

**IN THE MATTER OF THE PETITION OF THE
CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY
FOR THE VACATION OF A PORTION OF THE ALLEY IN
BLOCK 3, SHELTON'S ADDITION TO THE CITY OF SEATTLE IN THE
UNIVERSITY DISTRICT WITHIN CITY COUNCIL DISTRICT 4**

CLERK FILE 314496

The City Council hereby grants approval of the petition from the Central Puget Sound Regional Transit Authority ("Sound Transit" or "ST") for the vacation of a portion of the Alley in Block 3, Shelton's Addition to the City being the alley in the block bounded by NE 47th Street to the north, 11th Avenue NE to the east, NE 45th Street to the south, and Roosevelt Way NE to the west, described as:

South 115.78' portion of the alley on the block bounded by NE 45th Street, Roosevelt Way NE, NE 47th Street, and 11th Avenue NE, where the alley splits parcel 7733600155. The parcel is legally described as:

**THAT PORTION OF THE SOUTHEAST QUARTER IN SECTION 8,
TOWNSHIP 25 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN,
IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS**

**BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF
NORTHEAST 45TH STREET AS SHOWN ON SHELTON'S ADDITION
TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF
RECORDED IN VOLUME 12 OF PLATS, PAGE(S) 2, IN KING COUNTY,
WASHINGTON, WITH THE EAST LINE OF ROOSEVELT WAY
NORTHEAST, FORMERLY 10TH AVENUE NORTHEAST AS
CONVEYED TO THE CITY OF SEATTLE BY DEED RECORDED
UNDER AUDITOR'S FILE NUMBER 684632; THENCE NORTHERLY
ALONG SAID EAST LINE 128 FEET; THENCE EASTERLY PARALLEL
WITH SAID NORTH LINE 92 FEET TO THE WEST LINE OF THE
ALLEY CONVEYED BY SAID DEED; THENCE SOUTHERLY ALONG
SAID WEST LINE 128 FEET TO THE NORTH LINE OF SAID
NORTHEAST 45TH STREET; THENCE WESTERLY ALONG SAID
NORTH LINE 92 FEET TO THE POINT OF BEGINNING; AND**

**LOT 1 AND THE SOUTH 50 FEET OF LOT 2, BLOCK 3, SHELTON'S
ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT
THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE(S) 2, IN
KING COUNTY, WASHINGTON**

The area proposed for vacation is the southern portion of the alley, approximately 116 feet in length by 10 feet in width for a total of approximately 1,160 square feet of right-of-way. The legal description provides a precise dimension but as the rectangle of right-of-way to be vacated

has a slightly different measurement on the east and the west side the general description is approximated.

The vacation is granted upon Sound Transit and any future developer chosen by Sound Transit to acquire the property and develop an affordable housing project on the site (collectively called “the Petitioners”) meeting the following conditions. Once all of Sound Transit’s property interests in the property have been conveyed, the purchaser shall assume all responsibilities for meeting the following conditions. The Petitioners shall demonstrate that all conditions imposed by the City Council in this Clerk File and in the second Clerk File which shall contain the Community Engagement Plan and the public benefit proposal have been satisfied, any easements or other agreements are completed and recorded as necessary, any utility relocations are completed, and any fees paid before the street vacation ordinance is passed.

As indicated in their letter to the Transportation and Seattle Public Utilities Committee Chair on July 20, 2023, the affordable housing project is planned by ST in partnership with the Seattle Office of Housing (“OH”) to include at least 80% of housing units affordable to households earning no greater than 80% of area median income (“AMI”), in accordance with RCW 81.112.350, and to exceed the minimum required affordable housing through the following:

- a. Restricting all housing units to be affordable to households earning no more than 80% AMI.
- b. Including units affordable to households at a range of incomes including extremely low incomes, such that on average the units are affordable to households earning no more than 60% AMI.
- c. Including at least 15% of housing units affordable to households earning 0-30% of AMI. OH and ST will explore the potential for including up to 30% of housing units affordable to households earning 0-30% of AMI, through discussion with other capital and operating/service funders.
- d. Serving populations with greater needs, including but not limited to: families, people with developmental disabilities, households at risk of homelessness, and seniors.

CONDITIONS

1. The vacation is granted to allow the development of an affordable housing project substantially in conformity with the concept presented to the City Council and for no other purpose. This approval constitutes the substantive Council approval of the vacation, and the Petitioners may proceed with the request for proposal process for the development of the site, consistent with the conditions of this approval.
2. The Petitioners shall develop a public benefit proposal consistent with the obligations in the Street Vacation Policies and guidance provided in these conditions. The Petitioners shall supplement the Community Engagement plan with a specific discussion of the

vacation and provide the opportunity for community input on the public benefits proposal. Such information shall be provided to SDOT for inclusion in a second Clerk File for review by City departments, the SDC, and the City Council. The Petitioners shall not seek final approval of land use or building permits until the City Council grants approval to the public benefit package.

3. Upon selecting a housing developer, the Petitioners shall begin work with SDOT to establish a review schedule and outline the obligations and expectations of the vacation approval and remaining review.
4. 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 (“SIP”) or other permit including:
 - Establishing the design of the reconfigured alley segment at 11th Avenue NE, including dimensions, turning radius, site lines, and materials;
 - Proposed measures to reduce potential pedestrian and bicycle conflicts using best practices;
 - Locating any utility facilities, including SCL poles and SPU solid waste bins;
 - Any landscaping; and
 - Material use, signage, art elements and any public benefit features in the right-of-way.
5. 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 Petitioners 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 Petitioners. The utilities that may be impacted include SCL, SPU, Puget Sound Energy, and telecommunications.
6. It is expected that development activity will commence by the end of 2026 and that development activity will be substantially completed within 7 years. To ensure timely compliance with the conditions imposed by the City Council, the Petitioners 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. This report shall include an update on other elements of the development review. The Petitioners 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. If development activity has not commenced within 7 years, the Petitioners must seek an extension of the vacation approval from the City Council.

7. In addition to the conditions imposed through the vacation process, the project as it proceeds through the permitting process may be subject to SEPA review and to conditioning pursuant to City codes through any applicable regulatory review processes.
8. The Petitioners should consider the pedestrian experience and consider street frontage setbacks, the possibility of usable open space, or an engaging edge at street-level to create a more inviting pedestrian experience.
9. 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 this condition by the Petitioners or their successors will be enforced through Chapter 15.90 of the Seattle Municipal Code.
10. Seattle Design Commission review. The following design and public benefit conditions shall require Seattle Design Commission review:

Public Benefit:

Prior to applying for a MUP, or on a schedule established with the City, to construct affordable housing over the vacated alley segment bounded by NE 45th Street to the south, NE 47th Street to the north, Roosevelt Way NE to the west, and 11th Avenue NE to the east, the SDC will review and approve a public benefit package that meets Council policies in Council Resolution 31809, addresses community expectations detailed in the June 2013 University District Urban Design Framework, Section 3.7 for incentive zoning development; and additional community engagement. A proposed public benefit package should include elements in Council Resolution 31809, a plan to implement potential public benefits that will be complete before SDCI issues a Temporary or Final Certificate of Occupancy.

Public Trust: Circulation and Access

Prior to applying for a Master Use Permit, or on a schedule established with the City, present to the SDC the design of the access point of the alley to 11th Avenue NE. The Commission will evaluate how the proposal minimizes functional impacts to circulation and access from moving vehicular access to 11th Avenue NE. The Commission will also evaluate how potential conflicts with pedestrians and cyclists on 11th Avenue NE are addressed through planning and design solutions that improve safety such as:

- Increasing structure setbacks as necessary to improve sight angles;
- Limiting the width of any opening to that of the minimum needed to accommodate vehicles; and
- Landscaping areas, bollards, and other elements in the right-of-way, on the site, or integrated with the building.

Public Trust: Urban Form, Light, Air, Open Space

To address the impacts of a structure on NE 45th Street that will be longer due to the loss of the alley, the pedestrian experience along NE 45th Street should be enhanced. Options to enhance the pedestrian experience along 45th Street could include:

- Installing ground floor windows that maximize visibility and transparency, with operable windows when appropriate for uses within the building;
- Providing increased building setbacks along NE 45th Street;
- Planting areas on site and in the right-of-way designed for urban areas with elevated levels of pedestrian movement;
- Designing and applying building materials that are high quality and varied;
- Installing street furniture that is designed for active movement along the street and as places of rest;
- Designing and installing lighting for pedestrian movement and to enhance building architecture; and
- Design any residual space north of the new alley segment to 11th Avenue NE as open space in any public benefit package.

Public Trust: Urban Form, Light, Air, Open Space

If any future structure is not subject to the City's Design Review program, any new development should consider designs and features that implement guiding principles, urban design recommendations, and environmental sustainability goals in the 2013 University District Urban Design Framework applicable to this site could include:

- Providing site or structure design features that enhance the corner of NE 45th Street and Roosevelt Way NE;
- Distinguishing between the upper and lower floors of any structure over the base zoning height of 95 feet;
- Providing street level uses that activate NE 45th Street, along with structure or design features that accentuate any such uses; and
- Designing any tower features above 95 feet that reflect the existing and planned context of abutting or adjacent high-rise structures.

11. The Petitioners 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.
12. Public amenities and nonstandard elements in the right-of-way shall require a binding mechanism to ensure that the features remain open and accessible and to outline future maintenance and insurance provisions. This may, as determined by SDOT, include a City Council Term Permit, a long-term permit from SDOT, a maintenance agreement, provisions in the SIP, or inclusion in the vacation PUDA.
13. Signage clearly identifying public access shall be required at any public open space elements provided 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, the SDC, and the City Council. Changes to the proposed public benefits require SDOT review and may necessitate additional SDC or City Council review.

Granted by the City Council the _____ day of _____, 2023,
and signed by me in open session in authentication of its passage this _____ day of
September _____, 2023.

Andrew J. Lewis
Pro Tem

5th
5th 5th
September

President _____ of the City Council