed development is compatible with the Neighborhood Commercial (NC) zoning designation in that the proposed mixed use development aims to provide 211 affordable housing units, 3,600 square feet of commercial space, in addition to approximately 2,400 square feet of semi-public/private amenity space, landscaping and seating areas which are allowed in the NC zone and encouraged in the City Wide Design Guidelines.

The street segment targeted for vacation aids in defining the edge of two adjacent zones. Both zones are similar in character in terms of allowable land-uses in each zoning district including residential and commercial land uses. The difference between the zones in this instance relates to

maximum allowable height and densities. As such the proposed vacated street would be within both a commercial and residential zone, with the adjacent properties located to the west and east with compatible land uses of similar size, scale, and character in the area.

Guideline 4.4 Timing of Vacations in Conjunction with Master Use Permits (Administrative Land Use Decisions)

The petitioner Willow Crossing LLP has applied for a Master Use Permit (MUP #3019452-LU and 3030067-LU) for construction of proposed mixed-use commercial/residential project with 211 affordable housing units and below grade parking to be located on the eastern most portion of a combined development site that would include the portion of right-of-way to be vacated. The existing structures located on the parcels to the east and west are to be demolished. The MUP application materials depicts the proposed street vacation, and it is anticipated the applicant will apply to SDCI for construction and other permits as appropriate. Council approval of the street vacation must preclude SDCI approvals.

Conclusion and Summary

- *The proposed street vacation supports the proposed re-development and proposed land uses as described above.*
- *SDCI had not identified any issues, impacts associated with the potential approval of the Street Vacation.*
- *SDCI has not identified any necessary corrective measures or mitigations necessary for the approval of the street vacation.*

SDCI recommends that the requested street vacation be granted. The vacation is a means of joining the two sites together which is an alternative use of the land. The proposed street vacation, a necessary component of a larger redevelopment project would improve the functionality of the project site and the desirability of the adjacent lots for development and allow the vacated street to be used for an alternative function benefiting the development which in turn would provide opportunities for the following:

- Affordable Multifamily Apartments 211
- Street level retail space
- Commercial Floor Area 3,600 square feet
- Automobile Parking Stalls: 32
- Bicycle Parking Spaces: 172
- Semi-public/private amenity space
- Landscaping
- Seating areas

The petitioner's proposal as an integral part of a larger development is generally compatible with the character of existing development and allowed use within a Neighborhood Commercial zone that promotes mixed use commercial/residential development, opportunities for pedestrian

amenities and engagement with the street, and increased densities per recent City with upzoning strategies.

Response: Acknowledged

Seattle Design Commission (SDC): SDC reviewed the Project on the following dates:

- June 6, 2019 (Public Trust Analysis): approved with 1 condition and 4 recommendations;
- July 19, 2019: Subcommittee discussion: no formal action taken;
- September 5, 2019 (Public Benefit #1): no formal action taken;
- September 19, 2019 (Public Benefit #2): approved

The meeting minutes and presentations to the Design Commission can be found at:

<http://www.seattle.gov/designcommission/project-reviews/current-project-reviews/willow-crossing-street-vacation#whatshappening>

June 6, 2019: Overall the Commission appreciated the opportunity to use underutilized public space for affordable housing in the neighborhood. The SDC voted, 5-0, to approve the public trust analysis for the Willow Crossing Street Vacation with the following conditions:

Conditions:

- 1. Return for a subcommittee review prior to the next SDC meeting to review the access and safety near the garage entrance. Specifically, commissioners requested more information about garage egress and ingress for vehicles and bicycles, trash pickup locations, and potential interactions between vehicles and pedestrians.**

Recommendations:

- 1. Consider how to activate the corner of the building to Martin Luther King Jr. Blvd and Willow Street.**

Response: Artwork was integrated in the upper levels of the corner of the building to act as a gateway element to the Othello neighborhood. The location allows the artwork to be observed regardless of which direction people approach from. Moving the pedestrian entry to the corner was not feasible.

- 2. Recognizing the amount of shade that will exist on the north and east side of the building, explore public benefit opportunities that make the public spaces feel more inviting with programming and activation or appropriate plantings.**

Response: Two public spaces will be located on the North and East side of the building to engage residents and pedestrians. Seating elements and

planters will be located towards the street edge to be more inviting rather than have the presence of a hidden private plaza.

3. Explore opportunities to include planting offsite as part of the public benefit proposal.

Response: SDC suggested on incorporating more artwork into the proposal rather than installing plantings offsite. However, the design includes a continuous planting strip along MLK, which is not required by code, as well as additional plantings along Willow Street and in the MLK plaza. Two streetlights have also been incorporated into the design along Willow, which are not required by code either.

4. Consider expanding the artwork area to wrap around the northeast corner of the building facade onto Martin Luther King Jr. Blvd.

Response: Artwork has been incorporated into the MLK Plaza and Willow Walkway spaces by embedding them into the pavers, benches and planters.

July 19, 2019: Subcommittee discussion of access around the site for services, vehicles, bikes, residents and members of the public, including a more detailed look at the garage entry, solid waste and recycling, moving in/out, and retail deliveries.

September 5, 2019: The commission commended the project team for providing affordable housing in the Othello neighborhood. Commissioners also appreciated the inclusion of onsite public spaces and a continuous planter along Martin Luther King Jr. Way. The SDC took no formal action at this meeting. Rather, the SDC provided the following recommendations to be addressed prior to the next meeting:

1. Revisit the design of MLK plaza with circulation in mind. Specifically think about circulation into the building and through the spaces within the plaza
2. Simplify materiality and number of objects within the MLK plaza
3. Consider maintenance, durability and ADA access of the MLK plaza
4. Reconsider mosaic tile as paving due to the non-tactile nature of the material
5. Remove the Gateway art Integration category from the public benefit matrix and move the perforated metal screen and mosaic tile elements to other categories.
6. Provide more detail on the benches, plants, and paving materials
7. Explore moving improvements along Willow St into the ROW, as long as it doesn't require fees
8. Remove streetlights from the public benefit package
9. Provide more information on the total funding allocation of Inflorescence Park
10. Quantify value of the project

11. Ensure the cost of materials specified in the matrix is sufficient to build with high quality materials

September 19, 2019: Overall, the Commission appreciated the continued development of the MLK plaza and Willow Walkway as well as continued coordination with the offsite donation public benefit element. The SDC voted 6-0, to approve the public benefit proposal for the Willow Crossing Street Vacation with the following conditions:

1. If any changes are made to the approved public benefits, the project team should return for an additional subcommittee review prior to the approval of construction and street improvement permits
2. Return for a subcommittee review of the \$25,000 off-site public benefit once it has been fully developed and vetted prior to approval of the off-site permits. The \$25,000 off-site donation should provide physical improvements rather than programmatic elements.

The SDC also provided the following recommendations:

1. Housing should follow the anti-displacement policy to give preference to renters in the neighborhood
2. Work with SDOT to develop better terminus for pedestrian route on S Willow Street
3. Work with SDOT to include a courtesy strip or cut through pathway between sidewalk and street along Willow Way
4. Continue to refine the design for MLK plaza and seating areas along Willow Way to make them appealing to public and comfortable to use
5. Ensure screens are used consistently on the benches at MLK plaza and consider back lighting for nighttime appeal.

Outside agencies:

King County Wastewater Treatment: completed review of the street vacation package and King County WTD has no current facility and/or infrastructure near 39th Ave S. proposed street vacation.

Response: Acknowledged

Puget Sound Energy: There are no existing PSE facilities within that portion of 39th Avenue S vacation. This vacation & subsequent development does not interfere with PSE's functions. Please let me know if you have any additional questions or concerns.

Response: Acknowledged

King County Metro: Metro has no comment on this street vacation on 39th St.

CenturyLink: CenturyLink has aerial facilities and a handhole along the south side of S Willow St, but these appear to be north of the area to be vacated. We have nothing buried in the area to be vacated.

End of Comment Section

X. 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. Vacating 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 City uses a two-part test to determine whether a vacation is in the public interest. First, the City undertakes a "Public Trust Analysis", a determination of whether the street is needed and whether the public interest can be protected if the street is vacated. Second, the City undertakes a "Public Benefit Analysis", assessing the Petitioner's proposal to provide benefits to the public.

Established plans, policies, and standards guide this review as called for by the Vacation Policies. The City will not support vacations that conflict with City planning goals, particularly if the vacation would be inconsistent with the desired intensity of development and preferred uses, or if a clear harm would result. But land use policies and codes do not bind the Council's decision to grant or deny a street vacation petition. The Council may condition or deny vacations as necessary to protect the public interest.

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 two-step review of any vacation petition to determine if the vacation is in the public interest. The Policies define the components of public interest as protecting the public trust and providing public benefit.

The Street Vacation Policies provide that during its review of the petition, the Council will weigh the public trust and land use effects of a vacation, the mitigating measures, and the public benefits provided by the vacation to determine if the vacation is in the public interest. In balancing these elements of the public interest, the Council places primary importance upon protecting the public trust it holds in rights-of-way.

This petition has been reviewed for its consistency with the vacation policies in Resolution 31809, which were in effect when the petition was submitted.

XI. PUBLIC TRUST ANALYSIS

City streets are held in trust for the public and city acts as a guardian for the public in reviewing vacations. The Council may approve vacations only when they are in the public interest. Streets will be retained unless it can be shown that they are not needed for a current or foreseeable public use and the Council is convinced the vacation is in the public interest. The policies define the public trust functions of rights-of-way as being circulation, access, utilities, free speech, public assembly, open space, light and air, and views.

Vacations affect the land use and development patterns in an area by adding to the developable land base, altering the local land division pattern, changing vehicular and pedestrian movement patterns, and increasing the development potential on the vacated and abutting streets. A vacation petition may be approved only when the increase in development potential that is attributable to the vacation would be consistent with the Comprehensive Plan.

Circulation: Streets provide for the movement of people, goods, and vehicles through the city as part of a network. If a part of the network is removed, there may be impacts to the transportation network. The City will only vacate right-of-way if it will not disrupt the movement of people, goods, and vehicles through the city, and only if it is consistent with the City's transportation plans.

On August 31, 2019, GMD provided a Transportation Study prepared by Transpo. The analysis reviewed the impacts of the development, including the vacation, on adjacent intersections and the surrounding street grid. The study noted access to transit as the project site is located less than a quarter mile from the Link Light Rail Station located on MLK between S Myrtle Street and S Othello Street. The Summary and Findings include:

- The proposed project includes development of up to 211 affordable housing units with 32 vehicle parking stalls and 54 bicycle spaces below grade. Access to the on-site parking garage is proposed via the driveway located on S Willow Street.
- After accounting for the existing use, the development is anticipated to generate approximately 335 new net vehicle weekday daily trips with 19 trips occurring during the weekday AM peak hour and 27 occurring during the weekday PM peak hour.
- The study intersections are forecast to operate a LOS C or better under all scenarios. The site access is anticipated to operate at LOS A. No operational impacts are anticipated at the study intersections as a result of the proposed project.
- The project is proposing to vacate 39th Avenue S south of S Willow Street. 39th Avenue S currently provides access to the existing building that would be removed with the proposed project. There are currently no pedestrian, bicycle, or transit facilities provided along 39th Avenue S. No adverse impacts are anticipated to the transit, pedestrian, or vehicle networks with vacation of 39th Avenue S.

- An on-street demand of approximately 42 vehicles associated with the project could occur. Based on observations conducted during the evening, the projected overspill could be accommodated within available on-street supply.
- The project would meet the City's concurrency requirements.

The study did not identify any conditions or mitigation measures that should be included as vacation conditions.

The street proposed for vacation is a dead-end street that does not serve for through traffic or services, the street only provides for access to the two adjacent parcels owned by GMD. The project design addresses access to the parcels and no impacts to the larger street grid were identified. The work on the development plans through the SDCI review and review in SDOT's Street Improvement Permit (SIP) review process did not identify adverse impacts that must be addressed through the vacation conditions. The permit review and approval process address the impacts related to the development.

Access: Streets and alleys provide access between abutting property from the surrounding community. Streets are designed to provide for the range of transportation modes, including walking, bicycling, transit, and driving. The City will only approve vacations if they do not result in negative effects on the current or future needs of the City's vehicular, bicycle, or pedestrian circulation systems, or on access to private property. If the negative impacts can be appropriately mitigated, the City may choose to vacate the street.

The street proposed for vacation could continue to provide for access to the property east and west of the street if the properties were developed separately or without a vacation. The use of 39th Avenue S would keep the project related services, access and drop off area away from S Willow Street.

With the vacation of 39th Avenue S, S Willow Street will need to accommodate more services associated with the new development. The garage entry will be on S Willow Street, this will provide access to the parking garage for vehicles and can be used by bicyclists as well. Recycle and solid waste staging and collection will be on S Willow Street. The bins will be moved to the curb for staging and picked up by SPU. The staging and collection area will be designated "No Parking" on collection days. A temporary loading zone will also be located on S Willow Street.

MLK Jr. Way S has no parking and no vehicle access. The main residential entry is located on MLK Jr. Way S and this will provide an entry point for residents, visitors, and bicyclists. Retail entries front along MLK Jr. Way S but deliveries or services would be from S Willow Street.

The Street Improvement Permit (SIP) review has looked at the access and street level plan for the development and while that review work is still under way, it will be possible to approve the proposed access. No conditions were recommended for the vacation as the

permitting process for SDOT and SPU will address the specific design and dimensions of the garage entry, loading areas, and SPU staging and pick-up.

Utilities: City and private utilities use streets to serve their customers. The City will only vacate a street when all utilities using or potentially using the right-of-way can be adequately protected with an easement, relocation, fee ownership, or similar agreement satisfactory to the utility owner. The Council will require that future potential utilities can be accommodated.

The segment of 39th Avenue S proposed for vacation only provides for utilities that serve the adjacent properties. These services will be replaced with the development of the new building. GMD is currently working with Seattle City Light (SCL) on street lighting for the project and will be providing upgrades around the site. SCL is currently reviewing the lighting proposal and not yet received all of the necessary analysis but SCL has indicated the two new poles may be proposed in a location too close to MLK. SCL has indicated that one of the poles should be located on S Willow Street to provide a more consistent level of light around the site. The later design drawings show a light pole on S Willow Street and this is the location preferred by SCL. The next step is for GMD to coordinate the work to make sure its work with SCL identifies the S Willow Street location on the project renderings and not early locations proposed to SCL.

It will be important to coordinate the work to determine the location of the poles with the other design work on S Willow Street that is determining the location and dimension of the garage access, solid waste staging and pickup and the proposed public benefit features.

SPU has identified that there is a fire hydrant adjacent to the vacation that will need to be relocated or SPU will need an easement to access the hydrant. SPU also noted that some of the landscaping plan may impact SPU water infrastructure. Trees can be a problem over utility lines or vaults as the tree roots can compromise the facility. As the project design is further refined this can be addressed by moving any landscaping that impacts SPU. GMD would need to work with SDOT on any changes.

The permitting review of the solid waste and recycling pick-up on S Willow Street has not been completed. It does appear that the location and necessary dimensions for the storage and staging of the bins is set but should the final approval by SPU effect any of the public benefit or landscaping features, GMD will need to work with SDOT to find an alternative or replacement. GMD should prioritize this review with SPU to make sure that no changes impact the design or public benefit elements.

Free Speech: The public has traditionally used Seattle's streets to exercise constitutional rights under the First Amendment ranging from large scale protests to newspaper vendors. Streets will only be vacated if publicly accessible spaces on the site will be kept open for the same speech-related purposes.

The street proposed for vacation is open and available for public use, but the street is unimproved and there are no active adjacent uses. While it is possible for the public to gather or use the street it does not appear to have much value for those purposes absent some adjacent buildings or uses. The vacation will remove the street, but other public areas are provided on Willow Street and on MLK. While these spaces are not large in scale, they can be used by the public for free speech purposes.

The vacation should be conditioned to require that free speech be protected on the public spaces around the project.

Public Assembly: Streets also act as places for people to gather, to meet others in the community, space for children to play, and for all segments of society to interact. The role of the right-of-way can be particularly important for people who have the fewest resources. The Council will consider the importance of each street as a place for community activity in considering the street vacation.

As noted, 39th Avenue S is open but unimproved and has a gravel surface. The street is about 105 feet in length and 25 feet in width for a total of about 2,615 square feet. In its unimproved state the street would provide sufficient space for a community event or public gathering. However, because of the unimproved state of the right-of-way and the lack of adjacent buildings, it does not appear that the right-of-way has ever been used for such a purpose. As a dead-end street segment close to a major arterial 39th Avenue S does not appear to have much value for public gatherings. The street does not serve as a place of public assembly nor is the street adjacent to a public use. Even if the right-of-way was retained and improved as part of a different project it is unlikely that it would have much value as a space for the public to gather.

The spaces provided by the new development are more likely to encourage use by the public than the existing conditions. Although the spaces would not be of sufficient space for a community event, the spaces would accommodate friends or family meeting.

The vacation should be conditioned to require that all the public spaces are open and available for public use.

Open Space: Streets provide spaces for people to gather, interact, and travel, and offer open space benefits. These benefits include space between structures, connection to open spaces, places for trees and vegetation, and contributions to the open space network. The open space roles of boulevards, green streets, urban trails, shoreline street ends, and future open space are of heightened importance; all streets and alleys provide these benefits.

The street proposed for vacation includes about 2,616 square feet. The Willow Crossing project will provide for building setbacks and public spaces on both the S Willow Street frontage and on MLK Jr. Way S. The largest open space provided is along MLK Jr. Way S. A plaza is proposed that will include about 1,250 square feet. This plaza will also serve as the main entry for residents, so the design needs to accommodate residential users and still

find a way to welcome the public to access and linger in the space. The SDC reviewed the plaza design in great detail before being satisfied that the proposal could serve as welcoming space for the public. The building fronting on MLK Jr. Way S was first proposed as market-rate housing by a previous owner and the entry size and location and other elements of the streetscape were already established. The SDC worked to refine the plaza design to be as open and welcoming to members of the public as possible.

The second open space is provided along S Willow Street. This space does not have the competing demands of also serving the residents, but the space is small in scale at about 309 square feet. The SDC also reviewed this element of the public benefit in detail and ultimately was satisfied that the design elements including the street furniture, landscaping and materials would be identified as public and would welcome use by the surrounding community.

While the spaces provided by the new development at around 1,560 square feet are smaller than the right-of-way being vacated the new spaces do not need to provide for vehicles or services and will only serve as spaces for pedestrians or bicyclists. The MLK Plaza and the Willow Walkway will provide for open space that will accommodate community and residents as they walk or bike in the area. The open spaces provided will contribute to a more vibrant street environment by adding amenities to the pedestrian realm and encouraging community members to walk in the neighborhood or take a break at the spaces provided on site.

Light and Air: Streets and alleys maintain access to light and air to their users and to surrounding property. The Council will consider the loss of light and air, and shadow impacts in considering whether to approve a street vacation. Shadow impacts on public spaces will be given importance.

The street grid provides for consistency in the development pattern. Streets provide for open, undeveloped space and breathing room and access to sunlight between buildings. Streets provide for light and air onto buildings and public spaces. The street proposed for vacation is a small segment of street that is not part of a continuous grid that creates a balanced pattern of space and buildings. The scale of the building proposed on the consolidated site is consistent with recent zoning changes intended to support housing development in the area. The new buildings will not have shadow impacts on any public spaces. The modest diminution in light and air will be offset by the new housing proposed for the site. The vacation will support development that is consistent with the anticipated development pattern and will not have significant impacts on light and air or shadow impacts on any public spaces.

Views: Street and alleys provide view to mountains, bodies of water, and the city itself. The City will protect designated view corridors along specifically-identified streets. The City will consider impacts of a street vacation on views of designated public places and designated landmarks.

The portion of street right-of-way proposed for vacation does not provide views of any natural feature or community landmark. The street is a one block long segment of road that is dead-end at the private parcel to the south. With or without the vacation, at grade level the only views are of the buildings and streets around the site. There are no views of importance that will be lost by vacating 39th Avenue S.

Land Use and Urban Form: Streets and alleys also play a significant role in the shape of the city. The City will consider the relationship between the intended character of the area as described in Seattle's Comprehensive Plan and other adopted neighborhood, subarea, or community plans. The width and spacing of streets, the presence and absence of alleys, and the location and path of boulevards and other linear open spaces have significant impacts on neighborhoods and how they function. The Council will pay attention to vacations that disrupt an existing pattern of development in the neighborhood. The Council may place conditions on a vacation to mitigate negative land use effects.

This area can anticipate the development of additional housing with the recent zoning changes approved by the City Council. The upzone and changes to the Comprehensive Plan were specifically intended to support increased density. The Neighborhood Commercial (NC) zoning and the site are well suited to a mixed-use project of this scale. While the project will have a different zoning designation than adjacent uses, the only difference is in the height so other adjacent uses in the area should be similar in size, scale, and character. The retail and pedestrian amenities will support small business and enhance community building by supporting active pedestrian use as well as small spaces to stop or rest.

This project which will be 100% affordable housing units implements the goals identified during the City's review and discussion of ways to increase the production of affordable housing and is consistent with the recent changes in zoning for the site.

This area is well served by transit with the Othello Light Rail Station and can accommodate additional growth. The scale and location of the proposal will be similar to other projects planned for the area.

No adverse land use impacts were identified.

XII. PUBLIC BENEFIT ANALYSIS

The Street Vacation Policies note that a vacation shall include a commitment to provide public benefits. The concept of providing a public benefit is derived from the public nature of streets. Streets, whether improved or unimproved, provide important benefits to the public. Among the various benefits are preserving the street grid that provides for consistency in the development pattern and influences the scale and orientation of buildings. Streets provide for breathing space, open space and views, natural drainage, and wildlife corridors. These benefits are in addition to the public functions provided by streets including moving people and goods in vehicles, on foot,

or by bicycle; and providing for current and future utility services, for street trees, and for other amenities.

Vacations cannot be granted for a purely private benefit. Before this public asset can be vacated for private purposes, there shall be a permanent or long-term benefit to the public. To best address the needs of the community, a strong focus on race and social equity is important in assessing the public benefits included as a part of vacation petition. The Vacation Policies stress the importance of the public benefit proposal responding to the needs of those most vulnerable to the negative impacts of development.

Proposed vacations may be approved only when they provide a permanent or long-term public benefit. Because the public permanently loses the street, short-term public benefits or public benefits that solely benefit individuals will not be considered. The Vacation Policies specify that the following are not public benefits:

- Mitigating the vacation's adverse effects;
- Meeting code requirements;
- Paying the required vacation fee;
- Facilitating economic development; or
- Providing a public, governmental, or educational service.

The vacation review looks very closely at the proposed public benefit package. SDOT, various City staff, and the SDC considered the amenities proposed for the vacation and whether the package was adequate. One challenge for reviewers with this vacation was what role the provision of affordable housing should play in the public benefit package. The provision of 211 units of 100% affordable housing is of benefit to the public and increasing the amount of affordable housing is well-established as a high priority for the City. The City has worked to support the development of affordable housing in this community by recent zoning changes related to HALA and MHA. The community work also noted that the affordable housing was supported by the adjacent community.

While the Willow Crossing project is proposing a vacation to support affordable housing, about one-half of all vacation petitions are for public or government projects. This includes everything from schools, libraries, and hospitals to City utilities such as SCL's Denny Substation. The Vacation Policies specifically state that while the nature of the project is a factor in deciding the adequacy of a public benefit proposal, it is not itself a public benefit. This has been interpreted as a need to provide a public benefit that serves the general public and not merely a benefit to those who reside in the building or access the services. When no significant impacts have been identified projects such as Willow Crossing have proposed smaller and more moderate public benefit packages that implicitly recognize the public benefit in supporting the proposal.

In Section IV, A the policies note, in part, that the following factors are not public benefits, but may be considered when reviewing the public benefit package:

- Project compliance with City policies and goals;

- Proposals designed to improve race and social equity, improve access to opportunity, and reduce the threat of displacement by ...increasing the supply of affordable housing beyond City requirements;
- Providing affordable housing...; and
- Neighborhood support or opposition.

The SDC was very engaged in discussions of how to measure the value of the affordable housing as a part of the public benefit obligations. There was much discussion of whether affordable housing should be a public benefit. After discussion with staff, the SDC concurred that the full value of the affordable housing should not be considered as a public benefit. The SDC clearly supported the value of the affordable units attributable to the vacation being considered an element of the public benefit and included that in its recommendation.

The Vacation Policies are equally clear in specifying that affordable housing is not in itself a vacation public benefit but that providing the housing should be considered when determining the amount of public benefit that is required.

This has been the consistent view of the City Council even before the clarifications in the revised policies. The end result may be the same. This affordable housing project is proposing a much smaller public benefit package than would be required for a private market-rate project. The calculation is that the housing balances the public benefit obligation rather than meeting the public benefit obligation.

Public benefit elements must also exceed elements required by the Seattle Municipal Code or mitigation required under the State Environmental Policy Act or other regulations and is in addition to vacation fees and other obligations. The public benefit proposal should recognize the loss of the benefits provided by the street to the public and the gains received by the Petitioner. The public benefit proposal should reflect the comments, ideas, and concerns voiced by the public during the early community engagement work. The public benefit must be more than just compensatory and should provide something of benefit to the public.

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

GMD noted that in developing its public benefit package there were limited opportunities for on-site public benefits. Through its Community Engagement work, GMD began to work with Healthy Othello Safer Through Environmental Design (HOSTED) to contribute to art or streetscape enhancements being developed by HOSTED. HOSTED focuses on creating opportunities to make the environment safer through community-driven solutions that have succeeded elsewhere. The public benefit proposal includes \$25,000 to partially fund right-of-way improvements to Inflorescence Park located along S Othello Street near the intersection of S Othello Street and MLK Jr. Way S. If this project is fully funded the contribution may be used

for right-of-way improvements in the Othello neighborhood. Any change in the public benefit should meet the stated goal to increase safety along the walkway through the addition of landscape planters, seating, street trees, and increased sidewalk widths.

The off-site proposal is consistent with policy direction to include community ideas in the public benefit package and should help to move the development of Inflorescence Park or a similar project forward.

The SDC noted that there may have been more opportunities for on-site public benefits if GMD had been the original purchaser of the MLK Jr. Way S site. Because GMD purchased the site after the proposed building had been reviewed and approved, there was little opportunity to change the design to increase opportunities for public benefit on-site.

The public benefit proposal includes the following:

1. Enhancements at MLK plaza: GMD will add pavers, landscaping, street furniture and landscaping to the 1,250 square foot plaza on MLK Jr. Way S, valued at approximately \$47,630.
2. Enhancements at Willow Walkway: GMD will provide a setback on S Willow Street to create about 309 square feet of space that will include pavers, planters, benches, and landscaping, valued at approximately \$21,825.
3. Donation for off-site work: GMD will provide a donation to HOSTED for right-of-way work at the Inflorescence Park community project or another project in the Othello neighborhood, valued at \$25,000.

The chart below outlines the public benefit package and provides an estimate of the cost to provide the public benefits:

PUBLIC BENEFIT MATRIX

#	Public Benefit Component	Costs	Required by Code	Timing of Implementation	Total Value
1	MLK Plaza 1250 SF	Concrete Pavers: 1,110 SF @ \$22/SF=\$24,420 Concrete Planters: 80 LN FT @ \$75/LN FT=\$6,000 Benches: Concrete – 101 LN FT @ \$60/LN FT=\$6,060 Wood – 78 SF @ \$40/SF = \$3,120 Metal Screens: 5 Screens=\$7,500 Landscaping: 53 SF @ \$10/SF=\$530	Not Required	Provided during construction, prior to Certificate of Occupancy (C of O)	\$47,630

2	Willow Walkway 309 SF	Decorative Paving: 309 SF @ \$15/SF=\$4,635 Concrete Planters: 78 LN FT @ \$75/LN FT=\$5,850 Benches: Concrete - 65 LN FT @ \$60/LN FT=\$3,900 Wood - 49 SF @ \$40/SF = \$1,960 Metal Screens: 5 Screens=\$5,000 Landscaping: 48 SF @ \$10/SF=\$480	Not Required	Provided during construction, prior to C of O	\$21,825
3	Off-site Donation	Right-of-way Improvements at Inflorescence Park or other location in Othello Neighborhood	Not Required	Funds to HOSTED No Later than 12/31/2020	\$25,000
	TOTAL				\$94,45

The public benefit elements are intended to enhance the pedestrian environment around the project and in the community and support access to transit along MLK Jr. Way S. The public benefit package, while modest, meets the criteria established in the Vacation Policies for a project providing affordable housing.

XIII. RECOMMENDATION

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

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. This approval constitutes the substantive Council approval of the vacation and the Petitioner may proceed with the permitting and development of the project, consistent with the conditions of this approval.
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 SDOT through a Street Improvement Permit, including:
 - Establishing curb lines, sidewalk dimensions and garage entry;

- Location of utility facilities, including SCL poles and SPU solid waste bins,
 - Landscaping, and
 - Material use, signage, art elements and other public benefit features in the right-of-way.
3. The utility issues shall be resolved to the full satisfaction of the affected utility before the final vacation ordinance is approved. Before starting any development activity on the site, the Petitioner shall work with the affected utilities and provide protection for the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. The impacted utilities include SCL and SPU.
- SPU:
- Fire hydrant: relocate or provide an easement;
 - Review landscaping with SPU; and
 - Complete permitting work on solid waste and recycling staging and pick up services provided on S Willow Street.
- SCL:
- Complete work on location of new poles on both MLK and S Willow Street.
4. It is expected that development activity will commence within approximately 18 months of this approval and that development activity will be completed within 5 years. To ensure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide SDOT with regular reports, following City Council vacation approval, providing an update on the development activity, schedule, and progress on meeting the conditions and anticipated date of project completion and opening. The Petitioner shall not request or be issued a Final Certificate of Occupancy until SDOT determines that all conditions have been satisfied and all fees have been paid as applicable.
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 City codes through the regulatory review processes.
6. The Petitioner shall work with the Office of Housing to implement the anti-displacement policy to give preference to renters already located in the neighborhood to the extent feasible.
7. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed within the on-site vacation public benefit features. While engaged in allowed activities, members of the public shall not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying public access and allowed free speech activities shall be required at

the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity spaces. Any violation of these condition will be enforced through Chapter 15.90 of the Seattle Municipal Code.

8. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A 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.
9. Signage clearly identifying public access shall be required at the public open space elements and shall require the review of SDOT Street Vacations. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT Street Vacations may require additional review by the Design Commission as needed. Changes to the proposed public benefits require SDOT review and may necessitate additional Design Commission review. The public benefit requirements include the following features including approximate square footage dimensions, shall be described in the PUDA:

PUBLIC BENEFIT MATRIX

#	Public Benefit Component	Costs	Required by Code	Timing of Implementation	Total Value
1	MLK Plaza 1250 SF	Concrete Pavers:1,110 SF @ \$22/SF=\$24,420 Concrete Planters: 80 LN FT @ \$75/LN FT=\$6,000 Benches: Concrete – 101 LN FT @ \$60/LN FT=\$6,060 Wood – 78 SF @ \$40/SF = \$3,120 Metal Screens: 5 Screens=\$7,500 Landscaping: 53 SF @ \$10/SF=\$530	Not Required	Provided during construction, prior to Certificate of Occupancy (C of O)	\$47,630

Honorable Mike O'Brien
 39th Av S/Willow Crossing vacation
 November 20, 2019
 Page 28 of 28
 V. 4

2	Willow Walkway 309 SF	Decorative Paving: 309 SF @ \$15/SF=\$4,635 Concrete Planters: 78 LN FT @ \$75/LN FT=\$5,850 Benches: Concrete - 65 LN FT @ \$60/LN FT=\$3,900 Wood - 49 SF @ \$40/SF = \$1,960 Metal Screens: 5 Screens=\$5,000 Landscaping: 48 SF @ \$10/SF=\$480	Not Required	Provided during construction, prior to C of O	\$21,825
3	Off-site Donation	Right-of-way Improvements at Inflorescence Park or other location in Othello Neighborhood	Not Required	Funds to HOSTED No Later than 12/31/2020	\$25,000
	TOTAL				\$94,45

Sincerely,

Sam Zimbabwe
 Director
 City of Seattle Department of Transportation

Enclosures