

**IN THE MATTER OF THE PETITION OF SCD 2U LLC FOR THE VACATION OF A  
PORTION OF THE ALLEY IN BLOCK 6, A.A. DENNY'S SECOND  
ADDITION, WITHIN CITY COUNCIL DISTRICT 7, IN THE BLOCK  
BOUNDED BY UNIVERSITY STREET, 1ST AVENUE, SENECA  
STREET, AND 2ND AVENUE**

**CLERK FILE 314320**

The City Council hereby grants approval of the petition from SCD 2U LLC, ("2 + U", or "Petitioner") for the vacation of the Alley in Block 6, within City Council District 7, in the block bounded by University Street, 1<sup>st</sup> Avenue, Seneca Street, and 2<sup>nd</sup> Avenue described as:

**The portion of the alley adjacent to Lots 5 through 8, and adjacent to the south 40 feet of Lots 3 and 4 in Block 6, A.A. Denny's Second Addition to the City of Seattle, recorded in Volume 1 of Plats, page 30, Records of King County, Washington, which is the block bounded by University Street, 1<sup>st</sup> Avenue, Seneca Street and 2<sup>nd</sup> Avenue.**

The street proposed for vacation includes approximately 2, 560 square feet of right-of-way. The remaining public alley includes approximately 1,280 square feet of right-of-way.

The vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed on the vacation by the City Council have been satisfied: all utility work relating to the vacation including easements or other agreements is completed; all public benefit elements have been provided; any other agreements or easements or other obligations have been completed and recorded as necessary; and all fees paid, prior to the passage of the street vacation ordinance.

It is recommended that the vacation be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate to the satisfaction of the City that all conditions imposed by the City Council have been fully satisfied: all utility work relating to the vacation including relocation of utilities, easements or other agreements is completed; all public benefit elements have been provided; any other agreements or easements have been completed and recorded as necessary; 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 Sustainability & Transportation Committee in September of 2016.

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; 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 and the off-site public benefit features, including but not limited to, these specific elements;

- Alley design and turnaround, including materials and signage;
  - Setbacks and landscaping on 1<sup>st</sup> Avenue, Seneca Street, 2<sup>nd</sup> Avenue, and University; and
  - Plantings, street furniture, seating or wayfinding in the right-of-way.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. The Petitioner shall ensure there is no disruption in utility services for the adjacent Diller Hotel. 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. 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 may include:
    - Seattle City Light;
    - Seattle Public Utilities;
    - Enwave;
    - King County Metro;
    - Puget Sound Energy; and
    - CenturyLink Communications.
  4. It is expected that development activity will commence within approximately 2 years of this approval and that development activity will be completed within 5 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) until SDOT has determined that all

conditions have been satisfied and all fees have been paid as applicable.

5. Access to the buildings shall be provided for as follows, changes to this proposal shall require the review of SDOT: two driveways on Seneca Street are allowed with one providing an in/out driveway to the parking garage and one providing in/out access to the truck loading dock. In addition, the remaining public alley and turnaround provide access to the Diller building.
6. 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.
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 these vacation public benefit features. While engaged in allowed activities, members of the public may 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 is 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 space, if any, on the site. Any violation of these conditions 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 shall establish the hours of public access for the various public benefit spaces, with temporary closures permitted for reasons such as maintenance, safety, or private functions and to outline future maintenance obligations of the improvements. A plan for programming and use of the art spaces shall be completed and included with the PUDA or by separate agreement that binds future property owners to the obligations of the plan. Such plan shall address program commitments and costs, outreach and engagement for disadvantaged communities, management, reporting obligations and oversight. The plan shall make provision for a briefing and program review for the City Council at year three of operations or as determined in the plan. Signage shall be provided as described in Condition 7. The final design of the public benefit elements shall

require the review and approval of SDOT Street Vacations. SDOT may request additional review by the Design Commission or Administrative Review of the implementation of the public benefit elements or the pedestrian enhancements, as necessary. Public benefit elements in the right-of-way require additional SIP review, street use permits and indemnification; public and private areas must be clearly distinguished and markers in the sidewalk shall be required. The public benefit requirements include the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

**PUBLIC BENEFIT CHART**

<b>OPEN SPACE (Including Programming Commitment)</b>							
<b>Public Benefit</b>	<b>Zone</b>	<b>Location/Description</b>	<b>Code Req.</b>	<b>Public Benefit</b>	<b>Total</b>	<b>Estimated Value</b>	
<b>A</b> Central Plaza	1,2	Central covered plaza with seating, bike infrastructure, upgraded materials and adjacent retail, open during park hours	650 SF	5910 SF	6560 SF	\$3,368,700	
<b>B</b> Bike Dock	2	Bicycle infrastructure and laydown area	None	2520 SF	2520 SF	\$1,436,400	
<b>C</b> Pedestrian Amenities	1,2,3	Individual seats, benches, and seat steps	(MUP)	82 Seats	82 Seats	\$350,000	
		Drinking fountain	None	1 Unit	1 Unit	\$5,000	
<b>D</b> Event Infrastructure	2	Infrastructure to support events within the central plaza (electricity, water)	None			\$275,000	
<b>E</b> Overlook	1	Playful seating, site furnishings designed with children + families in mind	None	5930 SF	5930 SF	\$3,380,100	
<b>F</b> On-Site Trees	1,2	On-site trees	None	15 Trees	15 Trees	\$58,800	
<b>TOTAL:</b>						<b>\$8,874,000</b>	

<b>SETBACKS</b>						
<b>Public Benefit</b>	<b>Zone</b>	<b>Location/Description</b>	<b>Code Req.</b>	<b>Public Benefit</b>	<b>Total</b>	<b>Estimated Value</b>
<b>G</b> 1st Avenue Setback	3	Generous streetscape with seating, bike parking and covered walkway	None	124'x 20'	2480 SF	\$1,413,600
<b>H</b> Northeast Corner Plaza Setback	1	Corner plaza between north end of lobby and small retail on University St.	700 SF	35' x 17'	1320 SF	\$353,400
<b>I</b> Southeast Stoop Setback	1	Large covered seating and gathering setback from 2nd Ave.	None	46' x 15'	690 SF	\$441,600
					<b>TOTAL:</b>	<b>\$2,208,600</b>
<b>RIGHT OF WAY IMPROVEMENTS</b>						
<b>Public Benefit</b>	<b>Zone</b>	<b>Location/Description</b>	<b>Code Req.</b>	<b>Public Benefit</b>	<b>Total</b>	<b>Estimated Value</b>
<b>J</b> ROW Planting	1,3	High quality trees, soil and irrigation within ROW	640 SF	1245 SF	1885 SF	\$55,000
<b>K</b> ROW Seating	1,3	Seating and benches	None	12 Seats	12 Seats	\$28,000
<b>L</b> ROW Bike Parking	1,3	Elegant, secure and durable bike racks within the ROW	None	15 Racks	30 Bike Stalls	\$5,250
					<b>TOTAL:</b>	<b>\$88,250</b>
<b>ARTS AND CULTURE SPACES (Including Programming Commitment)</b>						
<b>Public Benefit</b>	<b>Zone</b>	<b>Location/Description</b>	<b>Code Req.</b>	<b>Public Benefit</b>	<b>Total</b>	<b>Estimated Value</b>
<b>M</b> Performance Triangle	1	Flexible gallery/production/performance space provided rent free to emerging artists	None	835 SF	835 SF	\$613,725

<b>N</b>	The Studio	1	Small, visible studio for artists or musicians to perform, record and display rent free	None	290 SF	290 SF	\$213,150
<b>TOTAL:</b>						<b>1125 SF</b>	<b>\$826,875</b>
<b>HILL CLIMB ASSIST</b>							
	<b>Public Benefit</b>	<b>Zone</b>	<b>Location/Description</b>	<b>Code Req.</b>	<b>Public Benefit</b>	<b>Total</b>	<b>Estimated Value</b>
<b>O</b>	1st Avenue Elevator	2,3	Hill climb assist connects 1st and 2nd Avenues and is accessible to all, open during park hours	None	Elevators	1	\$25,000
<b>P</b>	2nd Avenue Elevator	1,2	See above	None		1	\$25,000
<b>TOTAL:</b>							<b>\$50,000</b>
<b>BICYCLE INFRASTRUCTURE</b>							
	<b>Public Benefit</b>	<b>Zone</b>	<b>Location/Description</b>	<b>Code Req.</b>	<b>Public Benefit</b>	<b>Total</b>	<b>Estimated Value</b>
<b>Q</b>	Bike Racks	2	Bike Racks (2 bikes per unit), 5 (exterior) units on site	None	5 Racks	10 Bike Stalls	\$1,750
<b>R</b>	Electric Bike Charging Station	2	Incorporated into the Plaza bike infrastructure for public access	None	1 Unit	1 Unit	\$4,000
<b>S</b>	Electric Bike Charging Station Fix It Repair Stand	2	Repair + air-pump station in Plaza, visible + accessible from ROW	None	1 Unit	1 Unit	\$1,500
<b>TOTAL:</b>							<b>\$7,250</b>
<b>TOTAL ESTIMATED VALUE OF PUBLIC BENEFIT:</b>							<b>\$12,054,975</b>

Signed by me in open session this 26<sup>th</sup> day of September, 2016.



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President \_\_\_\_\_ of the City Council