



SEATTLE CITY COUNCIL

Transportation and Seattle Public Utilities

Agenda

Tuesday, August 15, 2023

9:30 AM

Public Hearing

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Alex Pedersen, Chair
Dan Strauss, Vice-Chair
Lisa Herbold, Member
Tammy J. Morales, Member
Kshama Sawant, Member

Chair Info: 206-684-8804; Alex.Pedersen@seattle.gov

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August 15, 2023 - 9:30 AM
Public Hearing

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/transportation-and-seattle-public-utilities>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Pursuant to Council Rule VI.10., this Committee Meeting will broadcast members of the public in Council Chambers during the Public Comment period.

Submit written comments to Councilmember Pedersen at alex.pedersen@seattle.gov

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 120639](#) **AN ORDINANCE relating to acceptance of funding from non-City sources; authorizing the General Manager and CEO of Seattle Public Utilities to accept specified loans to partially finance costs related to the construction of the South Thornton Natural Drainage System Project; and ratifying and confirming certain prior acts.**

Supporting
Documents:

[Summary and Fiscal Note](#)

[Summary Ex A – Draft Agreement with Ecology \(WQC-2024 SeaPUD-0005\)](#)

[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenters: Andrew Lee, General manager and CEO, and Bob Spencer, Seattle Public Utilities

2. [CF 314496](#) **Petition of the Central Puget Sound Regional Transit Authority, for the vacation of a portion of the alley in block bounded by NE 45th Street, Roosevelt Way NE, NE 47th Street, and 11th Avenue North, at 1000 NE 45th Street.**

Attachments: [Alley Vacation Submittal](#)
[Alley Vacation Petition](#)

Supporting Documents: [Petition Supporting Material](#)
[Alley Concept Alternatives and Evaluations](#)
[SDOT NE 45th St Alley Vacation Recommendation](#)
[Seattle Design Commission Review](#)
[Community Engagement Correspondences](#)
[Central Staff Memo](#)
[Presentation](#)

Public Hearing, Briefing, Discussion, and Possible Vote

Presenters: Abel Pacheco, Tim Bates, and Thatcher Imboden, Sound Transit; Beverly Barnett, Seattle Department of Transportation; Michael Jenkins, Seattle Design Commission; Lish Whitson, Council Central Staff

3. [CB 120625](#) **AN ORDINANCE establishing additional uses for automated traffic safety cameras to increase safety; amending Sections 11.31.090, 11.31.121, and 11.50.570 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note](#)
[Central Staff Memo \(8/1/2023\)](#)
[Presentation](#)
[Amendment 1](#)

Briefing, Discussion, and Possible Vote

Presenters: Francisca Stefan, Venu Nemani, Andrew Merkley, and Bill LaBorde; Seattle Department of Transportation; Calvin Chow, Council Central Staff

4. [CB 120638](#) **AN ORDINANCE** relating to financial policies for Automated Traffic Safety Camera revenue; amending Section 5.82.010 of the Seattle Municipal Code; and repealing Chapter 5.81 of the Seattle Municipal Code.

Supporting
Documents: [Summary and Fiscal Note](#)
 [Presentation](#)

Briefing, Discussion, and Possible Vote

Presenter: Calvin Chow, Council Central Staff

5. **Seattle Transit Measure Annual Report**

Supporting
Documents: [Seattle Transit Measure 2022 Annual Report](#)
 [Presentation](#)

Briefing and Discussion

Presenters: Candida Lorenza, Jen Malley-Crawford, and Matthew Yarrow, Seattle Department of Transportation; Art Kuniyuki, Seattle Transit Advisory Board

E. Adjournment



Legislation Text

File #: CB 120639, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to acceptance of funding from non-City sources; authorizing the General Manager and CEO of Seattle Public Utilities to accept specified loans to partially finance costs related to the construction of the South Thornton Natural Drainage System Project; and ratifying and confirming certain prior acts.

WHEREAS, President Joe Biden on November 15, 2021 signed into law the Infrastructure Investment and Jobs Act; and

WHEREAS, the Washington Department of Ecology (Ecology) was allocated approximately \$41.3 million under that law in 2024 to support clean water projects; and

WHEREAS, Ecology is making funds available to Seattle Public Utilities (SPU) for the South Thornton Creek Natural Drainage Systems Project and SPU determined it is in the ratepayers' interest to accept those funds; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager and Chief Executive Officer of Seattle Public Utilities, or designee, is authorized to execute, for and on behalf of The City of Seattle, FY2024 Stormwater Financial Assistance Program Agreement No. WQC-2024-SeaPUD-00059 with the Washington State Department of Ecology, for a loan in the amount of \$8,918,804 and a loan in the amount of \$2,972,935.

Section 2. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Public Utilities	Bob Spencer	Akshay Iyengar

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to acceptance of funding from non-City sources; authorizing the General Manager and CEO of Seattle Public Utilities to accept specified principal loans to partially finance costs related to the construction of the South Thornton Natural Drainage System Project; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation:

This legislation would authorize Seattle Public Utilities to accept \$11,891,739 in funding from the Washington Department of Ecology to construct the South Thornton Natural Drainage System Project. The funding would come in two forms:

- \$8,918,804 in a low-interest loan at 1.6% interest over 30 years.
- \$2,972,935 in a forgivable principal loan which does not have to be repaid.

The South Thornton Natural Drainage Project would construct natural drainage systems at four sites in the south Thornton Creek basin. Bioretention cells would be built in the roadway shoulder, which will be filled with deep-rooted plants and spongy soils that temporarily hold and clean polluted stormwater from streets before it reaches the creek.

SPU will be partnering with the Seattle Department of Transportation to incorporate walkways into some of the streets that do not have formal sidewalks, aligning with community requests to install pedestrian improvements as a part of this project.

At 1.6%, the interest rate is substantially lower than SPU would pay for traditional tax-exempt bonds. Based on the May 2023 Drainage and Wastewater tax exempt bond issue, the comparable interest rate is 4.2%. The difference in interest savings, plus the nearly \$3.0 million forgivable component, creates savings of \$5.7 million for ratepayers over the 30-year life of the loan.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

This funding would offset a portion of previously committed CIP bond funding for the project (C316083). The total project cost is \$20,968,150.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No

Are there financial costs or other impacts of *not* implementing the legislation?
Not accepting these funds would result in lost savings to ratepayers of approximately \$5.7 million over the 30-year life of the loan.

3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

Appropriations Notes: This funding would offset a portion of previously committed CIP bond funding for the project (C316083). The total project cost is \$20,968,150.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
SDOT requires sidewalks or walks to accompany the installation of these facilities in the ROW but funding will only reimburse elements required to convey or treat stormwater.
- b. Is a public hearing required for this legislation?
No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.
- d. Does this legislation affect a piece of property?
No.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?
This legislation does not affect the application of SPU's RSJI activities associated with the project. Project materials and language access will follow the Racial Equity Toolkit for Natural Drainage System projects.
- f. Climate Change Implications
 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?
No.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This project supports system resiliency in SPU’s drainage system that will provide capacity in the face of climate change.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**

This funding offsets previously committed funds from the DWW budget allocated to CIP projects.

Summary Attachments (if any):

Summary Ex A – Draft Agreement with Ecology (WQC-2024 SeaPUD-0005)



For SW Facility Projects with Federal Funding Agreement WQC-2024-SeaPUD-00059

WATER QUALITY COMBINED FINANCIAL ASSISTANCE AGREEMENT

BETWEEN THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

City of Seattle – Public Utilities Department

This is a binding Agreement entered into by and between the State of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY" and the City of Seattle – Public Utilities Department, hereinafter referred to as the "RECIPIENT" to carry out with the provided funds, the activities described herein.

GENERAL INFORMATION

Project Title:

Total Cost:	\$ 20,113,024
Total Eligible Cost:	\$ 11,891,739.00
Ecology Share:	\$ 11,891,739.00
Recipient Share:	\$ 0.00
The Effective Date of this Agreement is:	07/01/2023
The Expiration Date of this Agreement is no later than:	09/30/2025
Project Type:	Stormwater Facility

Project Short Description: (500-character limit, includes spaces)

This project will improve water quality in Thornton Creek through installation of 36 bioretention cells along multiple blocks within the Thornton Creek Basin located in the City of Seattle. This project will provide treatment for total suspended solids (TSS), oil (total petroleum hydrocarbons), dissolved copper, dissolved zinc, and total phosphorus and will also reduce flows to Thornton Creek by increasing stormwater infiltration.

Project Long Description: (4,000-character limit, includes spaces)

The South Thornton Natural Drainage System (NDS) project is located along multiple blocks within the southern part of the Thornton Creek basin located in northeast Seattle. The South Thornton Basin starts on NE 130th Street at the border

of the city of Shoreline and the city of Seattle and drains south into Lake Washington southeast of 51st Ave NE at Matthews Beach Park Playground.

The goal of the South Thornton NDS project is to provide water quality treatment for street runoff that drains to Thornton Creek by retrofitting the roadsides with NDS (also referred to as bioretention cells) and addressing localized flooding issues. The South Thornton NDS project is comprised of five sites and will construct 36 bioretention cells to manage a total of 13.9 acres of effective impervious area. This project will help protect Thornton Creek, a salmon-bearing urban creek. The project will treat an estimated 9 million gallons of stormwater runoff per year, reducing the discharge of pollutants typically found in stormwater runoff, such as: copper, zinc, phosphorus, total suspended solids (TSS), fecal coliform, among others.

The Project is being delivered through partnerships between Seattle Public Utilities (SPU) and other City agencies, such as Seattle Department of Transportation (SDOT), to offer multiple benefits to local neighborhoods and ecosystems, including greener, more attractive neighborhoods, lower risk of flooding, additional natural habitat for native plants and animal species, healthier creek ecosystems, calmer traffic patterns, and more street trees.

Overall Goal: (1,000-character limit, includes spaces)

This project will help protect and restore water quality in Washington state by reducing stormwater impacts from existing infrastructure and development.

RECIPIENT INFORMATION

Organization Name: City of Seattle – Public Utilities Department

Mailing Address: 700 Fifth Ave, 49th Floor
Seattle, WA 98124-4018

Physical Address: 700 Fifth Ave, 49th Floor
Seattle, WA 98124-4018

Organization Email: SPUCustomerService@seattle.gov

Organization Fax:

Contacts

Project Manager	Katie Wilson SPU Project Manager 700 Fifth Ave, 49 th Floor Seattle, WA 98124-4018 Email: katie.wilson@seattle.gov Phone: (206) 615-1159
Authorized Signatory	Andrew Lee General Manager & Chief Executive Officer 700 Fifth Ave, 49 th Floor Seattle, WA 98124-4018 Email: Andrew.lee@seattle.gov Phone: (206) 733-9050
Billing Contact	Caroline Apetu Senior Accountant - Grants 700 Fifth Ave, 49 th Floor Seattle, WA 98124-4018 Email: caroline.apetu@seattle.gov Phone: (206) 733-9050

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
Water Quality
PO BOX 47600
Olympia, WA 98504-7600

Physical Address: Water Quality
300 Desmond Drive
Lacey, WA 98503

Contacts

Project Manager	Shelby Giltner 913 Squaticum Way #101 Bellingham, WA 98225 Email: sgil461@ecy.wa.gov Phone: (360) 746-9182
Financial Manager	Melissa Conger 300 Desmond Drive SE Lacey, WA 98503-1274 Email: meco461@ecy.wa.gov Phone: (360) 706-4202
Technical Advisor	Doug Howie 300 Desmond Drive SE Lacey, WA 98503-1274 Email: doho461@ecy.wa.gov Phone: (360) 870-0983

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in the Scope of Work.

RECIPIENT agrees to read, understand, and accept all information contained within this entire Agreement. Furthermore, RECIPIENT acknowledges that they have reviewed the terms and conditions of this Agreement, Scope of Work, attachments, all incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

This Agreement shall be subject to the written approval of Ecology's authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement.

Washington State Department of Ecology

**City of Seattle – Public Utilities
Department**

Vincent McGowan Date
Program Manager
Water Quality

Andrew Lee Date
General Manager & Chief Executive Officer

Additional City/County Signatories Date
Email Address:

SCOPE OF WORKTask Number: 1 Task Cost: \$Task Title: Grant and Loan AdministrationTask Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; and the EAGL (Ecology Administration of Grants and Loans) recipient closeout report (including photos, if applicable). In the event that the RECIPIENT elects to use a contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

B. The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be made available to ECOLOGY upon request.

C. The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant and loan administrative requirements.

Task Expected Outcome:

* Timely and complete submittal of requests for reimbursement, quarterly progress reports, and Recipient Closeout Report.

* Properly maintained project documentation.

Grant and Loan Administration Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges or changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form).	

SCOPE OF WORK

Task Number: 2

Task Cost:

Task Title: Cultural and Environmental Review, and Permitting

Task Description:

The RECIPIENT must ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will submit the documents listed below to initiate ECOLOGY's cultural resources review. Property acquisition and above and below ground activities proposed at any project site must be reviewed by ECOLOGY for potential affects to cultural resources.

The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with work. Examples of work may include (but are not limited to) geotechnical work, acquisition, site prep work, and BMP installations. Work done prior to written notice to proceed shall not be eligible for reimbursement.

To initiate cultural resources review:

1. The RECIPIENT will submit the Cultural Resources Review Form to ECOLOGY, using the ECOLOGY template. Any supporting materials must conform to the Department of Archeology and Historic Preservation's (DAHP) Washington State Standards for Cultural Resource Reporting. The Cultural Resources Review Form template may be found on the ECOLOGY website.
 2. The RECIPIENT will submit an Inadvertent Discovery Plan (IDP) to ECOLOGY, using the ECOLOGY template. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site. The IDP template may be found on the ECOLOGY website.
- B. The RECIPIENT will conduct appropriate environmental reviews of the project. The RECIPIENT will provide a complete State Environmental Review Process (SERP) information package with a SERP Cover Sheet to ECOLOGY for approval. The RECIPIENT will include the State Environmental Policy Act (SEPA) checklist and threshold determination, documentation of public participation, and required Environmental Justice information.
- C. The RECIPIENT will develop a fiscal sustainability plan (asset management plan). If professional services are procured, the RECIPIENT will procure them in accordance with state law and include ECOLOGY's standard contract clauses and/or specification insert in the contract documents. The RECIPIENT must submit contracts for professional services prior to ECOLOGY reimbursement. The RECIPIENT will certify that the plan contains the required elements listed below and is implemented.
1. An inventory of critical assets that belong to the utility.
 2. An evaluation of condition and performance of critical assets.
 3. A plan to maintain, repair, and replace critical assets and fund those activities.
 4. A process to evaluate and implement water and energy conservation efforts as part of the plan.

- D. The RECIPIENT will fulfill the Investment Grade Efficiency Audit (IGEA) (energy audit) requirement. The RECIPIENT will review their energy use looking for cost effective energy savings or submit documentation of an energy efficiency review conducted within the last five years. More information regarding IGEA may be found on the ECOLOGY website.
- E. The RECIPIENT is responsible for application of, receipt of, and compliance with all required local, state, tribal and federal permits, licenses, easements, or property rights necessary for the project.

Task Goal Statement:

The RECIPIENT will complete all cultural and environmental reviews and permitting tasks in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by the cultural resource protection requirements, State Environmental Policy Act, and all other applicable federal, state, and local laws, and regulations.

Cultural and Environmental Review, and Permitting Deliverables

Number	Description	Due Date
2.1	ECOLOGY Cultural Resources Review Form. Email the form and any supplemental cultural resources documentation directly to the ECOLOGY Project Manager. DO NOT upload the cultural resources form or documentation to EAGL.	
2.2	ECOLOGY Inadvertent Discovery Plan (IDP). Email the form directly to the ECOLOGY Project Manager for review. Upload to EAGL once review is complete.	
2.3	State Environmental Review Process (SERP) information package with a SERP Cover Sheet. Upload to EAGL and notify ECOLOGY.	
2.4	Cost and Effectiveness Analysis. Upload to EAGL and notify ECOLOGY.	
2.5	Contract documents that include ECOLOGY's standard contract clauses and/or specification insert (if procuring services for the fiscal sustainability plan). Upload to EAGL and notify ECOLOGY.	
2.6	Certification that the Fiscal Sustainability Plan has been developed and is being implemented. Upload certification of plan to EAGL and notify ECOLOGY.	
2.7	Documentation of completion of the IGEA requirement. Upload to EAGL and notify ECOLOGY.	

SCOPE OF WORK

Task Number: 3

Task Cost: \$

Task Title: Design Plans and Specifications

Task Description:

The RECIPIENT must ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

The RECIPIENT will develop a stormwater project design. The design submittals must conform to the Deliverables for Stormwater Projects with Ecology Funding Document. Projects must be designed in accordance with the Stormwater Management Manual for Eastern Washington, Stormwater Management Manual for Western Washington, or equivalent manual. Refer to the ECOLOGY website for specific guidance. Project must be reviewed and accepted in writing by ECOLOGY to be eligible for reimbursement.

The RECIPIENT will upload the design submittals listed below to EAGL for ECOLOGY review. Reduce design figures to 11x17 inches in size and ensure they are legible.

- A. The RECIPIENT will submit a Design Report to ECOLOGY for review and acceptance. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Design Report Acceptance Letter prior to proceeding to 90 Percent Design.

1. The RECIPIENT will calculate and submit a preliminary equivalent new/re-development area for the completed design using the methods outlined in the Design Deliverables Document.

- B. The RECIPIENT will submit a 90 Percent Design Package to ECOLOGY for review and acceptance. At a minimum, this package must include 90 percent plans, specifications, engineer's opinion of cost including a schedule of eligible costs, and project construction schedule. The current required bid inserts and specifications may be found on the Ecology website. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding to Final Bid Package.

- C. The RECIPIENT will submit a Final Bid Package to ECOLOGY for review and acceptance prior to advertising the project. The Final Bid Package includes: project plans, specifications, engineer's opinion of cost including a schedule of eligible costs, and project construction schedule. Allow 15 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Final Bid Package Acceptance Letter prior to advertising the project.

Task Goal Statement:

The RECIPIENT will complete all design tasks and respond to ECOLOGY comments in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by ECOLOGY water quality facility design standards and all other applicable federal, state, and local laws, and regulations.

Design Plans and Specifications Deliverables

Number	Description	Due Date
3.1	Contract documents, if procuring services for design. The contract must include ECOLOGY's standard contract clauses and/or specification insert. Upload to EAGL and notify ECOLOGY.	
3.2	Design Report. Upload to EAGL and notify ECOLOGY.	
3.3	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY.	
3.4	ECOLOGY Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY.	
3.5	90 Percent Design Package. Upload to EAGL and notify ECOLOGY.	
3.6	Responses to ECOLOGY 90 Percent Design Package comments. Upload to EAGL and notify ECOLOGY.	
3.7	ECOLOGY 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY.	
3.8	Final Bid Package. Upload to EAGL and notify ECOLOGY.	
3.9	Responses to ECOLOGY Final Bid Package comments. Upload to EAGL and notify ECOLOGY.	
3.10	Ecology Final Bid Package Acceptance Letter. Upload to EAGL and notify ECOLOGY.	
3.11	Bid documents (e.g. bid announcement, bid tabulations, and bid award). Upload to EAGL and notify ECOLOGY.	

SCOPE OF WORK

Task Number:4

Task Cost:

Task Title: Construction Management

Task Description:

The RECIPIENT must ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will provide construction oversight and management of the project.
- B. The RECIPIENT will submit a detailed Construction Quality Assurance Plan (CQAP) to ECOLOGY for review and acceptance before the start of construction. This plan must describe how the RECIPIENT will perform adequate and competent construction oversight. Guidance for CQAP development is located in the Design Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.
- C. The RECIPIENT will conduct a pre-construction conference meeting and invite ECOLOGY to attend.
- D. The RECIPIENT will submit a project schedule prior to the start of construction and whenever major changes occur.
- E. Prior to execution, the RECIPIENT will submit to ECOLOGY any eligible change orders that deviate from ECOLOGY-accepted plans and specifications. ECOLOGY must review and accept all change orders that affect grant eligible activities prior to implementation. Allow 10 calendar days for ECOLOGY review.

Task Goal Statement:

The RECIPIENT will oversee and manage construction, communicate with ECOLOGY in a timely fashion, and provide ECOLOGY with all requested project documentation.

Task Expected Outcome:

The project will be constructed on schedule and in accordance with accepted plans.

Construction Management Deliverables

Number	Description	Due Date
4.1	Construction Quality Assurance Plan. Upload to EAGL and notify ECOLOGY. Upload ECOLOGY acceptance documentation.	
4.2	Pre-construction conference meeting minutes. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.3	Project Schedule. Submit prior to construction and when changes occur. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.4	Revised construction cost estimates when changes in construction schedule occur. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.5	Change Order(s). Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	

SCOPE OF WORK

Task Number: 5

Task Cost: \$11,873,739

Task Title: Construction

Task Description:

The RECIPIENT must ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will complete construction of the project in accordance with ECOLOGY-accepted plans and specifications. The construction project will include installation of 36 bioretention cells to mitigate runoff from approximately 13.9 of pollution-generating impervious surfaces.
- B. Stormwater Construction Completion Form signed by a professional engineer indicating that the project was completed in accordance with the plans and specifications, and major change orders approved by ECOLOGY's Project Engineer and shown on the Record Drawings. The Stormwater Construction Completion Form can be found on the ECOLOGY website.

Task Goal Statement:

Construction of the project in accordance with ECOLOGY-accepted plans and specifications.

Task Expected Outcome:

Constructed project will provide water quality benefits including reductions in total suspended solids (TSS), oil (total petroleum hydrocarbons), dissolved copper, dissolved zinc, 6PPD-quinone, fecal coliform, polychlorinated biphenyls (PCBs), and total phosphorus.

Deliverables

Number	Description	Due Date
5.1	Signed and dated construction contract. Upload to EAGL and notify ECOLOGY.	
5.2	Stormwater Construction Completion Form. Upload to EAGL and notify ECOLOGY.	

SCOPE OF WORK

Task Number: 6

Task Cost: \$18,000.00

Task Title: Project Close Out

Task Description:

The RECIPIENT must ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will operate and maintain the constructed facility for the design life of the facility. The RECIPIENT will develop and submit an Operations and Maintenance (O&M) plan for all facilities constructed with ECOLOGY funding to ECOLOGY for review. The O&M plan must address long-term activities to assure ongoing pollutant removal and flow-control capability of the project in accordance with the design manual. O&M plan development guidance is located in the Design Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.
- B. The RECIPIENT will submit a final GIS compatible project area in shapefile, geodatabase file, or ECOLOGY-accepted equivalent. The project area should include polygon features for stormwater facilities and contributing areas.
- C. The RECIPIENT will submit the Recipient Closeout Report (RCOR) in EAGL in accordance with Task 1.
- D. The RECIPIENT will submit an Outcomes Summary using the ECOLOGY template.
- E. The RECIPIENT will calculate and submit a final equivalent new/re-development area for the completed retrofit project(s) using the methods outlined in the Stormwater Deliverables Document. Include a table showing the final equivalent new/re-development area compared to the area provided in the ECOLOGY-accepted Design Report.

Task Goal Statement:

The RECIPIENT will complete all close out submittals in a timely manner.

Task Expected Outcome:

* Timely and complete submittal of O&M plan, equivalent area calculation, GIS, Recipient Closeout Report, and Two-page Outcome Summary Report.

* Proper maintenance of the constructed facility to maintain water quality benefits.

Project Closeout Deliverables

Number	Description	Due Date
6.1	Facility Operation and Maintenance Plan. Upload to EAGL and notify ECOLOGY. Upload ECOLOGY acceptance documentation.	
6.2	A final GIS compatible project area shapefile, geodatabase file, or ECOLOGY-accepted equivalent. Upload to EAGL and notify ECOLOGY. Upload ECOLOGY acceptance documentation.	
6.3	Outcomes Summary. Upload to EAGL and notify ECOLOGY.	

6.4	Final, as constructed, equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY.	
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DRAFT

BUDGET (EAGL WILL GENERATE THIS SECTION BASED ON PROJECT TYPE/PARAMETERS, ETC. IT MIGHT BE HELPFUL FOR THE RECIPIENT TO USE THE BUDGET TABLE TO PLAN OUT THEIR BUDGET).

Funding Distribution 1

Funding Title: CWSRF
Funding Type: Loan
Funding Effective Date: 7/1/2023
Funding Expiration Date: 9/30/2025
Funding Source: CWSRF GPR Standard Loan

Recipient Match %: 0
InKind Interlocal Allowed: No
InKind Other Allowed: No
Is this Funding Distribution used to match a federal grant? No

Effective Interest Rate: 1.6% Interest Rate: 1.3% Admin Charge: 0.3%
Terms: 30 years
Project Start Date: 7/1/2023 Project Completion Date: 9/30/2025

Funding Distribution 2

Funding Title: CWSRF – Forgivable Principal
Funding Type: Loan
Funding Effective Date:
Funding Expiration Date:
Funding Source: CWSRF Emerging Contaminates BIL funding

Recipient Match %: 0
InKind Interlocal Allowed: No
InKind Other Allowed: No
Is this Funding Distribution used to match a federal grant? No

Effective Interest Rate: 0% Interest Rate: 0% Admin Charge: 0%
Terms: N/A
Project Start Date: 7/1/2023 Project Completion Date: 9/30/2025

Indirect Rate: max 30%
Supporting documentation must be uploaded to EAGL.
Rate will be indicated in your agreement.

For Loans Only:

Tasks	Total PROJECT Cost	Total Eligible PROJECT Cost	Forgivable Principal Loan Amount	Standard Loan Amount
1. Grant and Loan Administration	\$32,400	\$32,400	\$8,100	\$24,300
2. Cultural and Env. Review, and Permitting				
3. Design Plans and Specifications	\$26,400	\$26,400	\$6,600	\$19,800
4. Construction Management	\$29,400	\$29,400	\$7,350	\$22,050
5. Construction	\$17,464,419	\$11,785,539	\$2,946,385	\$8,839,154
6. Project Close Out	\$18,000	\$18,000	\$4,500	\$13,500
Total	\$17,570,619.00	\$11,891,739.00	\$2,972,935.00	\$8,918,804.00

Funding Distribution Name	Recipient Share	Ecology Share	Total
CWSRF	\$0.00	\$8,918,804.00	\$8,918,804.00
CWSRF Forgivable Principal	\$0.00	\$ 2,972,935.00	\$ 2,972,935.00
Total	\$0.00	\$ 11,891,739.00	\$ 11,891,739.00

Application Budget Worksheet (not for EAGL, but do not delete from this draft document)

Funding Offer:

SFAP Grant Offer	SRF Standard Loan Offer	SRF Forgivable Principal Loan Offer	[Other WQC Funding] Offer	Total Funding Offer
\$0.00	\$8,918,804.00	\$2,972,935.00		\$11,891,739.00

Does the funding offer amount shown in the following forms all match?

Offer Letter uploaded in EAGL: Yes

EAGL Offer Form: Yes

Published Offer List: No – Total Funding in Final Offer List is \$1000 less than offer amount.

Was the funding offer less than the amount requested because of ineligible items? Please describe.

No

Application Budget (copy tasks and amounts from EAGL)

Task	Budget in App	Notes
1. Grant and Loan Administration	\$32,400.00	
2. Cultural, Environmental Review, and Permitting	\$0.00	Recommend reallocating a portion of Task 1 funds to cover work related to CRR and Environmental Review.
3. Design Plans and Specifications	\$26,400.00	
4. Construction Management	\$29,400.00	
5. Construction	\$11,785,538.00	
6. Project Close Out	\$18,000.00	
Total	11,891,738.00	

Agreement Budget

Task	Revised Budget	Notes
1. Grant and Loan Administration		
2. Cultural, Environmental Review, and Permitting		
3. Design Plans and Specifications		
4. Construction Management		
5. Construction		
6. Project Close Out		
Total	\$11,891,739.00	Standard Loan and FP add up to \$11,891,739.00, \$1 more than Recipient requested, need to include this additional \$1 in a task budget.

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

SECTION 1: DEFINITIONS

Unless otherwise provided, the following terms will have the respective meanings for all purposes of this agreement:

“Administration Charge” means a charge established in accordance with Chapter 90.50A RCW and Chapter 173-98 WAC, to be used to pay Ecology’s cost to administer the State Revolving Fund by placing a percentage of the interest earned in an Administrative Charge Account.

“Administrative Requirements” means the effective edition of ECOLOGY’s Administrative Requirements for Recipients of Ecology Grants and Loans at the signing of this agreement.

“Annual Debt Service” for any calendar year means for any applicable bonds or loans including the loan, all interest plus all principal due on such bonds or loans in such year.

“Average Annual Debt Service” means, at the time of calculation, the sum of the Annual Debt Service for the remaining years of the loan to the last scheduled maturity of the loan divided by the number of those years.

“Acquisition” means the purchase or receipt of a donation of fee or less than fee interests in real property. These interests include, but are not limited to, conservation easements, access/trail easements, covenants, water rights, leases, and mineral rights.

“Centennial Clean Water Program” means the state program funded from various state sources.

“Contract Documents” means the contract between the RECIPIENT and the construction contractor for construction of the project.

“Cost Effective Analysis” means a comparison of the relative cost-efficiencies of two or more potential ways of solving a water quality problem as described in Chapter 173-98-730 WAC.

“Defeasement” or “Defeasance” means the setting aside in escrow or other special fund or account of sufficient investments and money dedicated to pay all principal of and interest on all or a portion of an obligation as it comes due.

“Effective Date” means the earliest date on which eligible costs may be incurred.

“Effective Interest Rate” means the total interest rate established by Ecology that includes the Administrative Charge.

“Estimated Loan Amount” means the initial amount of funds loaned to the RECIPIENT.

“Estimated Loan Repayment Schedule” means the schedule of loan repayments over the term of the loan based on the Estimated Loan Amount.

“Equivalency” means projects designated by ECOLOGY to meet additional federal requirements.

“Expiration Date” means the latest date on which eligible costs may be incurred.

“Final Accrued Interest” means the interest accrued beginning with the first disbursement of funds to the RECIPIENT through such time as the loan is officially closed out and a final loan repayment schedule is issued.

“Final Loan Amount” means all principal of and interest on the loan from the Project Start Date through the Project Completion Date.

“Final Loan Repayment Schedule” means the schedule of loan repayments over the term of the loan based on the Final Loan Amount.

“Forgivable Principal” means the portion of a loan that is not required to be paid back by the borrower.

“General Obligation Debt” means an obligation of the RECIPIENT secured by annual ad valorem taxes levied by the RECIPIENT and by the full faith, credit, and resources of the RECIPIENT.

“General Obligation Payable from Special Assessments Debt” means an obligation of the RECIPIENT secured by a valid general obligation of the Recipient payable from special assessments to be imposed within the constitutional and statutory tax limitations provided by law without a vote of the electors of the RECIPIENT on all of the taxable property within the boundaries of the RECIPIENT.

“Gross Revenue” means all of the earnings and revenues received by the RECIPIENT from the maintenance and operation of the Utility and all earnings from the investment of money on deposit in the Loan Fund, except (i) Utility Local Improvement Districts (ULID) Assessments, (ii) government grants, (iii) RECIPIENT taxes, (iv) principal proceeds of bonds and other obligations, or (v) earnings or proceeds (A) from any investments in a trust, Defeasance, or escrow fund created to Defeasance or refund Utility obligations or (B) in an obligation redemption fund or account other than the Loan Fund until commingled with other earnings and revenues of the Utility or (C) held in a special account for the purpose of paying a rebate to the United States Government under the Internal Revenue Code.

“Guidelines” means the ECOLOGY's Funding Guidelines that correlate to the State Fiscal Year in which the project is funded.

“Initiation of Operation Date” means the actual date the Water Pollution Control Facility financed with proceeds of the loan begins to operate for its intended purpose.

“Loan” means the Washington State Water Pollution Control Revolving Fund Loan or Centennial Clean Water Fund (Centennial) Loan made pursuant to this loan agreement.

“Loan Amount” means either an Estimated Loan Amount or a Final Loan Amount, as applicable.

“Loan Fund” means the special fund created by the RECIPIENT for the repayment of the principal of and interest on the loan.

“Loan Security” means the mechanism by which the RECIPIENT pledges to repay the loan.

“Loan Term” means the repayment period of the loan.

“Maintenance and Operation Expense” means all reasonable expenses incurred by the RECIPIENT in causing the Utility to be operated and maintained in good repair, working order, and condition including payments to other parties, but will not include any depreciation or RECIPIENT levied taxes or payments to the RECIPIENT in lieu of taxes.

“Net Revenue” means the Gross Revenue less the Maintenance and Operation Expense.

“Original Engineer’s Estimate” means the engineer’s estimate of construction costs included with bid documents.

“Principal and Interest Account” means, for a loan that constitutes Revenue-Secured Debt, the account created in the loan fund to be first used to repay the principal of and interest on the loan.

“Project” means the project described in this agreement.

“Project Completion Date” means the date specified in the agreement on which the Scope of Work will be fully completed. This term is only used in loan agreements.

“Project Schedule” means that schedule for the project specified in the agreement.

“Revenue-Secured Debt” means an obligation of the RECIPIENT secured by a pledge of the revenue of a utility and one not a general obligation of the RECIPIENT.

“Reserve Account” means, for a loan that constitutes a Revenue Secured Debt and if specifically identified as a term and condition of the funding agreement, the account of that name created in the loan fund to secure the payment of the principal of and interest on the loan.

“Risk-Based Determination” means an approach to sub-recipient monitoring and oversight based on risk factors associated to a RECIPIENT or project.

“Scope of Work” means the tasks and activities constituting the project.

“Section 319” means the section of the Clean Water Act that provides funding to address nonpoint sources of water pollution.

“Senior Lien Obligations” means all revenue bonds and other obligations of the RECIPIENT outstanding on the date of execution of this loan agreement (or subsequently issued on a parity therewith, including refunding obligations) or issued after the date of execution of this loan agreement having a claim or lien on the Gross Revenue of the Utility prior and superior to the claim or lien of the loan, subject only to Maintenance and Operation Expense.

“State Water Pollution Control Revolving Fund (Revolving Fund)” means the water pollution control revolving fund established by Chapter 90.50A.020 RCW.

“Termination Date” means the effective date of ECOLOGY’s termination of the agreement.

“Termination Payment Date” means the date on which the RECIPIENT is required to repay to ECOLOGY any outstanding balance of the loan and all accrued interest.

“Total Eligible Project Cost” means the sum of all costs associated with a water quality project that have been determined to be eligible for ECOLOGY grant or loan funding, including any required recipient match.

“Total Project Cost” means the sum of all costs associated with a water quality project, including costs that are not eligible for ECOLOGY grant or loan funding.

“ULID” means any utility local improvement district of the RECIPIENT created for the acquisition or construction of additions to and extensions and betterments of the Utility.

“ULID Assessments” means all assessments levied and collected in any ULID. Such assessments are pledged to be paid into the Loan Fund (less any prepaid assessments permitted by law to be paid into a construction fund or account). ULID Assessments will include principal installments and any interest or penalties which may be due.

“Utility” means the sewer system, stormwater system, or the combined water and sewer system of the RECIPIENT, the Net Revenue of which is pledged to pay and secure the loan.

SECTION 2: THE FOLLOWING CONDITIONS APPLY TO ALL RECIPIENTS OF WATER QUALITY COMBINED FINANCIAL ASSISTANCE FUNDING.

The Water Quality Financial Assistance Funding Guidelines are included in this agreement by reference and are available on ECOLOGY’s Water Quality Program website.

A. Architectural and Engineering Services: The RECIPIENT certifies by signing this agreement that the requirements of Chapter 39.80 RCW, “Contracts for Architectural and Engineering Services,” have been, or shall be, met in procuring qualified architectural/engineering services. The RECIPIENT shall identify and separate eligible and ineligible costs in the final architectural/engineering services contract and submit a copy of the contract to ECOLOGY.

B. Acquisition: The following provisions shall be in force only if the project described in this agreement is an acquisition project:

a. Evidence of Land Value and Title. The RECIPIENT shall submit documentation of the cost of the property rights and the type of ownership interest that has been acquired.

b. Legal Description of Real Property Rights Acquired. The legal description of the real property rights purchased with funding assistance provided through this agreement (and protected by a recorded conveyance of rights to the State of Washington) shall be incorporated into the agreement before final payment.

c. Conveyance of Rights to the State of Washington. Upon purchase of real property rights (both fee simple and lesser interests), the RECIPIENT shall execute the document necessary to convey certain rights and responsibilities to ECOLOGY, on behalf of the State of Washington. The documents required will depend on the project type, the real property rights being acquired, and whether or not those rights are being acquired in perpetuity (see options below). The RECIPIENT shall use language provided by ECOLOGY, to record the executed document in the County where the real property lies, and to provide a copy of the recorded document to ECOLOGY.

Documentation Options:

1. Deed of Right. The Deed of Right conveys to the people of the state of Washington the right to preserve, protect, and/or use the property for public purposes consistent with the fund source. RECIPIENTS shall use this document when acquiring real property rights that include the underlying land. This document may also be applicable for those easements where the RECIPIENT has acquired a perpetual easement for public purposes. The RECIPIENT must obtain ECOLOGY approval on the draft language prior to executing the deed of right.

2. Assignment of Rights. The Assignment of Rights document transfers certain rights such as access and enforcement to ECOLOGY. The RECIPIENT shall use this document when an easement or lease is being acquired for water quality and habitat conservation. The Assignment of Rights requires the signature of the underlying landowner and must be incorporated by reference in the easement document.

3. Easements and Leases. The RECIPIENT may incorporate required language from the Deed of Right or Assignment of Rights directly into the easement or lease document, thereby eliminating the requirement for a separate document.

Language will depend on the situation; therefore, the RECIPIENT must obtain ECOLOGY approval on the draft language prior to executing the easement or lease.

d. Real Property Acquisition and Relocation Assistance.

1. Federal Acquisition Policies. See Section 4 of this agreement for requirements specific to Section 319 and SRF funded projects.

2. State Acquisition Policies. When state funds are part of this agreement, the RECIPIENT agrees to comply with the terms and conditions of the Uniform Relocation Assistance and Real Property Acquisition Policy of the State of Washington, Chapter 8.26 RCW, and Chapter 468-100 WAC.

3. Housing and Relocation. In the event that housing and relocation costs, as required by federal law set out in subsection (1) above and/or state law set out in subsection (2) above, are involved in the execution of this project, the RECIPIENT agrees to provide any housing and relocation assistance required.

e. Hazardous Substances.

1. Certification. The RECIPIENT shall inspect, investigate, and conduct an environmental audit of the proposed acquisition site for the presence of hazardous substances, as defined in RCW 70.105D.020(10), and certify:

i. No hazardous substances were found on the site, or

ii. Any hazardous substances found have been treated and/or disposed of in compliance with applicable state and federal laws, and the site is deemed “clean.”

2. Responsibility. Nothing in this provision alters the RECIPIENT's duties and liabilities regarding hazardous substances as set forth in RCW 70.105D.

3. Hold Harmless. The RECIPIENT will defend, protect and hold harmless ECOLOGY and any and all of its employees and/or agents, from and against any and all liability, cost (including but not limited to all costs of defense and attorneys' fees) and any and all loss of any nature from any and all claims or suits resulting from the presence of, or the release or threatened release of, hazardous substances on the property the RECIPIENT is acquiring.

f. Restriction On Conversion Of Real Property And/Or Facilities To Other Uses

The RECIPIENT shall not at any time convert any real property (including any interest therein) or facility acquired, developed, maintained, renovated, and/or restored pursuant to this agreement to uses other than those purposes for which funds were approved without prior approval of ECOLOGY. For acquisition projects that are term limited, such as one involving a lease or a term-limited restoration, renovation or development project or easement, this restriction on conversion shall apply only for the length of the term, unless otherwise provided in written documents or required by applicable state or federal law. In such case, the restriction applies to such projects for the length of the term specified by the lease, easement, deed, or landowner agreement.

C. Best Management Practices (BMP) Implementation: If the RECIPIENT installs BMPs that are not approved by ECOLOGY prior to installation, the RECIPIENT assumes the risk that part or all of the reimbursement for that activity may be delayed or ineligible. For more details regarding BMP Implementation, please reference the Water Quality Financial Assistance Funding Guidelines available on ECOLOGY's Water Quality Program funding website.

D. Electronic Fund Transfers: Payment will be issued through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If

you have questions about the vendor registration process or electronic fund transfers, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.

E. Equipment Purchase: Equipment purchases over \$5,000 and not included in the scope of work or the Ecology approved construction plans and specifications, must be pre-approved by ECOLOGY's project manager before purchase. All equipment purchases over \$5,000 and not included in a contract for work being completed on the funded project, must also be reported on the Equipment Purchase Report in EAGL.

F. Funding Recognition: The RECIPIENT must inform the public about ECOLOGY or any EPA (see Section 3.B for Section 319 funded or Section 5.E for SRF funded projects) funding participation in this project through the use of project signs, acknowledgement in published materials, reports, the news media, websites, or other public announcements. Projects addressing site-specific locations must utilize appropriately sized and weather-resistant signs. Sign logos are available from ECOLOGY's Financial Manager upon request.

G. Growth Management Planning: The RECIPIENT certifies by signing this agreement that it is in compliance with the requirements of Chapter 36.70A RCW, "Growth Management Planning by Selected Counties and Cities." If the status of compliance changes, either through RECIPIENT or legislative action, the RECIPIENT shall notify ECOLOGY in writing of this change within 30 days.

H. Interlocal: The RECIPIENT certifies by signing this agreement that all negotiated interlocal agreements necessary for the project are, or shall be, consistent with the terms of this agreement and Chapter 39.34 RCW, "Interlocal Cooperation Act." The RECIPIENT shall submit a copy of each interlocal agreement necessary for the project to ECOLOGY upon request.

I. Lobbying and Litigation: Costs incurred for the purposes of lobbying or litigation are not eligible for funding under this agreement.

J. Post Project Assessment Survey: The RECIPIENT agrees to participate in a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project approximately three years after project completion. A representative from ECOLOGY's Water Quality Program may contact the RECIPIENT to request this data. ECOLOGY may also conduct site interviews and inspections, and may otherwise evaluate the project, as part of this assessment.

K. Project Status Evaluation: ECOLOGY may evaluate the status at any time. ECOLOGY's Project Manager and Financial Manager will meet with the RECIPIENT to review spending trends, completion of outcome measures, and overall project administration and performance. If the RECIPIENT fails to make satisfactory progress toward achieving project outcomes, ECOLOGY may change the scope of work, reduce grant funds, or increase oversight measures.

L. Technical Assistance: Technical assistance for agriculture activities provided under the terms of this agreement shall be consistent with the current U.S. Natural Resource Conservation Service ("NRCS") Field Office Technical Guide for Washington State and specific requirements outlined in the Water Quality Funding Guidelines. Technical assistance, proposed practices, or project designs that do not meet these standards may be eligible if approved in writing by ECOLOGY.

SECTION 3: THE FOLLOWING CONDITIONS APPLY TO SECTION 319 AND CENTENNIAL CLEAN WATER FUNDED PROJECTS BEING USED TO MATCH SECTION 319 FUNDS.

The RECIPIENT must submit the following documents to ECOLOGY before this agreement is signed by ECOLOGY:

1. Federal Funding Accountability and Transparency Act (FFATA) Form, available on the Water Quality Program website. (This form is used for Section 319 funds only)

2. “Section 319 Initial Data Reporting” form in EAGL.

A. Data Reporting: The RECIPIENT must complete the “Section 319 Initial Data Reporting” form in EAGL before this agreement can be signed by Ecology. This form is used to gather general information about the project for EPA.

B. Funding Recognition and Outreach: In addition to Section 2.F. of these Special Terms and Conditions, the RECIPIENT shall provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo and follow usage requirements available at <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. To obtain the appropriate EPA logo or seal graphic file, the RECIPIENT may send a request to their Ecology Financial Manager.

To increase public awareness of projects serving communities where English is not the predominant language, RECIPIENTS are encouraged to provide their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable. (Applies to both the Section 319 funded projects and the Centennial match projects)

The RECIPIENT shall use the following paragraph in all reports, documents, and signage developed under this agreement: (Applies to Section 319 funded projects only)

“This project has been funded wholly or in part by the United States Environmental Protection Agency under an assistance agreement to the Washington State Department of Ecology. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.”

C. Load Reduction Reporting: The RECIPIENT shall complete the “Section 319 Annual Load Reduction Reporting” form in EAGL by January 15 of each year and at project close-out. ECOLOGY may hold reimbursements until the RECIPIENT has completed the form. This form is used to gather information on best management practices (BMPs) installed and associated pollutant load reductions that were funded as a part of this project.

D. Time Extension: The RECIPIENT may request a one-time extension for up to 12 months. However, the time extension cannot exceed the time limitation established in EPA’s assistance agreement. In the event a time extension is requested and approved by ECOLOGY, the RECIPIENT must complete all eligible work performed under this agreement by the expiration date. (For Section 319 funded projects only)

SECTION 4: THE FOLLOWING CONDITIONS APPLY TO SECTION 319 AND STATE REVOLVING FUND (SRF) LOAN FUNDED PROJECTS ONLY.

A. Accounting Standards: The RECIPIENT shall maintain accurate records and accounts for the project (PROJECT Records) in accordance with Generally Accepted Accounting Principles (GAAP) as issued by the Governmental Accounting Standards Board (GASB), including standards related to the reporting of infrastructure assets or in accordance with the standards in Chapter 43.09.200 RCW “Local Government Accounting – Uniform System of Accounting.”

B. Acquisitions: Section 319 and SRF Equivalency project RECIPIENTS shall comply with the terms and conditions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1970)--Public Law 91-646, as amended by the Surface Transportation and Uniform Relocation Assistance Act, PL 100-17-1987, and applicable regulations and procedures of the federal agency implementing that Act.

C. Audit Requirements: In accordance with 2 CFR 200.501(a), the RECIPIENT agrees to obtain a single audit from an independent auditor, if their organization expends \$750,000 or more in total Federal funds in their fiscal year. The RECIPIENT must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the Federal Audit Clearinghouse's Internet Data Entry System available at:

<https://facweb.census.gov/>.

D. Archaeological Resources and Historic Properties (Section 106): The RECIPIENT shall comply with the additional requirements under section 106 of the National Historic Preservation Act (NHPA, 36 CFR 800).

E. Data Universal Numbering System (DUNS) and Central Contractor Registration (CCR) Requirements: RECIPIENTS shall have a DUNS number. Unless exempted from this requirement under 2 CFR 25.110, the RECIPIENT must ensure that their organization's information in the System for Award Management (SAM), <https://www.sam.gov>, is kept current through project closeout. This requires that the RECIPIENT reviews and updates the information at least annually after the initial registration, and more frequently if information changes.

F. Disadvantaged Business Enterprise (DBE): General Compliance, 40 CFR, Part 33. The RECIPIENT agrees to comply with the requirements of the Environmental Protection Agency's Program for Utilization of Small, Minority, and Women's Business Enterprises (MBE/WBE) 40CFR, Part 33 in procurement under this agreement.

Six Good Faith Efforts, 40 CFR, Part 33, Subpart C. The RECIPIENT agrees to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under this agreement. Records documenting compliance with the following six good faith efforts shall be retained:

- 1) Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government RECIPIENTS, this shall include placing Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- 2) Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- 3) Consider, in the contracting process, whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State, and Local Government RECIPIENTS, this shall include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.
- 4) Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.
- 5) Use services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- 6) If the prime contractor awards subcontracts, require the prime contractor to take the five good faith efforts steps in paragraphs 1 through 5 above.

The RECIPIENT agrees to submit ECOLOGY's Contractor Participation Report Form D with each payment request.

Contract Administration Provisions, 40 CFR, Section 33.302. The RECIPIENT agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

Non-discrimination Provision. The RECIPIENT shall not discriminate on the basis of race, color, national origin or sex in the performance of this agreement. The RECIPIENT shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the RECIPIENT to carry out these requirements is a material breach of this agreement which may result in the termination of this contract or other legally available remedies.

This does not preclude the RECIPIENT from enacting broader nondiscrimination protections.

The RECIPIENT shall comply with all federal and state nondiscrimination laws, including but not limited to, Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq., the Americans with Disabilities Act (ADA).

In the event of the RECIPIENT's noncompliance or refusal to comply with any applicable nondiscrimination law, regulation, or policy, this agreement may be rescinded, canceled, or terminated in whole or in part and the RECIPIENT may be declared ineligible for further funding from ECOLOGY. The RECIPIENT shall, however, be given a reasonable time in which to cure this noncompliance.

The RECIPIENT shall include the following terms and conditions in contracts with all contractors, subcontractors, engineers, vendors, and any other entity for work or services pertaining to this agreement.

"The Contractor will not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. The Contractor will carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under Environmental Protection Agency financial agreements. Failure by the Contractor to carry out these requirements is a material breach of this Contract which may result in termination of this Contract or other legally available remedies."

Bidder List, 40 CFR, Section 33.501(b) and (c). The RECIPIENT agrees to create and maintain a bidders list. The bidders list shall include the following information for all firms that bid or quote on prime contracts, or bid or quote subcontracts, including both MBE/WBEs and non-MBE/WBEs.

1. Entity's name with point of contact
2. Entity's mailing address, telephone number, and e-mail address
3. The procurement on which the entity bid or quoted, and when
4. Entity's status as an MBE/WBE or non-MBE/WBE

G. Electronic and information Technology (EIT) Accessibility: RECIPIENTS shall ensure that loan funds provided under this agreement for costs in the development or purchase of EIT systems or products provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology as per Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7. Systems or products funded under this agreement must be designed to meet the diverse needs of users without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology.

H. Hotel-Motel Fire Safety Act: The RECIPIENT shall ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of

the Hotel and Motel Fire Safety Act (15 USC 2225a, PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance, or to find other information about the Act. Pursuant to 15 USC 2225a.

I. Trafficking In Persons: The RECIPIENT and RECIPIENT employees that are private entities shall not engage in forms of trafficking in persons during the period of time this agreement is effective. This includes, but is not limited to, the procurement of a commercial sex act or forced labor. The RECIPIENT shall notify ECOLOGY immediately of any information received from any source alleging a violation under this provision.

SECTION 5: THE FOLLOWING CONDITIONS APPLY TO STATE REVOLVING FUND (SRF) LOAN FUNDED PROJECTS ONLY.

The RECIPIENT must submit the following documents/forms to ECOLOGY before this agreement is signed by ECOLOGY:

1. Financial Capability Assessment Documentation
2. Opinion of RECIPIENT's Legal Council
3. Authorizing Ordinance or Resolution
4. Federal Funding Accountability and Transparency Act (FFATA) Form (Required for SRF Equivalency projects only)
5. CWSRF Federal Reporting Information form available in EAGL
6. Fiscal Sustainability Plan (Asset Management) Certification Form in EAGL (Only required if the project includes construction of a wastewater or stormwater facility construction)
7. Cost and Effectiveness Analysis Certification Form in EAGL (Required for all projects receiving SRF Loan funding)
8. State Environmental Review Process (SERP) Documentation (Required for facility projects only)

A. Alteration and Eligibility of Project: During the term of this agreement, the RECIPIENT (1) shall not materially alter the design or structural character of the project without the prior written approval of ECOLOGY and (2) shall take no action which would adversely affect the eligibility of the project as defined by applicable funding program rules and state statutes, or which would cause a violation of any covenant, condition, or provision herein.

B. American Iron and Steel (Buy American): This loan provision applies to projects for the construction, alteration, maintenance, or repair of a "treatment works" as defined in the Federal Water Pollution Control Act (33 USC 1381 et seq.) The RECIPIENT shall ensure that all iron and steel products used in the project are produced in the United States. Iron and Steel products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. The RECIPIENT may request waiver from this requirement from the Administrator of the Environmental Protection Agency. The RECIPIENT must coordinate all waiver requests through ECOLOGY. This provision does not apply if the engineering plans and specifications for the project were approved by ECOLOGY prior to January 17, 2014. ECOLOGY reserves the right to request documentation of RECIPIENT'S compliance with this provision.

C. Authority of RECIPIENT: This agreement is authorized by the Constitution and laws of the state of Washington, including the RECIPIENT's authority, and by the RECIPIENT pursuant to the authorizing ordinance or resolution. The RECIPIENT shall submit a copy of the authorizing ordinance or resolution to the ECOLOGY Financial Manager before this agreement shall be signed by ECOLOGY.

D. Equivalency Projects: (For designated equivalency projects only)

1. The RECIPIENT must procure architectural and engineering services in accordance with the federal requirements in Chapter 11 of Title 40, U.S.C. (see www.gpo.gov/fdsys/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitle-chap11.pdf).

E. Fiscal Sustainability Plan Certification: The RECIPIENT shall submit a completed Fiscal Sustainability Plan Certification before this agreement is signed by ECOLOGY. The Fiscal Sustainability Plan Certification is available from the ECOLOGY Financial Manager or on the Water Quality Program website.

F. Funding Recognition and Outreach: In addition to Section 2.F of these Terms and Conditions, the RECIPIENT agrees to comply with the EPA SRF Signage Guidance in order to enhance public awareness of EPA assistance agreements nationwide. The signage guidance can be found at: <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources>.

G. Insurance: The RECIPIENT shall at all times carry fire and extended insurance coverage, public liability, and property damage, and such other forms of insurance with responsible insurers and policies payable to the RECIPIENT on such of the buildings, equipment, works, plants, facilities, and properties of the Utility as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, and against such claims for damages as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, or it shall self-insure or participate in an insurance pool or pools with reserves adequate, in the reasonable judgment of the RECIPIENT, to protect it against loss.

H. Litigation Authority: No litigation is now pending, or to the RECIPIENT's knowledge, threatened, seeking to restrain, or enjoin:

(i) the execution of this agreement; or

(ii) the fixing or collection of the revenues, rates, and charges or the formation of the ULID and the levy and collection of ULID Assessments therein pledged to pay the principal of and interest on the loan (for revenue secured lien obligations); or

(iii) the levy and collection of the taxes pledged to pay the principal of and interest on the loan (for general obligation-secured loans and general obligation payable from special-assessment-secured loans); or

(iv) in any manner questioning the proceedings and authority under which the agreement, the loan, or the project are authorized. Neither the corporate existence, or boundaries of the RECIPIENT nor the title of its present officers to their respective offices is being contested. No authority or proceeding for the execution of this agreement has been repealed, revoked, or rescinded.

I. Loan Interest Rate and Terms: This loan agreement shall remain in effect until the date of final repayment of the loan, unless terminated earlier according to the provisions herein.

When the Project Completion Date has occurred, ECOLOGY and the RECIPIENT shall execute an amendment to this loan agreement which details the final loan amount (Final Loan Amount), and ECOLOGY shall prepare a final loan repayment schedule. The Final Loan Amount shall be the combined total of actual disbursements made on the loan and all accrued interest to the computation date.

The Estimated Loan Amount and the Final Loan Amount (in either case, as applicable, a "Loan Amount") shall bear interest based on the interest rate identified in this agreement as the "Effective Interest Rate," per annum, calculated on the basis of a 365 day year. Interest on the Estimated Loan Amount shall accrue from and be compounded monthly

based on the date that each payment is mailed to the RECIPIENT. The Final Loan Amount shall be repaid in equal installments, semiannually, over the term of this loan “Loan Term” as outlined in this agreement.

J. Loan Repayment:

Sources of Loan Repayment

1. Nature of RECIPIENT's Obligation. The obligation of the RECIPIENT to repay the loan from the sources identified below and to perform and observe all other agreements and obligations on its part, contained herein, shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind. To secure the repayment of the loan from ECOLOGY, the RECIPIENT agrees to comply with all of the covenants, agreements, and attachments contained herein.

2. For General Obligation. This loan is a General Obligation Debt of the RECIPIENT.

3. For General Obligation Payable from Special Assessments. This loan is a General Obligation Debt of the RECIPIENT payable from special assessments to be imposed within the constitutional and statutory tax limitations provided by law without a vote of the electors of the RECIPIENT on all of the taxable property within the boundaries of the RECIPIENT.

4. For Revenue-Secured: Lien Position. This loan is a Revenue-Secured Debt of the RECIPIENT's Utility. This loan shall constitute a lien and charge upon the Net Revenue junior and subordinate to the lien and charge upon such Net Revenue of any Senior Lien Obligations.

In addition, if this loan is also secured by Utility Local Improvement Districts (ULID) Assessments, this loan shall constitute a lien upon ULID Assessments in the ULID prior and superior to any other charges whatsoever.

5. Other Sources of Repayment. The RECIPIENT may repay any portion of the loan from any funds legally available to it.

6. Defeasance of the Loan. So long as ECOLOGY shall hold this loan, the RECIPIENT shall not be entitled to, and shall not affect, an economic Defeasance of the loan. The RECIPIENT shall not advance refund the loan.

If the RECIPIENT defeases or advance refunds the loan, it shall be required to use the proceeds thereof immediately upon their receipt, together with other available RECIPIENT funds, to repay both of the following:

(i) The Loan Amount with interest

(ii) Any other obligations of the RECIPIENT to ECOLOGY under this agreement, unless in its sole discretion ECOLOGY finds that repayment from those additional sources would not be in the public interest.

Failure to repay the Loan Amount plus interest within the time specified in ECOLOGY's notice to make such repayment shall incur Late Charges and shall be treated as a Loan Default.

7. Refinancing or Early Repayment of the Project. So long as ECOLOGY shall hold this loan, the RECIPIENT shall give ECOLOGY thirty days written notice if the RECIPIENT intends to refinance or make early repayment of the loan.

Method and Conditions on Repayments

1. Semiannual Payments. Notwithstanding any other provision of this agreement, the first semiannual payment of principal and interest on this loan shall be due and payable no later than one year after the project completion date or initiation of operation date, whichever comes first.

Thereafter, equal payments shall be due every six months.

If the due date for any semiannual payment falls on a Saturday, Sunday, or designated holiday for Washington State agencies, the payment shall be due on the next business day for Washington State agencies.

Payments shall be mailed to:

Department of Ecology

Cashiering Unit

P.O. Box 47611

Olympia WA 98504-7611

In lieu of mailing payments, electronic fund transfers can be arranged by working with ECOLOGY's Financial Manager.

No change to the amount of the semiannual principal and interest payments shall be made without a mutually signed amendment to this agreement. The RECIPIENT shall continue to make semiannual payments based on this agreement until the amendment is effective, at which time the RECIPIENT's payments shall be made pursuant to the amended agreement.

2. Late Charges. If any amount of the Final Loan Amount or any other amount owed to ECOLOGY pursuant to this agreement remains unpaid after it becomes due and payable, ECOLOGY may assess a late charge. The late charge shall be one percent per month on the past due amount starting on the date the debt becomes past due and until it is paid in full.

3. Repayment Limitations. Repayment of the loan is subject to the following additional limitations, among others: those on defeasance, refinancing and advance refunding, termination, and default and recovery of payments.

4. Prepayment of Loan. So long as ECOLOGY shall hold this loan, the RECIPIENT may prepay the entire unpaid principal balance of and accrued interest on the loan or any portion of the remaining unpaid principal balance of the Loan Amount. Any prepayments on the loan shall be applied first to any accrued interest due and then to the outstanding principal balance of the Loan Amount. If the RECIPIENT elects to prepay the entire remaining unpaid balance and accrued interest, the RECIPIENT shall first contact ECOLOGY's Revenue/Receivable Manager of the Fiscal Office.

K. Loan Security

Due Regard: For loans secured with a Revenue Obligation: The RECIPIENT shall exercise due regard for Maintenance and Operation Expense and the debt service requirements of the Senior Lien Obligations and any other outstanding obligations pledging the Gross Revenue of the Utility, and it has not obligated itself to set aside and pay into the loan Fund a greater amount of the Gross Revenue of the Utility than, in its judgment, shall be available over and above such Maintenance and Operation Expense and those debt service requirements.

Where collecting adequate gross utility revenue requires connecting additional users, the RECIPIENT shall require the sewer system connections necessary to meet debt obligations and expected operation and maintenance expenses.

Levy and Collection of Taxes (if used to secure the repayment of the loan): For so long as the loan is outstanding, the RECIPIENT irrevocably pledges to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of its electors on all of the taxable property within the boundaries of the RECIPIENT in an amount sufficient, together with other money legally available and to be used therefore, to pay when due the principal of and interest on the loan, and the full faith, credit and resources of the RECIPIENT are pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of that principal and interest.

Not an Excess Indebtedness: For loans secured with a general obligation pledge or a general obligation pledge on special assessments: The RECIPIENT agrees that this agreement and the loan to be made do not create an indebtedness of the RECIPIENT in excess of any constitutional or statutory limitations.

Pledge of Net Revenue and ULID Assessments in the ULID (if used to secure the repayment of this loan): For so long as the loan is outstanding, the RECIPIENT irrevocably pledges the Net Revenue of the Utility, including applicable ULID Assessments in the ULID, to pay when due the principal of and interest on the loan.

Utility Local Improvement District (ULID) Assessment Collection (if used to secure the repayment of the loan): All ULID Assessments in the ULID shall be paid into the Loan Fund and used to pay the principal of and interest on the loan.

L. Maintenance and Operation of a Funded Utility: The RECIPIENT shall, at all times, maintain and keep the funded Utility in good repair, working order, and condition.

M. Opinion of RECIPIENT's Legal Counsel: The RECIPIENT must submit an "Opinion of Legal Counsel to the RECIPIENT" to ECOLOGY before this agreement will be signed. ECOLOGY will provide the form.

N. Prevailing Wage (Davis-Bacon Act): The RECIPIENT agrees, by signing this agreement, to comply with the Davis-Bacon Act prevailing wage requirements. This applies to the construction, alteration, and repair of treatment works carried out, in whole or in part, with assistance made available by the State Revolving Fund as authorized by Section 513, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1372). Laborers and mechanics employed by contractors and subcontractors shall be paid wages not less often than once a week and at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor.

The RECIPIENT shall obtain the wage determination for the area in which the project is located prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation). These wage determinations shall be incorporated into solicitations and any subsequent contracts. The RECIPIENT shall ensure that the required EPA contract language regarding Davis-Bacon Wages is in all contracts and sub contracts in excess of \$2,000. The RECIPIENT shall maintain records sufficient to document compliance with the Davis-Bacon Act, and make such records available for review upon request.

The RECIPIENT also agrees, by signing this agreement, to comply with State Prevailing Wages on Public Works, Chapter 39.12 RCW, as applicable. Compliance may include the determination whether the project involves "public work" and inclusion of the applicable prevailing wage rates in the bid specifications and contracts. The RECIPIENT agrees to maintain records sufficient to evidence compliance with Chapter 39.12 RCW, and make such records available for review upon request.

O. Progress Reports: RECIPIENTS funded with State Revolving Fund Loan or Forgivable Principal shall include the following verification statement in the "General Comments" text box of each progress report.

"We verify that we are in compliance with all the requirements as outlined in our funding agreement(s) with the Department of Ecology. This includes but is not limited to:

- The Davis-Bacon Act, 29 CFR (If applicable)
- Washington State Prevailing Wage Rate, Chapter 39.12 RCW (Pertaining to all recipients)
- The Disadvantaged Business Enterprise (DBE), 40 CFR, Part 33"

P. Representations and Warranties: The RECIPIENT represents and warrants to ECOLOGY as follows:

Application: Material Information. All information and materials submitted by the RECIPIENT to ECOLOGY in connection with its loan application were, when made, and are, as of the date the RECIPIENT signs this agreement, true and correct. There is no material adverse information relating to the RECIPIENT, the project, the loan, or this agreement known to the RECIPIENT, which has not been disclosed in writing to ECOLOGY.

Existence; Authority. It is a duly formed and legally existing municipal corporation or political subdivision of the state of Washington or a federally recognized Indian Tribe. It has full corporate power and authority to execute, deliver, and perform all of its obligations under this agreement and to undertake the project identified herein.

Certification. Each payment request shall constitute a certification by the RECIPIENT to the effect that all representations and warranties made in this loan agreement remain true as of the date of the request and that no adverse developments, affecting the financial condition of the RECIPIENT or its ability to complete the project or to repay the principal of or interest on the loan, have occurred since the date of this loan agreement. Any changes in the RECIPIENT's financial condition shall be disclosed in writing to ECOLOGY by the RECIPIENT in its request for payment.

Q. Sale or Disposition of Funded Utility: The RECIPIENT shall not sell, transfer, or otherwise dispose of any of the works, plant, properties, facilities, or other part of the funded Utility or any real or personal property comprising a part of the funded Utility unless:

1. The facilities or property transferred are not material to the operation of the funded Utility, or have become unserviceable, inadequate, obsolete, or unfit to be used in the operation of the funded Utility or are no longer necessary, material, or useful to the operation of the funded Utility; or
2. The aggregate depreciated cost value of the facilities or property being transferred in any fiscal year comprises no more than three percent of the total assets of the funded Utility; or
3. The RECIPIENT receives from the transferee an amount equal to an amount which will be in the same proportion to the net amount of Senior Lien Obligations and this LOAN then outstanding (defined as the total amount outstanding less the amount of cash and investments in the bond and loan funds securing such debt) as the Gross Revenue of the funded Utility from the portion of the funded Utility sold or disposed of for the preceding year bears to the total Gross Revenue for that period.
4. Expressed written agreement by the ECOLOGY.

The proceeds of any transfer under this paragraph must be used (1) to redeem promptly, or irrevocably set aside for the redemption of, Senior Lien Obligations and to redeem promptly the loan, and (2) to provide for part of the cost of additions to and betterments and extensions of the Utility.

R. Sewer-Use Ordinance or Resolution for Funded Wastewater Facility Projects: If not already in existence, the RECIPIENT shall adopt and shall enforce a sewer-use ordinance or resolution. Such ordinance or resolution shall be submitted to ECOLOGY upon request.

The sewer use ordinance must include provisions to:

- 1) Prohibit the introduction of toxic or hazardous wastes into the RECIPIENT's sewer system.
- 2) Prohibit inflow of stormwater into separated sewer systems.
- 3) Require that new sewers and connections be properly designed and constructed.

S. Termination and Default:

Termination and Default Events

1. For Insufficient ECOLOGY or RECIPIENT Funds. ECOLOGY may terminate this loan agreement for insufficient ECOLOGY or RECIPIENT funds.
2. For Failure to Commence Work. ECOLOGY may terminate this loan agreement for failure of the RECIPIENT to commence project work.
3. Past Due Payments. The RECIPIENT shall be in default of its obligations under this loan agreement when any loan repayment becomes 60 days past due.
4. Other Cause. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance in full by the RECIPIENT of all of its obligations under this loan agreement. The RECIPIENT shall be in default of its obligations under this loan agreement if, in the opinion of ECOLOGY, the RECIPIENT has unjustifiably failed to perform any obligation required of it by this loan agreement.

Procedures for Termination. If this loan agreement is terminated prior to project completion, ECOLOGY shall provide to the RECIPIENT a written notice of termination at least five working days prior to the effective date of termination (the "Termination Date"). The written notice of termination by the ECOLOGY shall specify the Termination Date and, when applicable, the date by which the RECIPIENT must repay any outstanding balance of the loan and all accrued interest (the "Termination Payment Date").

Termination and Default Remedies

No Further Payments. On and after the Termination Date, or in the event of a default event, ECOLOGY may, at its sole discretion, withdraw the loan and make no further payments under this agreement.

Repayment Demand. In response to an ECOLOGY initiated termination event, or in response to a loan default event, ECOLOGY may at its sole discretion demand that the RECIPIENT repay the outstanding balance of the Loan Amount and all accrued interest.

Interest after Repayment Demand. From the time that ECOLOGY demands repayment of funds, amounts owed by the RECIPIENT to ECOLOGY shall accrue additional interest at the rate of one percent per month, or fraction thereof.

Accelerate Repayments. In the event of a default, ECOLOGY may, in its sole discretion, declare the principal of and interest on the loan immediately due and payable, subject to the prior lien and charge of any outstanding Senior Lien Obligation upon the Net Revenue. That is, the loan is not subject to acceleration so long as any Senior Lien Obligations are outstanding. Repayments not made immediately upon such acceleration will incur Late Charges.

Late Charges. All amounts due to ECOLOGY and not paid by the RECIPIENT by the Termination Payment Date or after acceleration following a default event, as applicable, shall incur late charges.

Intercept State Funds. In the event of a default event and in accordance with Chapter 90.50A.060 RCW, "Defaults," any state funds otherwise due to the RECIPIENT may, at ECOLOGY's sole discretion, be withheld and applied to the repayment of the loan.

Property to ECOLOGY. In the event of a default event and at the option of ECOLOGY, any personal property (equipment) acquired under this agreement may, in ECOLOGY's sole discretion, become ECOLOGY's property. In that circumstance, ECOLOGY shall reduce the RECIPIENT's liability to repay money by an amount reflecting the fair value of such property.

Documents and Materials. If this agreement is terminated, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the RECIPIENT shall, at the option of

ECOLOGY, become ECOLOGY property. The RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Collection and Enforcement Actions. In the event of a default event, the state of Washington reserves the right to take any actions it deems necessary to collect the amounts due, or to become due, or to enforce the performance and observance of any obligation by the RECIPIENT, under this agreement.

Fees and Expenses. In any action to enforce the provisions of this agreement, reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of legal staff) shall be awarded to the prevailing party as that term is defined in Chapter 4.84.330 RCW.

Damages. Notwithstanding ECOLOGY's exercise of any or all of the termination or default remedies provided in this agreement, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and/or the state of Washington because of any breach of this agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

T. User-Charge System for Funded Utilities: The RECIPIENT certifies that it has the legal authority to establish and implement a user-charge system and shall adopt a system of user-charges to assure that each user of the funded utility shall pay its proportionate share of the cost of operation and maintenance, including replacement during the design life of the project. The user-charge system will include provisions for a connection charge.

In addition, the RECIPIENT shall regularly evaluate the user-charge system, at least annually, to ensure the system provides adequate revenues necessary to operate and maintain the funded utility, to establish reserves to pay for replacement, and to repay the loan.

ECOLOGY GENERAL TERMS AND CONDITIONS

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all sub grantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by sub grantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to “covered technology.” This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology’s public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT’s project funded under this Agreement.

RECIPIENT shall:

a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:

- Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.

- * For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).

b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.

- Make the IDP readily available to anyone working at the project site.

- Discuss the IDP with staff, volunteers, and contractors working at the project site.

- Implement the IDP when Cultural Resources or human remains are found at the project site.

c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.

- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.

d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.

- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.

e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.

b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.

c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.

d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.

e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.

f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.

g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.

h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.

i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.

e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at: <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.

- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

- a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
- b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
- c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.

d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.

e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.

f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:

1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.

2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

a) Be kept in a manner which provides an audit trail for all expenditures.

b) Be kept in a common file to facilitate audits and inspections.

c) Clearly indicate total receipts and expenditures related to this Agreement.

d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.

b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with

reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products. For more suggestions visit ECOLOGY's web page, Green Purchasing, <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments.

If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

South Thornton Natural Drainage Systems Project

Bob Spencer

SPU DWW

Green Stormwater Infrastructure

Line of Business Representative

August 15, 2023



Purpose of This Legislation

- To authorize Seattle Public Utilities to accept \$11.9 million in low- and no-interest loans from the Washington Department of Ecology to construct the South Thornton Natural Drainage Systems Project.

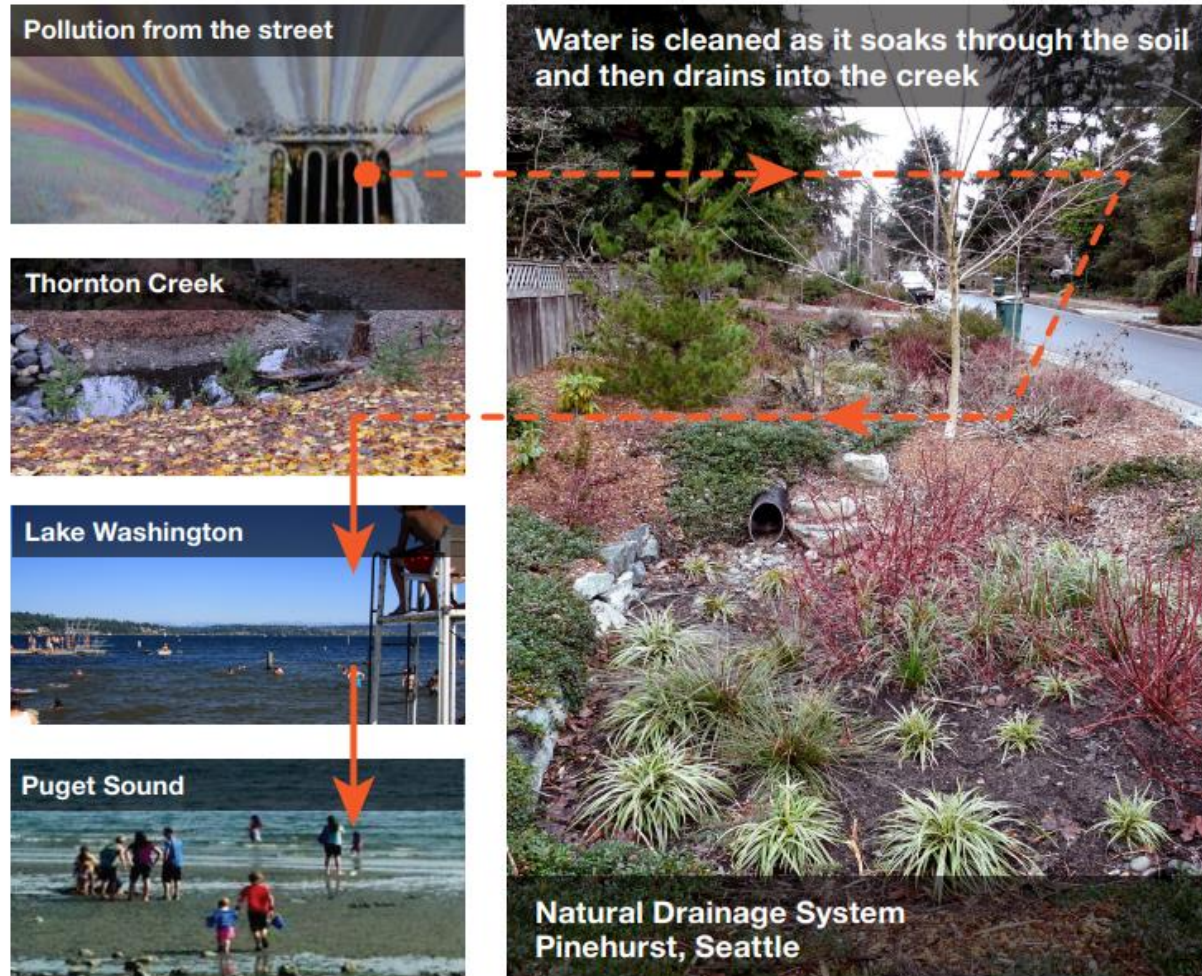
Thornton NDS Options Analysis - NDS & Grassroots



Starting in October of 2023

- 43 bioretention cells across 12 blocks in the South Thornton Creek watershed
- Controlling 60 acres of impervious area over 13 acres effective impervious area
- Project is part of our Consent Decree obligations to the Federal government

Providing stormwater control and water quality improvements through bioretention



Loan Details/Project Costs

- \$8,918,804 - Standard Loan
- \$2,972,935 – Forgivable Principal Loan
- Loan terms are 30 years at 1.6% effective interest
- Project total estimated costs for completion are \$21 million
- Construction cost estimated at 11.6 million
- Total savings estimated at \$5.7 million

Questions?





Legislation Text

File #: CF 314496, **Version:** 1

Petition of the Central Puget Sound Regional Transit Authority, for the vacation of a portion of the alley in block bounded by NE 45th Street, Roosevelt Way NE, NE 47th Street, and 11th Avenue North, at 1000 NE 45th Street.

1 Site information

1.1 Introduction

On the block bounded by NE 45th Street, 11th Avenue NE, NE 47th Street, and Roosevelt Way NE, Sound Transit is requesting a partial alley vacation where it splits the agency's parcel # 7733600155 at 1000 NE 45th Street. This vacation would consolidate Sound Transit's property into one building site and thereby improve its development capacity. Pursuant to state statute and agency policy, Sound Transit is exploring affordable housing outcomes on this site, in partnership with Seattle's Office of Housing. By working together to achieve this partial alley vacation, the City and Sound Transit can improve the affordable housing yield that is possible in this high opportunity neighborhood and near the U District light rail station. Sound Transit is seeking this vacation in advance of a specific project proposal to reduce the effort and uncertainty of the vacation process for a future development partner, which Sound Transit typically selects through a competitive Request for Proposals (RFP) process. Completing this effort before the RFP process will improve the likelihood of receiving proposals with larger affordable housing yields on the site.

1.2 Legal description

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

1.3 Site, zoning, overlay, and topographical maps with site constraints

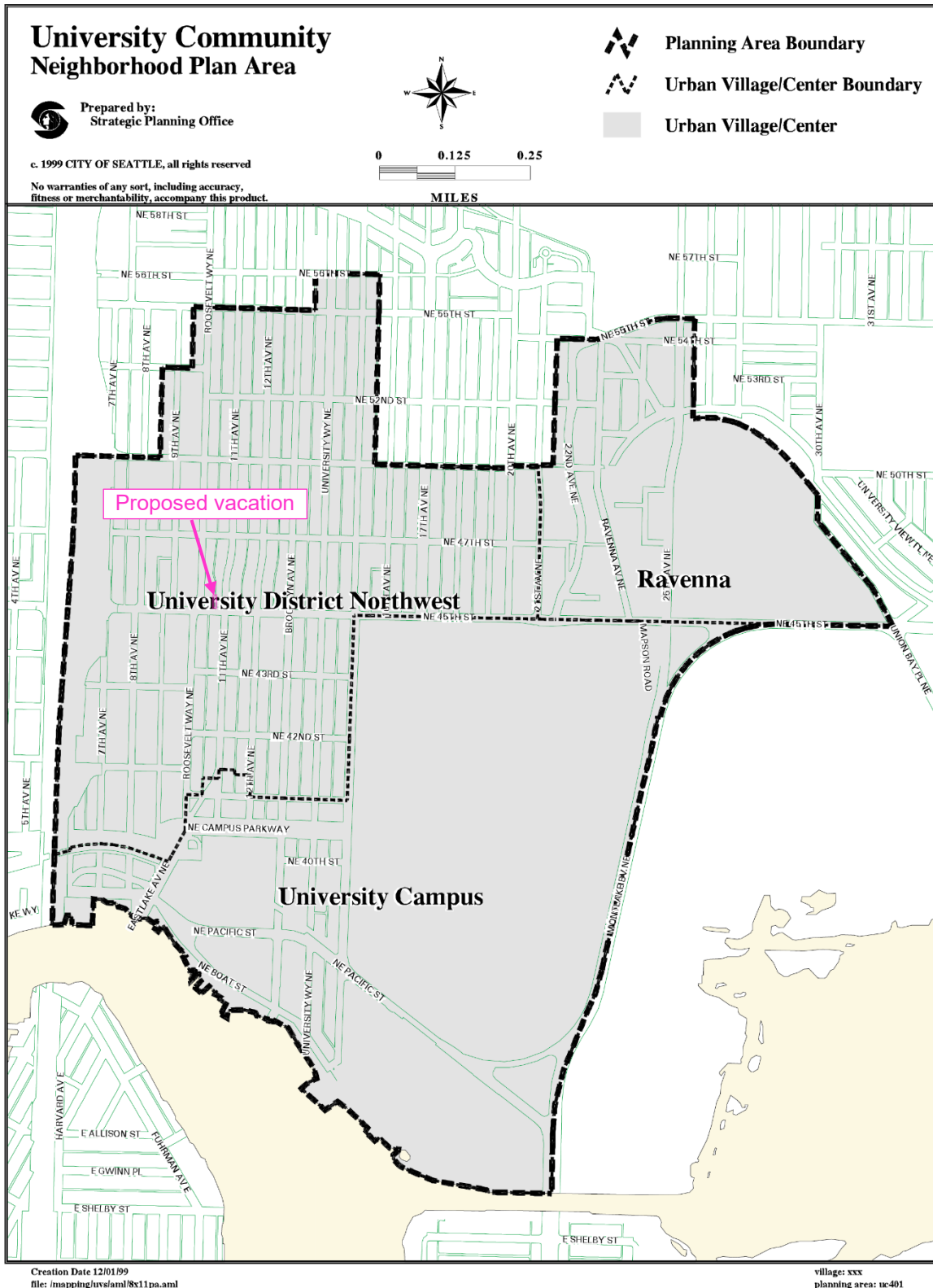
Zoning	SM-U 95-320 (M1)
Neighborhood	University District
Neighborhood planning area	University Community
Council district	District 4

U District TOD

1000 NE 45th Street, Seattle - Partial Alley Vacation



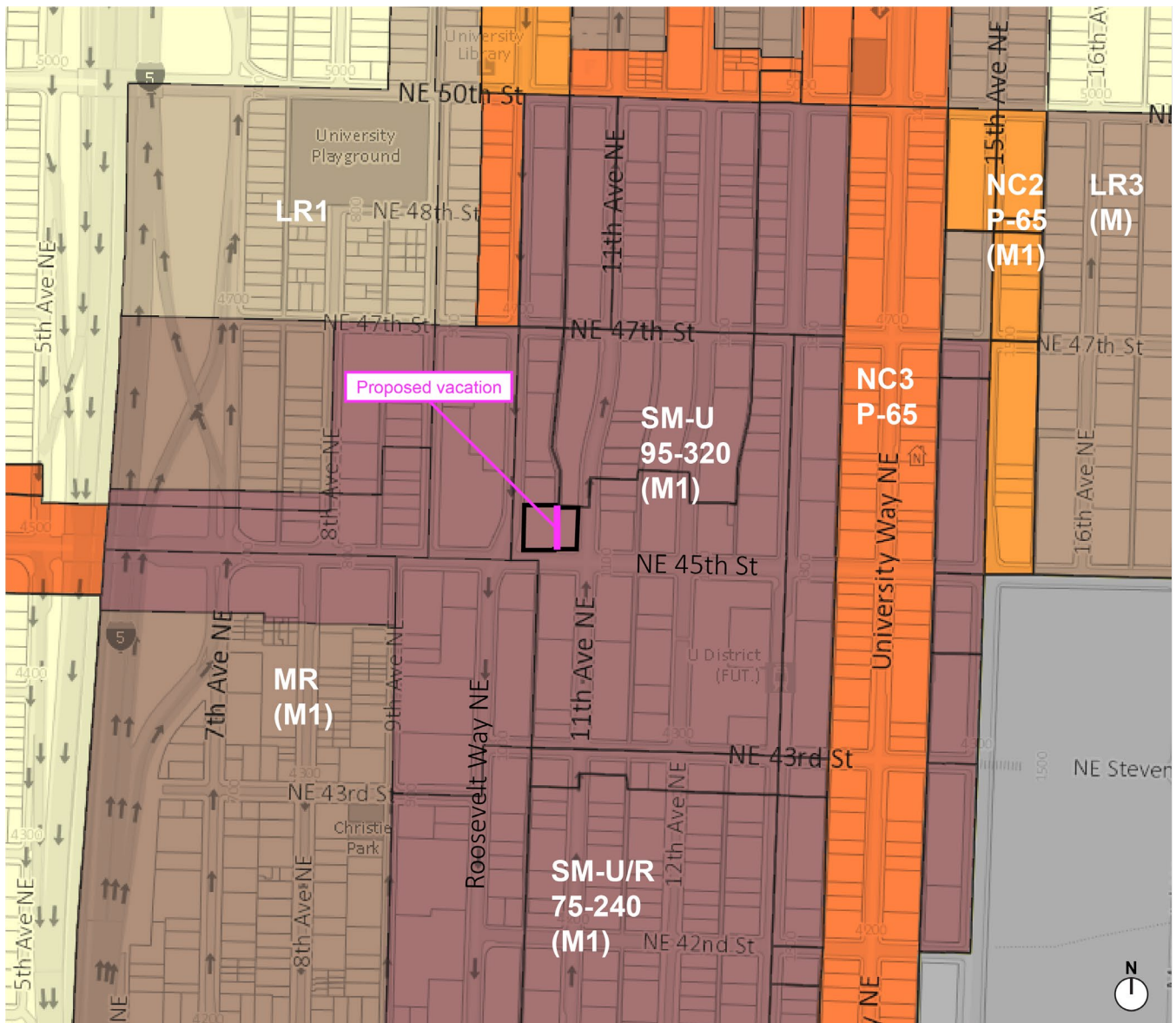
Neighborhood plan area



U District TOD

1000 NE 45th Street, Seattle - Partial Alley Vacation

Zoning map



2 Project information

2.1 Development team and point of contact

Sound Transit has not selected a development partner for this property at this time.

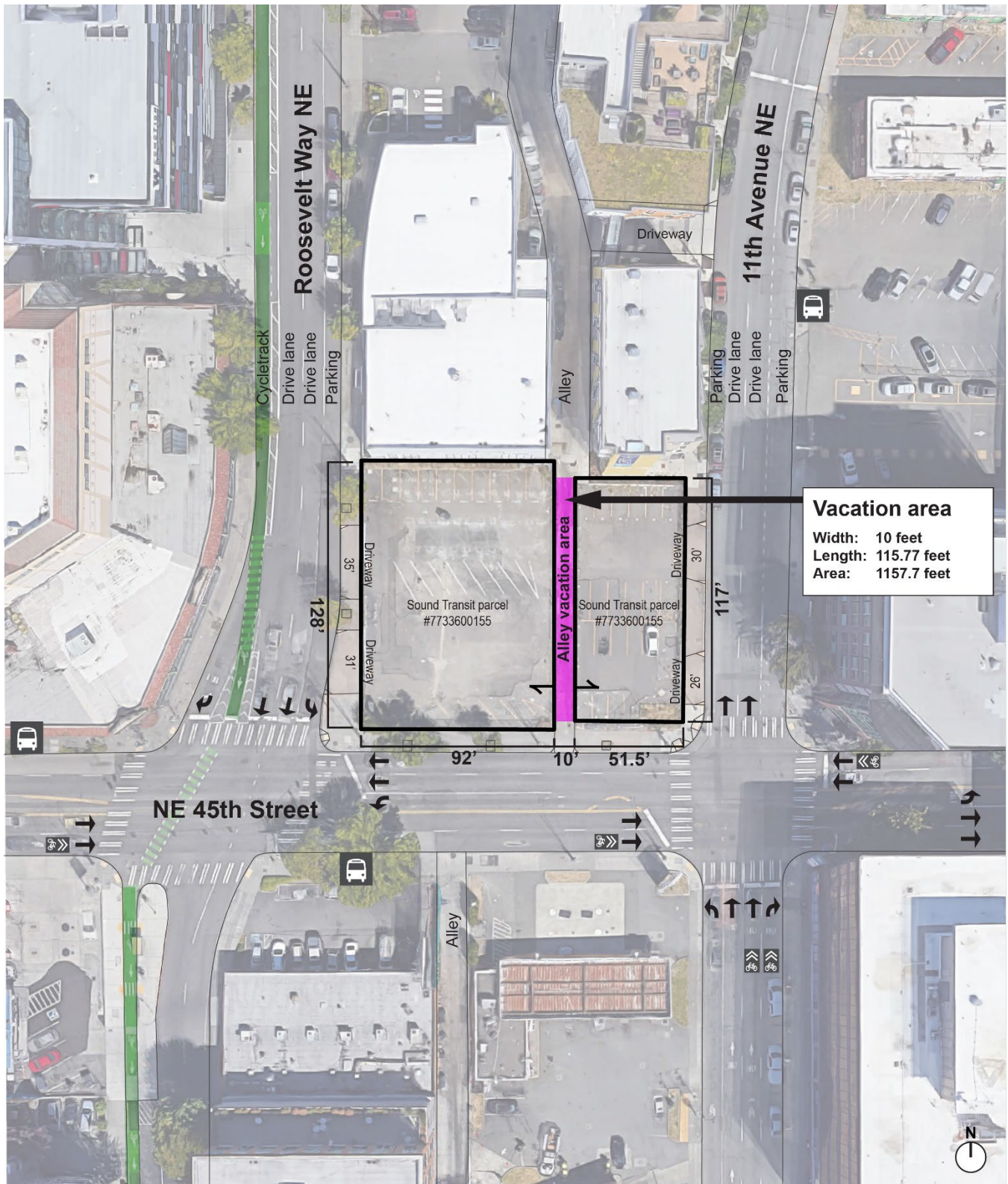
Sound Transit is working in partnership with Seattle’s Office of Housing to explore affordable housing outcomes on this property.

Owner	Central Puget Sound Regional Transit Authority (Sound Transit)	Abel Pacheco Manager, Government & Community Relations – Central Corridor abel.pacheco@soundtransit.org (310) 562-2938
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2.2 Background info on proposing agency

Sound Transit builds and operates regional transit service throughout the urban areas of Pierce, King and Snohomish Counties. Transit services include Link light rail; Sounder trains; ST Express Bus; Tacoma Link light rail; and soon, Bus Rapid Transit. With voter-approval, Sound Transit is in the process of planning and building the most ambitious transit expansion in the country.

2.3 Map of right of way proposed for vacation



2.4 Current conditions and uses

Sound Transit's property is currently leased to the City of Seattle for use as a temporary tiny home village. Prior to this, the site was used for construction offices for the Northgate Link Extension. The site is fenced and largely paved. While it is wider on the northern part of the block, where the alley bisects Sound Transit's property it is only 10 feet wide.

2.5 Project description

Sound Transit has not solicited a development partner, so no development details are available at this time.

Subject to Sound Transit Board of Directors guidance, the overall concept for development on this site is to deliver the maximum feasible amount of affordable housing in a high opportunity neighborhood. Development on this site would likely include active ground-floor uses with affordable residential units above. The alley vacation would allow Sound Transit and the Office of Housing to seek greater affordability outcomes in a neighborhood that has seen little new affordable housing development. While specific development outcomes have not yet been determined, Sound Transit sets sustainability targets for transit-oriented development projects using the LEED or Evergreen Sustainable Development Standard rating programs.

2.6 Project site plans, drawings, or other representations of project

Sound Transit has not solicited a development partner, so no development details are available at this time.

2.7 Reason for vacation

Sound Transit is requesting the partial alley vacation to:

1. Consolidate parcel # 7733600155 into one building footprint
2. Solicit an affordable housing developer

While the area of public right-of-way is small, the vacation could increase the development capacity of the site by up to three-fold, due to the unique constraints of Sound Transit's property. Vacating the alley as it bisects the property could produce a feasible high-rise building floorplate. While the number of units achievable will ultimately depend on many factors (including the amount of subsidy available, the size of units, and the feasible floorplate), a massing study indicates that as many as 260 units could be possible with the vacation. This would allow the Office of Housing and Sound Transit to offer the site with higher likelihood of significant affordable housing outcomes. Sound Transit acknowledges that a solution to maintain functionality of the alley (e.g., by turnaround or reorienting the alley to exit onto Roosevelt or 11th) is necessary.

The following graphic shows illustrative site capacity studies to help characterize the development yield that may be possible with and without the alley vacation. These are hypothetical and do not represent project proposals.

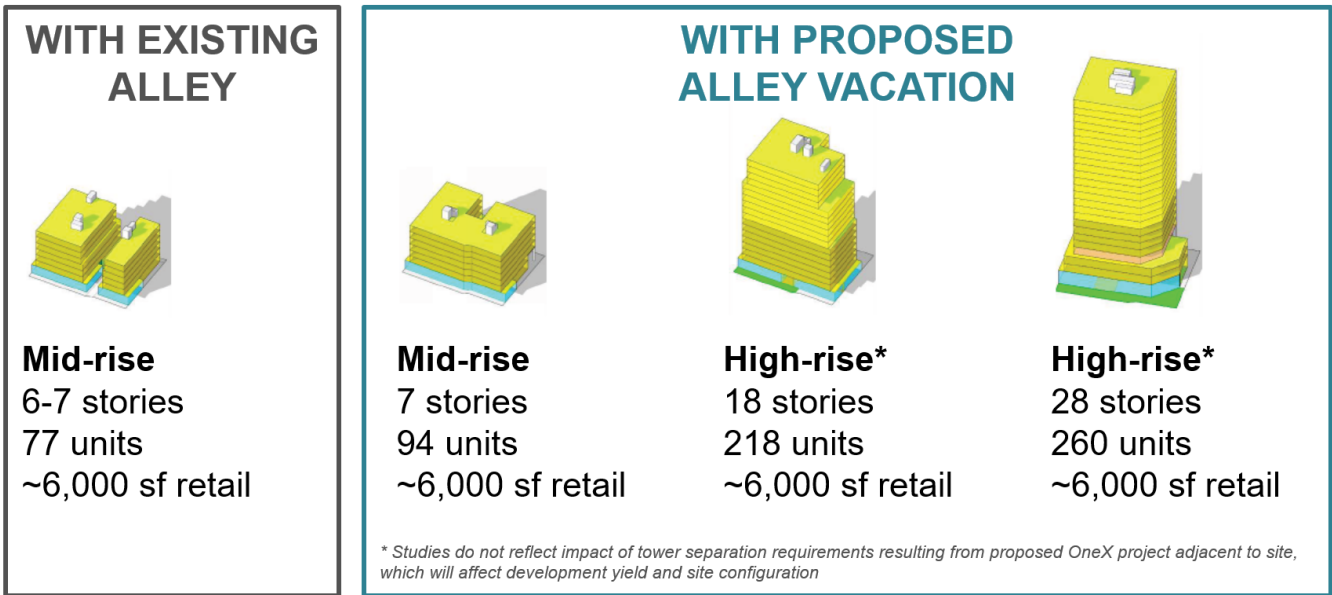
Without the vacation, only approximately 6-7 stories are likely to be feasible on either side of the alley. Because the site is small, and with a tower proposed immediately abutting the property's northwest corner, a high-rise building is likely not feasible without the vacation due to a small and inefficient building floorplate. A massing study suggests that this could result in less than 80 dwelling units.

U District TOD

1000 NE 45th Street, Seattle - Partial Alley Vacation



Illustrative site capacity studies



Studies are illustrative and do not represent project proposals.

2.8 Proposed development timeline

Once a conditional vacation has been approved, Sound Transit plans to jointly issue a Request for Proposals with the Office of Housing to select a development partner.

U District TOD

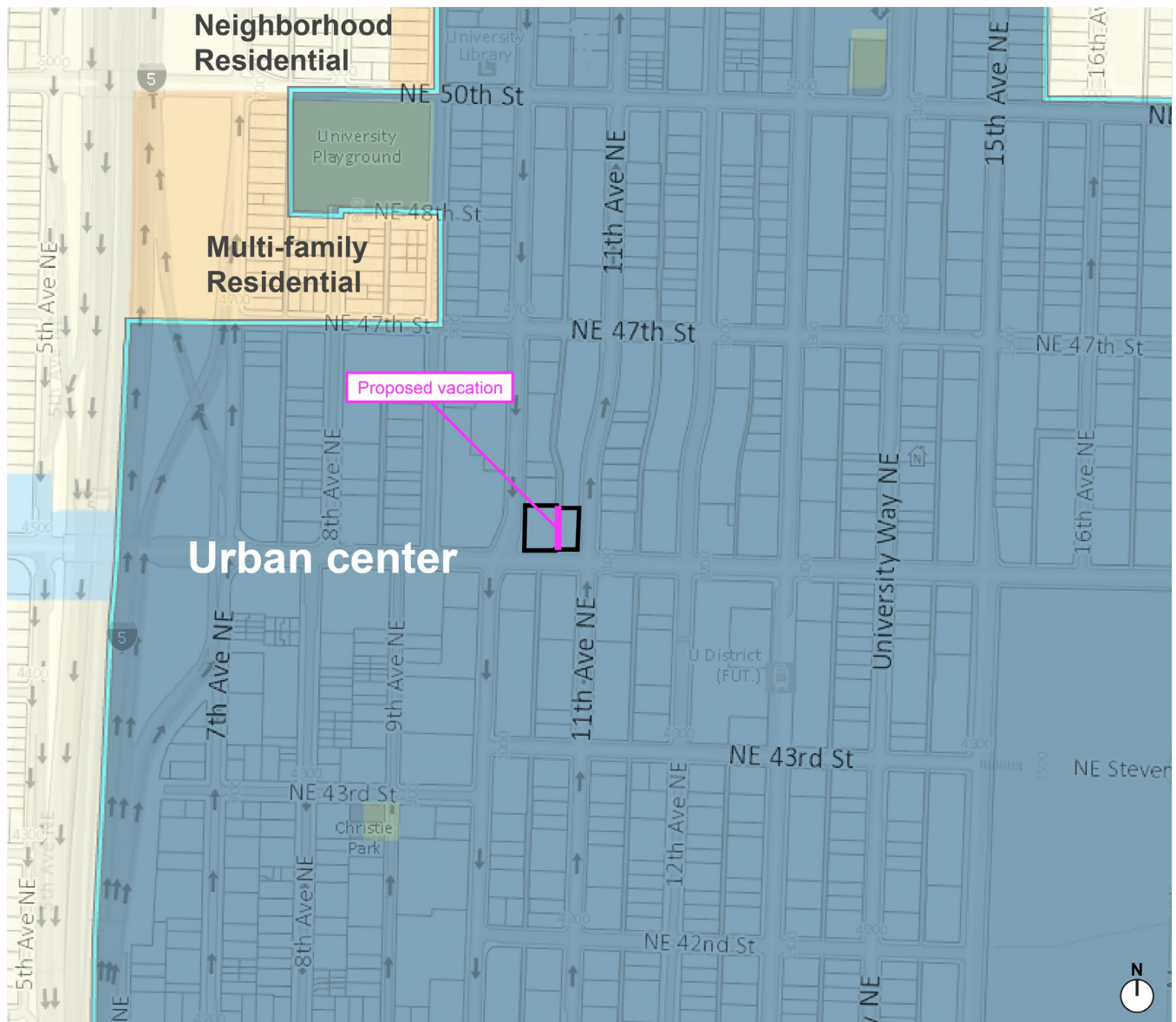
1000 NE 45th Street, Seattle - Partial Alley Vacation

3 Land use information

3.1 Current zoning and comprehensive plan designations

Zoning: SM-U 95-320 (M1)

Future land use: Urban Center



3.2 Summary of city plans and policies

Comprehensive plan

Development on Sound Transit's property can reasonably be expected to advance several of the City's goals and policies as identified for this neighborhood (University Community) in the Comprehensive plan. These goals also reflect direction established in the earlier University Community Urban Center Plan (1998) and subsequent planning efforts. Relevant goals and policies that the vacation may advance include:

- UC-G1: Stable residential neighborhoods that can accommodate projected growth and foster desirable living conditions.
 - *Vacation increases the amount of growth that can be accommodated on the site, allowing it to better fulfill the vision established by neighborhood plans and zoning regulations that concentrate growth in the core of the neighborhood.*
- UC-G3: An efficient transportation system that balances different modes, including public transit, pedestrian, bicycle, and automobile, and minimizes negative impacts to the community.
 - *Vacation eliminates vehicle entry onto NE 45th, a heavily congested corridor, and provides opportunity for a new pedestrian passthrough (e.g., mid-block crossing) on the long face of the block.*
- UC-G4: A community in which the housing needs and affordability levels of major demographic groups, including students, young adults, families with children, empty nesters, and seniors, are met and which balances homeownership opportunities with rental unit supply.
 - *Vacation significantly increases the amount of long-term affordable housing that can potentially be delivered on the site.*
- UC-P4: Strengthen a diverse mix of retail and commercial activities on NE 45th Street and Roosevelt Avenue NE
 - *Vacation eliminates a vehicle entry on NE 45th, thus allowing for more ground-floor commercial frontage along the street.*
- UC-P8: In pursuit of Comprehensive Plan Policies Transportation Policies, emphasize comfortable, safe, attractive pedestrian and bicycle access throughout the center, especially those routes identified in citywide modal plans.
 - *Vacation eliminates a pedestrian and vehicle conflict where the alley exits onto NE 45th Street, and allows for a new pedestrian passthrough (e.g., mid-block crossing).*
- UC-P14: Employ a variety of strategies to bring housing development to the affordability levels identified in the Housing element of the Comprehensive Plan, including development partnerships, zoning modifications, and subsidies.
 - *Vacating the alley is a strategy to better meet affordable housing needs by enabling greater site development capacity, and thus potential for more affordable housing units.*
- UC-P19: South of NE 50th Street and west of 15th Avenue NE, create a network of open spaces integrated with development, including improved sidewalks and pedestrian pathways that increase accessibility through and along long blocks. Provide open space and recreation facilities for seniors.
 - *Vacation eliminates a pedestrian and vehicle conflict where the alley exits onto NE 45th Street, and allows for a new pedestrian passthrough (e.g., mid-block crossing).*

3.3 Identify land use actions require to develop project

A future developer of the site will need to complete the environmental and design review process for their project.

3.4 Compare development with/without vacation

As described in section 2.7, a massing study found that with the vacation, the site could potentially physically fit as many as 260 units, whereas without it can accommodate less than 80. Specific unit counts will depend on many factors, such as the amount of subsidy available, the size of units, and the feasible floorplate (based on building dimensional controls, tower separation requirements, and more).

3.5 Urban design analysis of surrounding project site (9 blocks)

The property is in the heart of the University District urban center, which has seen significant development activity in recent years. Significant new residential and commercial development has taken place or is proposed in the nine-block area around the site. The site is zoned for high-rise development, potentially up to 320 feet with bonuses.

Overview of surrounding blocks:

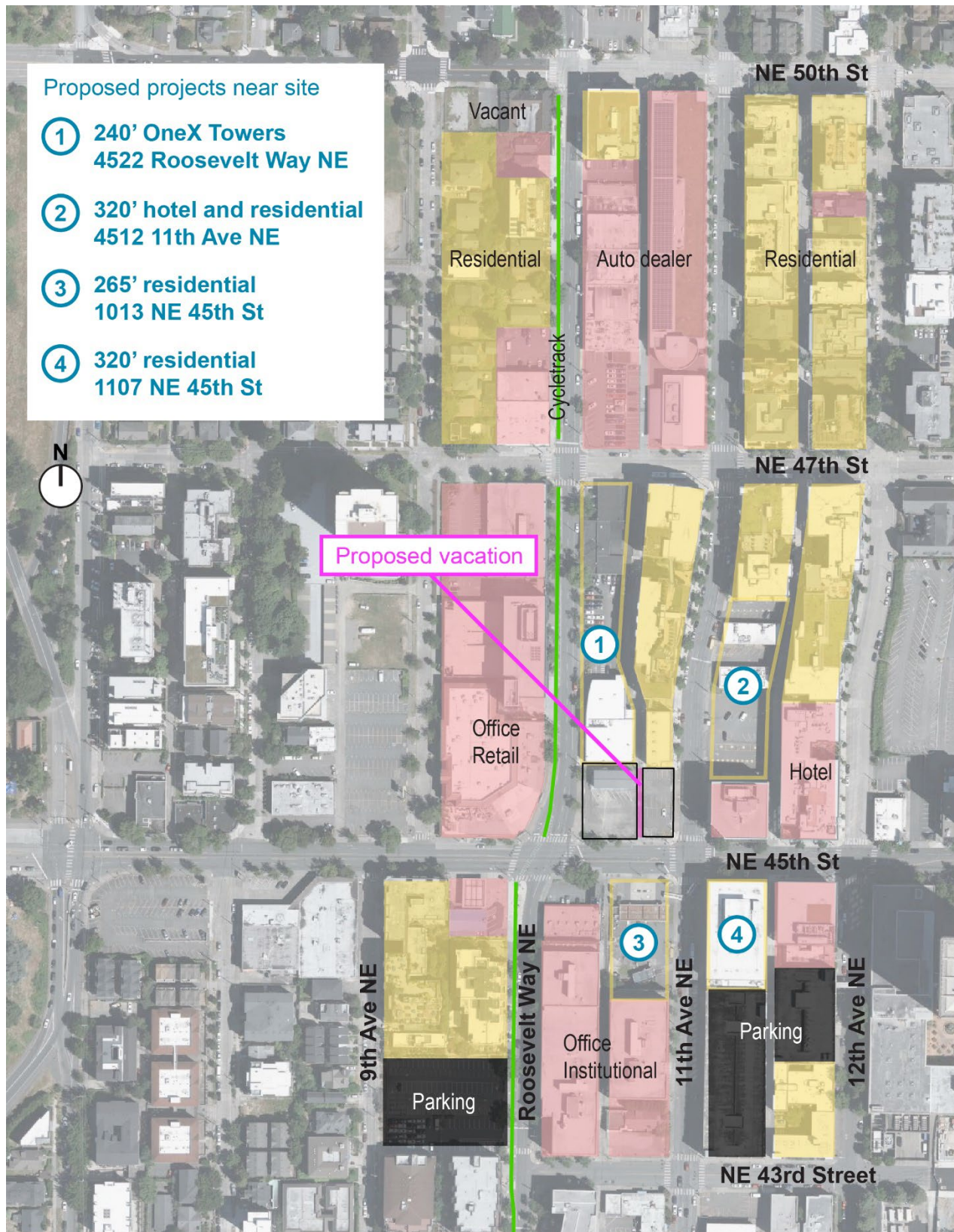
- On the same block as Sound Transit's site are the Bridges @ 11th residential building on the east side and University Mazda on the west side. The OneX Towers project is proposed for the University Mazda site, with two primarily residential towers up to 240' proposed, including one adjacent to Sound Transit's property.
- East of the site is comprised of office, hotel, and residential uses, including a proposed 320' tower at 4512 11th Ave NE.
- A 320' residential tower is proposed southeast of the site at 1107 NE 45th Street.
- South of the site is a gasoline station, where a 265' residential tower is proposed (1013 NE 45th Street).
- West of the site is the AMC movie theater complex, UW CoMotion center, and Trader Joe's grocery.
- North of the site is University Audi VW. Northwest includes small-scale residential uses, whereas to the northeast are higher density residential buildings.

The site is at a crossroads in the neighborhood. NE 45th connects over I-5 to the west and to the UW campus and University Village on the east. Broadway is a mixed commercial and residential corridor and is home to a southbound cycletrack and connection to the University Bridge, while 11th Ave NE is a northbound route and has a dedicated bicycle facility planned as well.

U District TOD

1000 NE 45th Street, Seattle - Partial Alley Vacation

Nine-block context



3.6 Analysis of land use and urban design impacts of development

Sound Transit has not solicited a development partner, so the impacts of development cannot be assessed at this time.

3.7 Analysis of impacts on essential public facilities, such as container ports

No impacts are anticipated.

3.8 Design review materials

This proposal is not subject to design review, but the vacation will be reviewed by the Seattle Design Commission. Sound Transit met with a committee of Seattle Design Commission members on June 9th, 2022, for an early briefing to introduce the potential alley vacation and the rationale.

Once a development partner is selected, proposed future development on the site will be subject to design review by the Seattle Design Commission.

4 Transportation

4.1 Current use and design of street

The alley currently serves a variety of users, in particular the residents and visitors of the Bridges @ 11th building, University Mazda, SPU utility vehicles, and other service/delivery vehicles. The proposed OneX Towers development on the University Mazda site will bring additional primarily residential uses to the block, and likely increase traffic volumes on the alley due to a greater development intensity compared to the existing car dealership. While the alley is planned to be 20' in width to the north, the alley as it bisects Sound Transit's property is only 10' wide.

4.2 Roadway designation of street

The alley does not have a specific designation. The surrounding streets (NE 45th Street, 11th Avenue NE, NE 47th Street, and Roosevelt Way NE) are all designated as principal arterials.

4.3 Analysis of transportation impacts from vacation

Detailed analysis of the impacts of the vacation has not been conducted yet. SDOT and Sound Transit are working to identify and conduct the necessary additional analysis to preserve alley function for all users.

Based on anecdotal evidence, the vacation area sees little use today, due in part to the very narrow 10' width of the right-of-way. However, because the block is surrounded by arterials, and in anticipation of future development on the northwest side of the block, the alley will serve an important function, particularly for SPU service vehicles, delivery vehicles, and residents. As a result, retaining the function of the alley for all users will be a key factor in successfully vacating the southernmost end. Potential solutions to retain access include:

- Realign alley on the north end of Sound Transit's property to exit onto 11th Ave NE or Roosevelt Ave NE
- End the alley in a turnaround on Sound Transit's property, returning traffic to exit onto NE 47th Street

5 Utilities

5.1 Identify current utility uses in ROW

The alley contains the following utilities:

- Gas
- Electric
- Telecommunications
- Storm sewer

5.2 Potential future utility impacts in the area

Not available at this time.

5.3 Proposed mitigation of impacts

Sound Transit has not solicited a development partner, so no mitigation is proposed at this time. The vacation approval is expected to include conditions to address vacation impacts. Design solutions to address impacts will be prepared once a development partner is selected and begins site and building design. Sound Transit discloses property information such as on-site utilities to development partners.

U District TOD

1000 NE 45th Street, Seattle - Partial Alley Vacation



6 Historic sites or buildings

This site is not located in a historic or special review district, nor is Sound Transit aware of nearby historic landmarks or resources.

7 Community engagement plan

7.1 Plan and feedback

Prior to soliciting a development partner, Sound Transit conducted a two-part community engagement plan in 2021 to understand the community's preferences for the future of the site, and to use the input to prioritize development outcomes. Sound Transit has submitted this engagement work to the Department of Neighborhoods for review.

Sound Transit's engagement process included:

- Early engagement: meetings with local stakeholders to discuss the project, focused on institutions and organizations in the neighborhood
- Phase 1: an online survey to gauge baseline preferences and interests of the community
- Phase 2: an online open house to review key takeaways, and ask several additional questions to refine our understanding of community preferences

Engagement information:

- Surveys were available in four languages (English, Spanish, simplified Chinese, and traditional Chinese)
- Over 10,500 postcards were mailed to nearby residents, surveys were advertised online and via Sound Transit listserv; visited 70 businesses and distributed information at the U District Farmers' Market
- Received over 1,800 responses across two surveys

Initial feedback indicated that affordable housing is the top priority for this site, along with ground-floor uses such as retail to create activity. Feedback indicated strong support for maximizing the housing units here, while also accommodating a range of household sizes. In follow up engagement, respondents confirmed the desire for a tall building on this site, principally to achieve affordable housing. Respondents also indicated strong support for 'reconfiguring' the alley to further enhance the development potential of the site.

While the engagement process did not specifically address the topic of public benefit, feedback did indicate the following interests:

- Creating a pleasant and safe pedestrian environment in the public realm (for example, with street trees, safety buffers from traffic, wide sidewalks, stormwater features, and sidewalk seating and tables).
- Providing spaces that serve the broader community, such as small/medium sized retailers, food/groceries, public open spaces, childcare/preschool, and arts and cultural space.
- Accompanying the vacation with improved pedestrian access, including a pedestrian passthrough (e.g., mid-block crossing) crossing from 11th to Roosevelt, and/or a corridor from existing alley through to NE 45th Street.

Only 7% of respondents indicated they did not support changes to the alley.

Thus, a partial alley vacation provides the opportunity act on the primary community feedback, which is to maximize the amount of affordable housing that can be delivered on the site.

7.2 Goals and policies from neighborhood plan

See section 3.2

8 Vacation policies

8.1 Preliminary statement on how proposal addresses policy values

Today, the alley primarily provides for circulation, utilities, and access of the abutting properties. A vacation will impact how the rest of the alley functions for these uses, as well as impacting the land use and urban form of the district. The alley currently does not provide a free speech, public assembly, open space, or view function.

- **Circulation and access:** The alley provides for access and movement of people, goods, and vehicles, particularly related to residents, employees, and visitors of the abutting three property owners. At the north end, the alley continues across NE 47th through the next block, while on the south end, the alley across NE 45th is not aligned, nor is traffic feasibly able to cross NE 45th Street to access it. Because it is not a through street, a partial vacation of the alley is not expected to disrupt the broader transportation network of the neighborhood. However, alley function on this block will need to be retained as it is an important corridor to access resident parking and for service and utility vehicles. This function may be retained in one of several ways, such as an easement for a turnaround, or realigning the alley to 11th Ave NE or Roosevelt Way NE.
- **Utilities:** Utilities do occupy the alley right-of-way. A future developer will need to address this conflict to ensure that these utilities can be accommodated with a vacation.
- **Free speech:** Alley does not serve this function currently.
- **Public assembly:** Alley does not serve this function currently.
- **Open space:** The area to be vacated does not provide a significant open space function currently, and the vacation would not prevent people from accessing the remaining portion of the alley.
- **Light and air:** The vacation may result in impacts to light and air for abutting buildings. However, this will depend on the ultimate site and building design proposed by a future developer, and the ultimate configuration of the alley (e.g., whether a turnaround or realignment to 11th or Roosevelt). It will also depend on whether a pedestrian passthrough is provided on the north end of the site.
- **Land use and urban form:** The vacation will increase the development potential of the property.
 - The vacation could potentially more than triple the site's development capacity.
 - The vacation will require 1,156.7 square feet of right-of-way to be vacated.
 - A turnaround or realignment of the alley, which will be required to maintain alley function, will consume a greater area than the vacation itself, but the possible development yield can still dramatically increase because the remaining parcel becomes a consolidated building site.
 - Without the vacation, the small size of each side of Sound Transit's parcel limits the development potential because a high-rise building is not feasible due to a limited floorplate.
 - The vacation will allow for development that is consistent with planned growth and density in the neighborhood.
 - A potential pedestrian passthrough from 11th Ave NE to Roosevelt Way NE would help reduce the very long block faces of Roosevelt and 11th. Additionally, vacating the alley will result in a longer continuous frontage along NE 45th, which allows a longer continuous façade and greater ground-floor retail and active uses along this priority corridor.
 - Property without vacation: Approximately 18,000 square feet, up to approximately 77 units
 - Property with vacation: Approximately 19,157 square feet, up to approximately 260 units
 - Does not account for area consumed by a turnaround, realignment, or pedestrian passageway, which will reduce the net buildable area.

8.2 Preliminary public benefit proposal summary of vision and goals

While Sound Transit and the Office of Housing have identified several potential public benefit concepts to date, the vacation review process will help identify and refine these concepts. The aim is to sufficiently define a benefits package through the vacation process such that a future development partner for this property has a clear understanding of expectations, while allowing for some flexibility or optionality. Because this is a constrained site and affordable housing projects already require subsidy, preserving some flexibility will assist a nonprofit developer in designing and permitting a feasible building and could potentially help reduce project costs.

Potential public benefit concepts include:

- An east-west pedestrian passage on the north end of the property, connecting 11th Ave NE to Roosevelt way NE (reflecting the 'mid-block crossing' concept identified in local planning priorities)
- Partnering with Seattle's Cultural Space Agency to occupy ground-floor space in the future project for use as studio space, for gatherings/exhibitions, and/or other programming.

Sound Transit anticipates that the review process, including discussions with staff, the Design Commission, and community engagement, will help to identify the ultimate package of public benefits that are expected in exchange for the vacation. The conditional vacation approval is expected to include conditions to address public benefits obligations.

9 Environmental review

The future developer of the property will be responsible for any required SEPA review associated with their development proposal.

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Reserving to the City of Seattle all necessary slope rights including cuts or fills on the above-described former right-of-way property for the protection of the reasonable original grading of right-of-way abutting on the property after the vacation; and

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SIGNATURE OF PETITIONERS:

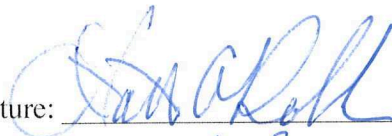
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OWNER:

Central Puget Sound Regional
Transit Authority

PROPERTY King County Parcel
7733600155

Signature: _____


FAITH A. ROLAND

Director Real Property

Date: 6/30/2022

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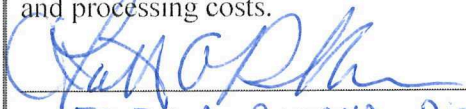
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☐ I/we have been informed of the cost, obligations, petition requirements, Street Vacation Policies, the time frame involved in the review of a vacation petition; and

☐ I/we understand that property owners abutting the vacation area are obligated to pay a vacation fee in the amount of the appraised value of the right-of-way. State, federal or city agencies are not required to pay a vacation fee but are required to pay for all other fees and processing costs.

 Petitioner 6/30/2022 Date
FAITH A. ROLAND, Director Real Property

CONTACT INFORMATION:

Petitioners:

Central Puget Sound Regional Transit Authority (Sound Transit)

Contact:

Abel Pacheco
Manager, Government & Community Relations – Central Corridor
abel.pacheco@soundtransit.org
(310) 562-2938

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and declare that I/we have no objections to the partial alley vacation.

OWNER

(Printed Name and Signature)

PROPERTY

Yuan Lin
GZI ONEX, LLC

0825049050
0825049066
6746701380
6746701390

OWNER

DATE

Parcel

OWNER
(Printed Name and Signature)

PROPERTY

UNIVERSITY OF WASHINGTON

6746701320

OWNER

DATE

Parcel

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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

and declare that I/we have no objections to the partial alley vacation.

<u>OWNER</u>		<u>PROPERTY</u>
(Printed Name and Signature)		
Yuan Lin		0825049050
GZI ONEX, LLC		0825049066
		6746701380
		6746701390
OWNER	DATE	Parcel

OWNER
(Printed Name and Signature)

PROPERTY

UNIVERSITY OF WASHINGTON

6746701320

DocuSigned by:
Jeanette Henderson 6/17/2022
A272062EB900470...

OWNER	DATE	Parcel
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If you have any questions regarding the vacation process, please call street vacation staff at 206.684.7564.

From: [Barnett, Beverly](#)
To: [Williams, Jonathan - DOT](#); [Keenan-Koch, Jackson](#); [Guillory, Carly](#); [Rutzick, Lisa](#); [Jenkins, Michael](#); [Kinast, Valerie](#); [Suder, Jerry](#); [Shaw, John](#); [LaBorde, Bill](#); [Marek, John](#)
Cc: [Nelson, Alyse](#); [Larsen, Shauna](#); [Gray, Moira](#); [Gray, Amy](#)
Subject: Council questions on Sound Transit parcel at 45th
Date: Thursday, December 9, 2021 9:46:13 AM
Attachments: [Final Report_NE 45th Roosevelt_2020-10-02_lo res.pdf](#)

Good morning everyone. Sound Transit (ST) owns property at 45th that has been used for staging but now that the UW station is open ST would like to sell the property and wants to support affordable housing on the site. An alley vacation is one option. The site is complicated because they don't own the whole block and other owners use the alley as well. I know ST has been talking about the site and meeting w/ city staff so you may be very familiar with this.

CM Pedersen is interested in supporting an affordable housing development at the site and has asked me to set a meeting next week with vacation reviewers to get an idea of the questions/issues that ST would be facing with the vacation review. ST would be doing an RFP with the development by a future owner.

I'm getting some times from CM Pedersen for the meeting. If you cannot attend please feel free to forward or send any issues that should be on the list for ST. I will be reaching out to ofc of housing and DON as well but I think for the meeting with CM Pedersen the key issues will be around site access, pedestrian environment/streetscape and public benefit.

CM Pedersen provided feasibility work that I have included here. Thanks and watch for a meeting invitation.

From: [Barnett, Beverly](#)
To: [LaBorde, Bill](#); [Sheldon, Elizabeth](#); [Nelson, Alyse](#)
Cc: [Gray, Amy](#); [DuBois, Jeanette](#)
Subject: CM Pedersen asks Sound Transit for housing timeline
Date: Friday, September 9, 2022 11:17:59 AM

Good morning. We updated council staff on the work on the Sound Transit proposed vacation at 1000 45th including that we thought the proposal would likely be ready for council review in March/April. Sound Transit is still working on some review work and community engagement updates. Sound Transit asked for Design Commission review in December. Sound Transit also indicated that the Ofc of Housing would likely not be ready to start the RFP process in February.

Yesterday afternoon CM Pedersen asked Sound Transit to provide an updated schedule “from today through the construction of a building”, he has questions as to how quickly the bid process, selection and then the building design and permitting process can be accomplished. He wants to make sure there is not a significant gap between the closure of the tiny house village currently on the site and the start of the new construction.

I am working with Sound Transit on the vacation review and public hearing process but they will need Ofc of Housing for much to the information. Thanks

From: [Keenan-Koch, Jackson](#)
To: [Barnett, Beverly](#); [Marek, John](#); [Shaw, John](#)
Subject: RE: 1000 NE 45th - SDOT-SDCI alley vacation comments
Date: Wednesday, April 6, 2022 4:00:52 PM
Attachments: [image001.png](#)
[image003.png](#)

Hi Beverly,

We would expect the project to do a SEPA analysis of transportation impacts when it comes in for permitting.

But, SDOT and SDCI are in agreement that we do not need to see further analysis as a part of the alley vacation petition.

Thanks,

Jackson Koch | 206-741-2123

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Sent: Wednesday, April 6, 2022 2:13 PM
To: Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Marek, John <John.Marek@seattle.gov>; Shaw, John <John.Shaw@seattle.gov>
Subject: RE: 1000 NE 45th - SDOT-SDCI alley vacation comments

Thank you. At this time do you believe we need to request any additional traffic analysis, counts, turning movements or anything?

From: Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>
Sent: Wednesday, April 6, 2022 2:10 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Marek, John <John.Marek@seattle.gov>; Shaw, John <John.Shaw@seattle.gov>
Subject: 1000 NE 45th - SDOT-SDCI alley vacation comments

Hi Beverly,

Please find attached joint comment letter from SDCI and SDOT on this proposed alley vacation. The headline comment:

Based on our evaluation of three design options, we are recommending the project move forward with a vacation proposal that provides a new turnaround, at- or below-grade, at the northern boundary of the project site and in alignment with the existing north-south alley. We are open to non-standard designs or deviations for this turnaround provided that the project RFP be conditioned so that **any design must be shown to accommodate an SPU Solid Waste collection vehicle and SU-30 commercial freight box truck. We do not currently support a proposal**

to redesign the alley for a through connection to Roosevelt Way NE or 11th Ave NE.

We are happy to meet and discuss any comments or questions.

Any typos or errors are mine

Thanks,

Jackson Koch | 206-741-2123

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>

Sent: Thursday, March 24, 2022 4:11 PM

To: Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Marek, John <John.Marek@seattle.gov>

Subject: FW: 1000 NE 45th solid waste concerns

This was provided by SPU. thanks

From: Hulsman, Sally <Sally.Hulsman@seattle.gov>

Sent: Monday, March 21, 2022 4:19 PM

To: Barnett, Beverly <Beverly.Barnett@seattle.gov>

Subject: 1000 NE 45th solid waste concerns

Hi Beverly,

Here's what solid waste needs:

- SPU to provide: inventory of current solid waste in the alley
- Others to provide: Approximate size and type of development (Residential + Commercial) for estimating new development solid waste needs. If it is big, it has some implications for what type of containers and therefore the trucks needed and the frequency of trucks in the alley.

Observations:

- Exit to bike lanes – not good for solid waste. We do it, but it puts bikers and drivers at risk.
- Hammerheads are good – turning radius calculations needed
- We do not back out onto an arterial. Goal would be to go through the alley instead of going into alley head on and then backing out.
- And yes, not great to exit into arterial.

Other impacts on SW:

- Delivery activity estimates may impact solid waste services. If alley is blocked, solid waste services are interrupted. We often request, for example, a Loading Dock Operations plan when it comes to how all services are coordinated.

Let me know your timing.

Thanks,

Sally

Sally Hulsman

Solid Waste Inspections & Compliance

City of Seattle, <https://www.seattle.gov/utilities>

O: 206-684-4682 | M: 206-255-8768 | sally.hulsman@seattle.gov

[Facebook](#) | [Twitter](#)

From: [Gray, Amy](#)
To: [DuBois, Jeanette](#)
Subject: FW: Sound Transit schedule is changing
Date: Wednesday, September 7, 2022 12:17:24 PM

Amy Gray

[Department of Transportation](#)

M: 206-472-5788 | amy.gray@seattle.gov

**please note, my work number has changed*

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Sent: Wednesday, September 7, 2022 12:11 PM
To: LaBorde, Bill <Bill.LaBorde@seattle.gov>; Sheldon, Elizabeth <Elizabeth.Sheldon@seattle.gov>; Nelson, Alyse <Alyse.Nelson@seattle.gov>
Cc: Gray, Amy <Amy.Gray@seattle.gov>
Subject: Sound Transit schedule is changing

Yesterday, Sound Transit met with the design commission to talk about scheduling the review of the proposed vacation at 1000 45th. In the meeting we talked about both the presentation material and information the commission might want to discuss. Sound Transit requested a commission review date in December for the first part of the commission review and indicated they did not think they could be ready before then.

This does impact the early schedule planning that hoped to be at city council in January. Sound Transit also indicated that the Ofc of Housing did not believe they could be ready to go out for bids in February so it does not appear this will impact or delay housing.

Now it seems likely that this will be ready for city council review in the March/April time frame. Please let me know if you have any questions. I will put something in the weekly next Monday.
thanks

From: [Barnett, Beverly](#)
To: [Sheldon, Elizabeth](#); [LaBorde, Bill](#); [Nelson, Alyse](#)
Cc: [DuBois, Jeanette](#); [Gray, Amy](#)
Subject: Sound Transit Exec Board approves surplus at 1000 NE 45th
Date: Thursday, November 3, 2022 12:16:24 PM

The Sound Transit Executive Committee met this morning (Nov 3) and discussed the proposal to surplus the ST property at 1000 NE 45th for an affordable housing project. The property was used by ST as a construction staging site for the development of the Link University District station. The property is now leased for a Tiny House Village. Tim Bates briefed the board using some exhibits from the vacation petition showing the location and the relatively small site. ST staff determined that if the parcels on either side of the alley were developed separately it would likely accommodate around 80 units of housing. They showed that if the alley is vacated there would likely be around 200 units of housing in a midrise building. They also indicated the community process showed strong support for affordable housing on the site.

ST staff indicated that were working positively with Ofc of Housing, SDOT and other city staff and that they had a formal vacation petition before City Council. They indicated the Council action would be 2nd/3rd quarter in 2023, the bid process and housing developer selection in 3rd/4th quarter 2023 and they would be back to the board in 2024 with a project proposal.

The action was to approve the designation of the property as surplus since it is not adjacent to the station and does not have a sound transit purpose. Mayor Harrell was very supportive of the vacation and the proposal and thanked staff for working with the city early.

There was no discussion of affordability level for the housing and no discussion of resources for the work, such as consultant contracts. But it was a very positive discussion and the vote was all “yes”.
thanks

Resolution No. R2022-31

U District 45th & Roosevelt TOD surplus declaration, suitability for housing, and offering strategy

Meeting:	Date:	Type of action:	Staff contact:
Executive Committee	11/03/2022	Recommend to Board	Bria Knowles, PEPD Acting Executive Director
Board	11/17/2022	Final action	Mara D'Angelo, Manager, Transit-Oriented Development Tim Bates, Senior Project Manager

Proposed action

(1) Approves the chief executive officer's declaration that the U District 45th & Roosevelt TOD Site is surplus; (2) declares the TOD Site as suitable for development as housing; (3) authorizes staff to offer the TOD Site first to qualified entities to create affordable housing; (4) authorizes staff to offer the TOD Site at below market value to facilitate affordable housing outcomes.

Key features summary

- This set of four proposed actions advances transit-oriented development (TOD) on the U District 45th & Roosevelt TOD Site located at 1000 NE 45th Street, Seattle, WA.
- This action:
 - Approves the chief executive officer's (CEO's) declaration that the TOD Site is surplus and is no longer needed for a transit purpose;
 - Declares the TOD Site as suitable for development as housing;
 - Authorizes staff to offer the TOD Site first to qualified entities (local governments, housing authorities, and nonprofit developers) for development of affordable housing as defined in RCW 81.112.350; and
 - Authorizes staff to offer the TOD Site at a discounted land value, including at no cost, to facilitate affordable housing outcomes.
- The real property identified in this requested action is depicted in Exhibit A.

Background

Property

Sound Transit acquired the property comprising the TOD Site in 2001. The parcel was used as construction offices supporting the construction of the Northgate Link Extension. The site is located northwest of U District Station and is bounded by NE 45th Street, Roosevelt Way NE, and 11th Ave NE. It consists of one tax parcel (773360-0155), which is bisected by a public alley. Exhibit A illustrates this parcel and its surroundings.

The property was acquired without federal funding and its disposition does not require federal approval.

The TOD Site is 17,815 square feet (~0.41 acres) and has an appraised value of \$6.8 million (2022). It is zoned for mixed-use development as-of-right, which allows for high-rise development of up to 320 feet with incentives. However, this is a small, constrained site, and high-rise development is likely not feasible as currently configured due to the alley (which splits the site into two building pads) and setback requirements from a proposed high-rise project on the northwest property boundary. Reflecting this, the appraised value is based on highest and best use as mid-rise construction of multifamily/mixed-use development.

While working to prepare for permanent development on the TOD Site, Sound Transit has leased the property to the City of Seattle for use as a temporary tiny house village. The village, which provides 36 furnished residential units, is overseen by the King County Regional Homelessness Authority and operated by the Low Income Housing Institute. The lease may be extended annually to 2024.

TOD Analysis

Sound Transit staff conducted a TOD assessment of the TOD site, reflecting property boundaries, likely development layout and program, market analysis, and community engagement efforts. This work concluded housing was a suitable use for the site, accompanied by ground-floor uses such as retail, commercial, and/or community uses. Based on the site conditions and city regulations, the assessment found that mid-rise development (6-8 stories) is achievable with the site as configured today with approximately 77 residential units. If the existing public alley were reconfigured and vacated to create a consolidated building pad site, a high-rise building could be physically feasible, potentially accommodating over 200 units.

Community feedback, as gathered through Sound Transit's community engagement work, indicated that there is strong support for maximizing affordable housing outcomes on this site, including constructing a high-rise building and reconfiguring the alley to maximize the development footprint. Reconfiguring the alley would require completing the City of Seattle's street vacation process, which could be completed by Sound Transit or a future developer. Typically, a street vacation is pursued in the context of a specific project proposal, which will not be available until Sound Transit has selected a development partner for the site. However, leaving the alley vacation for a future developer to complete after a competitive solicitation is less ideal because it is unlikely that developers would incorporate an alley vacation into their proposals due to the schedule and budget risks that the vacation process introduces and would introduce solicitation risk for Sound Transit.

As a result, Sound Transit staff have been working with Seattle's Office of Housing and Department of Transportation to identify a path to vacating the portion of the alley bisecting the TOD Site earlier than in the development process than is typically done. After briefings with city staff and with support from adjacent property owners, Sound Transit submitted a petition to vacate the alley in July 2022 and introduced the topic at a Seattle City Council Transportation and Seattle Public Utilities Committee meeting on July 19th. Sound Transit and the city are working collaboratively to analyze the feasibility of the vacation and city staff will ultimately recommend a set of conditions for approval to the Seattle City Council. City staff have indicated that approval of the vacation will be contingent on both maintaining alley function for existing and future users (via a turnaround or realignment east or west) and Sound Transit pursuing an affordable housing project on the site. Additionally, recent changes to city policy now waive the real property compensation requirement for vacations that support affordable housing outcomes. This process is likely to advance in the first half of 2023, culminating in a public hearing and ultimately the city council's vote to approve or reject the proposed vacation.

TOD Goals for the Site

Sound Transit has been working to develop TOD goals for the site based on community and stakeholder input. Sound Transit staff have also been working with the Seattle Office of Housing to align resources

and characterize affordable housing feasibility. Drawing on these efforts, staff identified the following list of key goals:

- Maximize affordable housing: Proposals should maximize affordable housing outcomes achieved on the site, seeking to maximize the number of units delivered and for all units to be affordable to those earning 80% or less of Area Median Income (AMI). Proposals should seek to provide deeper affordability (60% AMI or less).
- Active ground-floor uses: Proposals should incorporate ground-floor commercial and/or community-serving uses. The property's location in the heart of the University District and on the busy NE 45th Street corridor means that an active ground floor that supports a busy pedestrian environment will be an important aspect of the project.
- Safe and comfortable streetscape: The project should support the creation of a safe and comfortable pedestrian environment, which could include elements such as wider sidewalks, street trees, and safety buffers such as landscaping or green stormwater features.

Recommended Actions

(1) Approves the CEO's declaration that the U District 45th & Roosevelt TOD Site is surplus

The TOD Site is depicted in Exhibit A. The CEO has determined that this property can be declared surplus and is no longer needed for a transit purpose.

(2) Declares the TOD Site as suitable for development as housing

RCW 81.112.350(b)(i) states that, unless certain exceptions apply, "a minimum of eighty percent of [Sound Transit's] surplus property to be disposed or transferred, including air rights, that is suitable for development as housing, must be offered for either transfer at no cost, sale, or long-term lease first to qualified entities that agree to develop affordable housing on the property, consistent with local land use and zoning laws." The statute defines qualified entities as local governments, housing authorities, and nonprofit developers.

Staff recommends that these properties are suitable for development as housing.

Threshold evaluation considerations:

- Housing is a permitted use within the property's zoning district
- The size and shape of the properties meet the zoning code's minimum requirements for constructing housing; and
- The known environmental conditions of the properties are not expected to create an unsurmountable barrier to constructing housing.

Discretionary evaluation considerations:

- The City of Seattle is supportive of housing on this site;
- The community is supportive of housing on this site;
- A market and feasibility study identified housing as a viable use on this site; and
- Sound Transit's appraisal identified housing, as part of mixed-use development, as a highest and best use of the site.

(3) Authorizes staff to offer the TOD Site first to qualified entities for the development of affordable housing

Staff recommends pursuing an affordable housing outcome on the TOD site for several reasons:

- Development of an affordable housing project with active ground floor uses, such as retail, responds to community engagement feedback and is compatible with the city's planning efforts in this neighborhood.
- Community, city, and state stakeholders and policymakers strongly support affordable housing on this site. Local stakeholders have identified affordable housing as a missing element in the U District's dramatic growth in recent years. Despite being one of the city's most active development markets in recent years, very little affordable housing has been built in the neighborhood recently. Stakeholders support using this publicly owned property, located in a high opportunity area and with a prime location at the heart of the neighborhood, to achieve as much affordable housing as possible.
- Funding partners are prepared to align affordable housing funding for this site. Seattle's Office of Housing will partner with Sound Transit on a joint solicitation, and will pre-commit affordable housing funding to the project through that solicitation. The site may further be eligible for the Washington State Housing Finance Commission affordable housing bond financing and for Amazon Housing Equity Fund dollars, dedicated to affordable housing projects on Sound Transit TOD sites.

(4) Authorizes staff to offer the TOD Site below market value to facilitate affordable housing outcomes

Consistent with RCW 81.112.350, the Sound Transit Board can discount property to facilitate affordable housing outcomes. Staff recommends a discount for the TOD Site for the following reasons:

- Most affordable housing projects serving area median incomes of at or below 60% of area median income typically require public subsidy in the form of low-cost, subordinate debt, low income housing tax credit allocations, discounted land value, and/or grants. Land cost is typically 5-15% of a project budget, and without discounting land value, would likely require additional local subsidy, which is likely to be a barrier to the project.
- The appraised value of the TOD Site is \$6.8 million. The cost of land may be a barrier for realizing significant affordable housing outcomes at this site. This is particularly the case if high-rise development, which has a higher construction cost than mid-rise, is pursued to maximize the affordable housing outcomes on the site.
- A discounted land value helps unlock other affordable housing funding resources. The Washington State Housing Finance Commission has implemented a streamlined process for issuing bond/tax credit allocations to finance affordable housing on Sound Transit TOD sites where the agency has provided a significant discount of the land value. The site is also eligible for Amazon's Housing Equity Fund.

Staff is seeking authorization to offer a discount, including a no cost transfer, for the TOD Site to seek the maximum amount of affordable housing produced through a competitive solicitation process. The final amount of discount is subject to future Board approval, once the amount of achievable affordable housing has been determined through a competitive offering process.

Next Steps and Future Board Involvement

Should the Board approve these actions, Sound Transit begin the competitive solicitation process for the TOD Site, likely in Q2 2023. This will allow time for the alley vacation process to conclude. The solicitation will be offered to qualified entities in accordance with RCW 81.112.350.

After receiving responses to the solicitation, staff will evaluate them and negotiate a term sheet with the top ranked proposer. Following negotiations, the key business terms, including the amount of land value

discount for affordable housing and number of units proposed, will be brought before the Board for consideration.

Fiscal information

A 2022 market appraisal valued the U District 45th & Roosevelt TOD Site at \$6.8 million for market-rate development. The proposed actions would direct staff to offer the TOD Site first to qualified entities and would authorize staff to discount land value for affordable housing that meets the requirements of RCW 81.112.350.

The Long-Range Financial Plan includes a forecasted goal to meet the ST3-assumed target of \$93.8 million (2016\$) for surplus property revenues over the lifetime of the plan (2017-2046) that includes assumptions on properties that could be used to reach this target and when the revenue will be received. Since 2016, the agency has achieved approximately \$64 million in property sales and ground leases.

Due to Sound Transit's affordable housing goals and requirements (as included in ST3), the forecast does not assume that all surplus properties will be sold for fair market value. The agency has multiple future opportunities to achieve the revenue target, including those from future ST3-acquired property that will be determined as transit projects progress through the final design and construction phases. Additionally, property values have escalated faster than originally assumed, which results in the potential for higher revenues than planned. As a result, discounting a property does not necessarily result in a negative impact on the affordability of the Financial Plan.

The Fall 2022 Financial Plan forecast of the surplus property target does not assume the identified value (\$6.8 million) for the TOD Site as revenue. Even if the site is discounted, the agency believes that the Financial Plan target can still be achieved within the same timeframe. As a result, there would not be a negative impact to the affordability of the Financial Plan.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Sound Transit conducted community engagement for the U District 45th & Roosevelt TOD Site in 2021. Early engagement efforts included meeting with stakeholders to identify goals and help shape community engagement efforts. Sound Transit then held two online surveys to receive community feedback on the site. Participants submitted over 1,800 comments, and key takeaways include:

- Affordable housing is the top priority for this site
- Maximizing the number of housing units, while accommodating a range of household sizes, is also important
- The project should improve the street-level and pedestrian environment

The final community engagement report is available to the public here:

<https://www.soundtransit.org/sites/default/files/documents/university-district-tod-engagement-report-05162022.pdf>.

Time constraints

A delay greater than one month could delay the alley vacation process with the City of Seattle, and thus delay Sound Transit's competitive solicitation process for the site. Staff are seeking Board approval now

because the alley vacation process depends on the agency's commitment to offering this site for affordable housing.

Prior Board/Committee actions

Resolution No. R2018-10: Adopted an Equitable Transit Oriented Development Policy to reflect ST3 and RCW 81.112.350 direction to implement a regional equitable TOD strategy during planning, design, construction and operation of the high-capacity transit system and supersedes Resolution No. R2012-24.

Resolution No. R2000-14: Authorized the Executive Director to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation, by settling condemnation litigation or entering administrative settlements, and to pay eligible relocation and re-establishment benefits to affected parties as necessary for the Central Link Light Rail project (Design-Build Contract Segment, from NE 45th St. to Convention Place Station).

Environmental review – LS 10/25/2022

Legal review – JV 10/28/22

Resolution No. R2022-31

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority (1) Approving the CEO's declaration that the U District 45th & Roosevelt TOD Site is surplus; (2) declaring the TOD Site as suitable for development as housing; (3) authorizing staff to offer the TOD Site first to qualified entities for the development of affordable housing; (4) authorizing staff to offer property within the TOD Site below market value to facilitate affordable housing outcomes.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Sound Transit district on November 5, 1996, November 4, 2008, and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Sound Transit acquired the subject property, currently identified as the U District Transit Oriented Development Site located in Seattle, WA for the Central Link Light rail project in 2001; and

WHEREAS, RCW 81.112.350 requires Sound Transit to "develop and seek voter approval for a system plan, ... to implement a regional equitable transit-oriented development strategy for diverse, vibrant, mixed-use and mixed-income communities consistent with transit-oriented development plans developed with community input by any regional transportation planning organization within the regional transit authority boundaries"; and

WHEREAS, on June 23, 2016 the Sound Transit Board adopted Resolution No. R2015-16 approving the Sound Transit 3 Regional Transit System Plan (the "ST3 Plan") and on November 8, 2016 the voters approved the ST3 Plan. The ST3 Plan provides (at page 12), "Sound Transit will implement a regional equitable TOD strategy for diverse, vibrant, mixed-use and mixed income communities adjacent to Sound Transit stations that are consistent with transit oriented development plans developed with the community by the regional transportation planning organization within Sound Transit's boundaries. ... Sound Transit will use such plans as the 2013 Growing Transit Communities Strategy to inform the content and implementation of its TOD strategy"; and

WHEREAS, unless certain exceptions apply, RCW 81.112.350 requires that the agency offer for transfer at no cost, sale, or long-term lease at least 80 percent of its surplus properties that are suitable for housing first to qualified entities (local governments, housing authorities, and non-profit developers) that agree to develop affordable housing on the property, and if accepted, at least 80 percent of the housing units created on the property must serve those whose adjusted income is no more than 80 percent of the adjusted median income for the county in which the property is located; and

WHEREAS, on April 26, 2018, the Sound Transit Board adopted Resolution No. R2018-10 adopting an Equitable TOD Policy to reflect the ST3 Plan and RCW 81.112.350 direction to implement a regional equitable TOD strategy during planning, design, construction and operation of the high-capacity transit system; and

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that:

Section 1. The chief executive officer's declaration that the TOD Site is surplus and is no longer needed for a transit purpose.

Section 2. The TOD site is suitable for development as housing.

Section 3. Staff is hereby authorized to offer the TOD Site first to qualified entities for the development of affordable housing.

Section 4. Staff is hereby authorized to offer the TOD Site below market value to facilitate affordable housing.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____.

Kent Keel
Board Chair

Attest:

Kathryn Flores
Board Administrator

U District 45th & Roosevelt TOD

Exhibit A – TOD Site Boundaries



This map is accompanied by no warranties.



SDOT Street Use Comments Sheet

Sound Transit

SUVAC0000004

Project: NE 45th St Alley Vacation

Item #	Subject	Author	Comments	Date
1	Vacation Proposal Package	Sally Hulsman, SPU Solid Waste	<p>Here's what solid waste needs:</p> <ul style="list-style-type: none"> •SPU to provide: inventory of current solid waste in the alley •Others to provide: Approximate size and type of development (Residential + Commercial) for estimating new development solid waste needs. If it is big, it has some implications for what type of containers and therefore the trucks needed and the frequency of trucks in the alley. <p>Observations:</p> <ul style="list-style-type: none"> •Exit to bike lanes – not good for solid waste. We do it, but it puts bikers and drivers at risk. •Hammerheads are good – turning radius calculations needed •We do not back out onto an arterial. Goal would be to go through the alley instead of going into alley head on and then backing out. •And yes, not great to exit into arterial. <p>Other impacts on SW:</p> <ul style="list-style-type: none"> •Delivery activity estimates may impact solid waste services. If alley is blocked, solid waste services are interrupted. We often request, for example, a Loading Dock Operations plan when it comes to how all services are coordinated. 	3/28/2022
2	Vacation Proposal Package	Jackson Keenan-Koch, SDOT Street Use	<p>Summary: Based on our evaluation of three design options, we are recommending the project move forward with a vacation proposal that provides a new turnaround, at- or below-grade, at the northern boundary of the project site and in alignment with the existing north-south alley. We are open to non-standard designs or deviations for this turnaround provided that the project RFP be conditioned so that any design must be shown to accommodate an SPU Solid Waste collection vehicle and SU-30 commercial freight box truck. We do not currently support a proposal to redesign the alley for a through connection to Roosevelt Way NE or 11th Ave NE.</p>	4/6/2022
3	Alley concept and Traffic Memos	Gerald "Eddie" Buker, SDCI Land Use Planner	<ul style="list-style-type: none"> •SMC 23.48.615.A.2 states that a minimum lot size of 12,000 sq ft is required to have a high rise building (>95'). Neither lot as it exists currently can support greater than 95'. Without the alley vacation, a high rise is not possible. •With proposed tower buildings to the northwest (OneX site), the standards of SMC 23.48.645.E.1 apply which require tower separation of 75'. Therefore, if a high rise is proposed, it makes sense for the alley to connect to Roosevelt Ave NE or have the bulk of the turnaround to be within the tower separation area in the northwest corner. •An alley connection to 11th Ave NE could use up ground areas that are free and clear of the tower separation restriction depending on final configuration. •The "Alternative Comparison Table," footnote 3 assumes a 18 story max building. Based on the zoning code, 22-28 stories is probably the maximum obtainable via the land use code. 32 stories is the maximum but unlikely to be proposed on account of floor plate size and FAR limits. •I am not sure the relevance of 60' clear from the north in both the table and on the site plans (as seen in exhibits). 75' is tied to a development standard centering around tower separation from neighboring proposals. •The midrise height allowance is 95'. The assumptions don't appear to call out this height. •Incentive zoning provisions apply for any development exceeding 4.75 FAR. If the sites are combined, development exceeding ~80,000 sq ft will require either Neighborhood open space, SDOT green street improvements, Midblock connector. Each of these will use ground area which in turns impacts floor plate analysis. This may be too detailed for this memo. •The floor plate analyses don't appear to account for 4' dedication or setback along Roosevelt Way NE. <p>**I acknowledge that my comments may not be relevant or be too "in the weeds" for the memos cited here.</p>	4/17/2023



SDOT Street Use Comments Sheet

Sound Transit

SUVAC0000004

Project: NE 45th St Alley Vacation

Item #	Subject	Author	Comments	Date
4	Traffic Memo	John Shaw, Transportation Planner	<p>General comment: the analysis doesn't provide a quantitative assessment (such as level of service) of traffic at either the 11th Ave NE location or (if a hammerhead/cul-de-sac is developed) NE 47th Street. This limits our understanding of likely traffic impacts of either alternative, although as the memo notes that the new project would not have any on-site parking, I agree with the general conclusion that it will add little if any traffic to the alley.</p> <p>Specific comments:</p> <p>-2. Evaluation findings: the memo states that projections of alley traffic crossing the 11th Ave NE bike lane are 2-10 vehicles/day. I can't tell how they arrived at this estimate. Traffic from other buildings with driveways on the alley likely will use this connection to 11th Ave if they are traveling to the buildings from the south, as it would be shorter than continuing north to 47th and accessing the alley from the north. This would amount to considerably more than 2-10 trips/day.</p> <p>-3. Key information and assumptions: the analysis assumes ridehailing would occur on Roosevelt, but acknowledges that if parking on Roosevelt is removed, these trips may occur in the alley. This would increase alley traffic.</p> <p>-3. Key information and assumptions: the estimate of move-in/move-out traffic is incorrect. If 200 units are constructed, a 50% turnover rate (which is consistent with estimates used in traffic studies for other apartment developments) would result in 100 units turning over in a year, or 2/week (not 1.0).</p> <p>-Alternative 4: the only identified drawback to Alternative 4 is the potential for waste management vehicles to block alley traffic. It would be helpful to understand whether such blockage is inevitable (does the waste management vehicle fully block the alley?), how frequently such blockages would occur, and when they would occur (e.g. early morning vs middle of the day).</p> <p>-Alternative 4: the last paragraph notes that the property owners of the Bridges development may limit use of their private driveway by nonresidents, which I agree could occur. It would be helpful to understand the impacts of the different vacation alternatives if this driveway were closed to nonresidents, but the memo doesn't provide this (see my general comment).</p>	4/19/2023
5	Alley Concept Memo	Bradley Willburn, SDCI Land Use	<p>From my perspective, the only thing standing out needing further information is solid waste retrieval and staging, it is not a cohesive impact analysis on the number of pick-ups that may occur which they admit (Memo 4/6/2023). This is an end of block development site, and it would have been nice to see SPU weigh in as to the frequency and possible pick-up locations.</p>	4/17/2023
6	Alley Concept Memo	Joseph Hurley, SDCI	<p>I will be very happy to provide comments (in conjunction with Eddie/Zoning) and have a few notes and questions about these documents. Specifically the viability (non-viability) of the hammerhead turnaround (attached is a sketch showing how structure (a post-tensioned concrete slab) could possibly span over the hammerhead) and some of the development capacity estimates on page 3 of the "Concept Alternatives Analysis" PDF.</p> <p>Response to Eddie's comment "I am not sure the relevants of 60' clear...": I think this assumes a Type I Decision by the Director to reduce tower separation by up to 20% ("If the presence of an existing highrise structure would preclude the addition of another highrise structure...etc.")</p> <p>Response to Eddie's comment "The midrise height allowance is 95'. The assumptions don't appear to call out this height.": I talked to Gordon Hicks about this and he said anything over 75-feet needs to be rated construction, Type I or Type II - that is, concrete and steel- as compared to unrated Type V wood-framing. So – a massive cost difference that keeps midrise projects at 75 feet! I am not sure if that is part of the KPFF analysis, but there it is.</p>	4/21/2023
7	Revised Traffic Memo	Adam Maurer, SPU Solid Waste	<p>SPU Solid Waste supports Sound Transit's preferred alternative 3 – Partial Vacation and Dedication of Access to 11th Ave NE, with the following caveat:</p> <ul style="list-style-type: none"> •All front-load, rear-load, and roll-off solid waste trucks must be able to maneuver through the alley from west-to-east and vice versa 	6/9/2023



SDOT Street Use Comments Sheet

Sound Transit

SUVAC0000004

Project: NE 45th St Alley Vacation

Item #	Subject	Author	Comments	Date
8	Revised Traffic Memo	Kelsey Timmer, SDOT Street Use	Based on the new information in the Traffic Memo, SDOT would support an alley vacation option with alley access on NE 47th St and 11th Ave NE. SDOT is now supportive of this option because we believe there will be opportunities for SDOT to work with the private development to minimize impacts to pedestrians and cyclists on 11th Ave NE.	6/9/2023

MEMO



Date: April 12, 2023
To: Tim Bates, Sound Transit
From: John McMillan, PE, PMP
Subject: Sound Transit University District 45th & Roosevelt TOD Alley Concept Alternatives Analysis

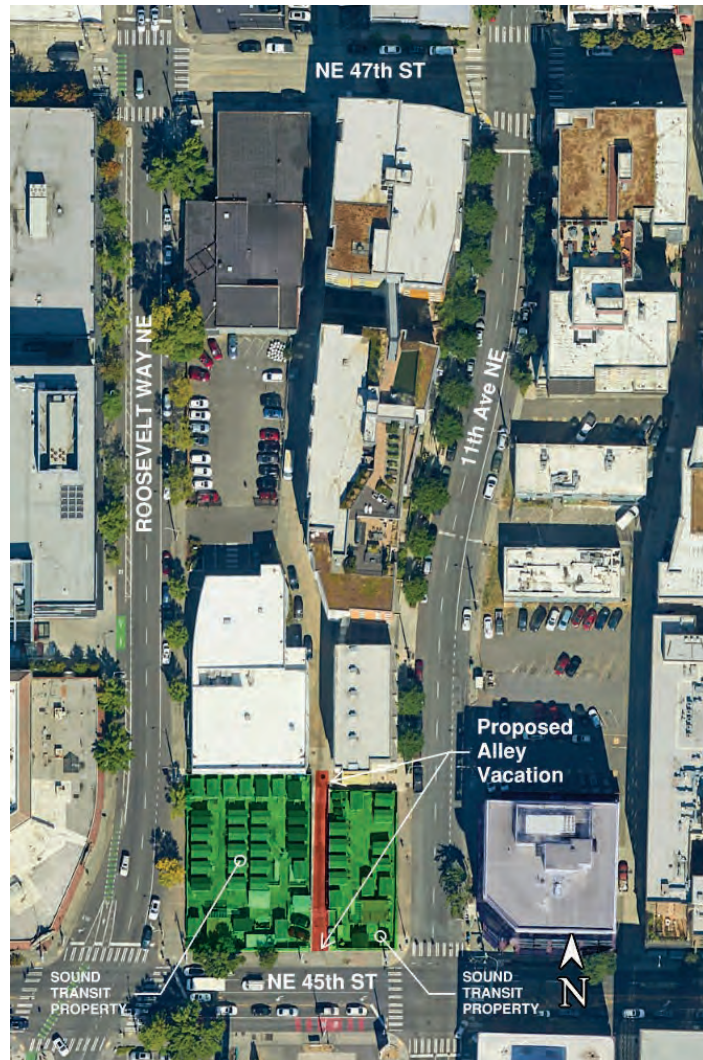
1. PURPOSE

This technical memorandum evaluates potential alley vacation / dedication alternatives for the parcel of property owned by Sound Transit at 1000 NE 45th Street, Seattle, WA, (Parcel #7733600155) with a focus on alley locations, turning movement needs and redevelopment potential. Sound Transit and other partners are evaluating redevelopment of the property for transit-oriented development, with a focus on affordable housing unit delivery. Analysis shows vacation of the existing alley and dedication of a relocated alley will significantly increase the number of affordable housing units the site could potentially accommodate.

Redevelopment of the site without an alley vacation for affordable housing purposes is feasible, but the site has significantly less potential for affordable housing unit delivery and has questionable potential for a residential tower development.

Sound Transit has begun a formal vacation process for the existing alley and has been working with the City of Seattle's Design Commission, and other stakeholders, on advancing the vacation process. Out of this coordination, several alternatives have been collaboratively developed and evaluation results are presented here.

High-level commentary on redevelopment potential for the site is presented in this memorandum, as well as concept figures on potential alley vacation/dedication alternatives.



Site Overview

EVALUATION FINDINGS

Alley vacation and dedication allows significantly more affordable housing units to be constructed on the site than developing the site without an alley vacation and dedication. Vacation and dedication of the alley will allow larger, more contiguous floor plates, and more economic site development. This is especially relevant for affordable housing development because economics typically constrain development potential at lower heights versus market rate development for a site with this type of zoning.

Without an alley vacation, the site is not very attractive for residential high-rise tower construction due to zoning code constraints and in-efficient potential floor plate areas. If a tower was constructed on a non-vacated site, the permitted floor plate would be about half the square footage allowed by code on a vacated site.

Schematic estimates suggest alley vacation and dedication may allow twice the number of units to be constructed on the site. Several alley dedication alternatives are technically feasible.

Completion of an existing alley vacation and dedication of a new alley from the northern parcel boundary to 11th Avenue NE results in the most affordable housing redevelopment potential out of the five alternatives evaluated by the team. This location also eliminates alley traffic entering NE 45th Street. This option may allow for 15-20% more affordable units to be developed on the site than other vacated alternatives studied. Using schematic estimates, this equals at least 30-35 additional housing units.

"Hammerhead" and "cul-de-sac" alley alternatives within the parcel significantly reduce the number of affordable housing units and development potential of the site compared to other alternatives.

See the table on the following page for a high-level summary of evaluated alternatives.

Key Assumptions and Notes

- Future alley widths on the site will accommodate garbage service and be 20 feet minimum.
- At this time, a developer of the site has not been selected, nor is a specific building configuration proposed. With that in mind, commentary on redevelopment potential is general in nature and reflects industry trends for similar sites and multi-story affordable housing projects.
- The site will be redeveloped without a parking garage and will not generate alley traffic demand beyond garbage service and delivery / loading events.
- Site development costs, including relocation of existing utilities within the alley, will not be addressed in detail in this memorandum.
- Developers will utilize structural solutions and floorplates typical for affordable housing projects. Cantilevered floor plates, allowable by code, will not be used due to increased costs.
- Highrise setback restrictions will apply to the site from redevelopment north of the site (One X Towers). This project is in permitting and will reduce the development potential of the site.

Alternative Comparison Table

Alternative	Approximate Floor Plate for Mid-Rise Development	Approximate High-Rise Floor Plate Area	Projected Affordable Housing Unit Potential ^{3,4}	Benefits	Sacrifices	Notes
Non-Vacation Alternative	14,920 sf	5,190 SF w/ 75' clear 6,500 sf w/ 60' clear	90-110 units Not attractive for tower development due to small floorplate	Avoids a formal vacation process. Does not require utility relocations within the alley	Does not maximize the number of affordable housing units which could be delivered on the site.	Existing conflict between alley traffic and NE 45 th Street pedestrians/traffic would continue.
11 th Ave NE Alley Connection	14,440 sf	8,940 SF w/ 75' clear 10,500 sf w/ 60' clear	195-215 Units Likely attractive for tower development	Removes significant pedestrian/alley traffic conflict point at NE 45 th Street, and appears to offer the highest yield in affordable housing	Potential conflict on 11 th Ave w/ planned bicycle facility for a few vehicles a day.	Most affordable housing units of alternatives evaluated
Roosevelt Alley Connection	10,290 sf	8,710 SF w/ 75' clear 10,500 sf w/ 60' clear	165-185 Units Likely attractive for tower development	Removes significant pedestrian/alley traffic conflict point at NE 45 th Street	New pedestrian/alley conflict at Roosevelt. Reduced mid-rise development floor plate	Seattle DOT voiced concern about an alley access to Roosevelt
Hammerhead Alternative (east-west option)	9,915 sf	8,645 with 75' clear 9,915 with 60' clear	160-180 units ⁵ Tower development feasible, but reduced mid-rise floor plates	Hammerhead removes one pedestrian/alley traffic conflict point at NE 45 th Street	Hammerhead has less development capacity than 11 th Ave realignment.	Turning movements suggest justification for alley driveway connections to street network
Cul-De-Sac Alternative	Site not realistic for mid-rise development	Site not realistic for high rise development	Cul-De-Sac w/ high rise infeasible due to very small floor plate areas	No obvious benefit in comparison to other alternatives for a transit-oriented development.	The site could not be economically developed as an affordable housing project site.	Not recommended for advancement

- Note
- ¹ – All vacation options require existing utility relocations and completion of an alley vacation process.
 - ² – Ground floor redevelopment areas include areas requiring public access easements or setbacks.
 - ³ – Units are estimated assuming a 18-story max development height and typical building unit efficiency.
 - ⁴ – Unit estimate methodology is applied uniformly between alternatives.
 - ⁵ – Development is possible on the NW corner of the site, but not realistic / economic for mid-rise residential.

MEMO

2. ALLEY CONCEPT ALTERNATIVES

BACKGROUND

The subject alley connects NE 47th Street (to the north) to NE 45th Street (to the south) and facilitates access to residential parking, auto dealer repair facilities, utility infrastructure, and garbage collection facilities. There is significant redevelopment proposed on the property directly north of the site currently serving as an auto dealership. This redevelopment, if constructed, will impact redevelopment potential of the Sound Transit Property, especially high-rise development.

Seattle Public Utilities provides garbage service in the alley and will continue this service. A recommended design turning movement vehicle to meet garbage service needs was provided to Sound Transit to evaluate alley dedication requirements. All turning movements in this evaluation are a SPU 2019-2029 Roll-Off refuse collection design vehicle. Turning envelopes include a 1-foot offset on both sides of the vehicle for a factor of safety.

The redevelopment potential for the site is influenced by “setback” code requirements including:

- NE 45th (8')
- 11th Ave NE (4')
- Roosevelt (4' at north end, tapering)

The City of Seattle is planning a protected bicycle facility on the west side of 11th Ave NE and is concerned with potential conflicts between bicycle traffic and vehicles entering and/or exiting the site via 11th Ave NE. Significantly more alley traffic will enter 11th Ave NE from a private driveway 50 feet north of the proposed site.

Turning movements were produced for all alternatives and evaluated for development potential. See attached exhibits for additional details and information.

NON-VACATION ALTERNATIVE

An alley vacation is a lengthy process with a high bar for approval, and is by no means guaranteed. For this reason, Sound Transit evaluated redevelopment potential of the site assuming the existing alley would not be vacated.

Concept Overview

The alternative identifies redevelopment potential if the alley is not vacated. Redevelopment would trigger alley widening and dedication to bring the alley to a total 20-foot width.

Design Considerations

The future conditions related to alley traffic would function much like the existing current conditions, although the new development to the north may generate an increase in southbound alley traffic and therefore an increase in conflicts with the high traffic pedestrian corridor on the north sidewalk of NE 45th Street.

Development Considerations

Although it avoids the lengthy and inherently risky alley vacation process, this approach limits redevelopment potential of the site, including the ability to deliver a large affordable housing development project with tower construction.

The east side of the site, while developable, has a very narrow floorplate that is not as efficient as a standalone mid-rise building. Two towers are unlikely within the site due to setback requirements and small floor plate areas.

11TH AVE NE ALLEY CONNECTION ALTERNATIVE

Concept Overview

The realignment design concept eliminates the existing alley access at NE 45th Street and reconstructs alley access through a dogleg to 11th Ave NE.

Design Considerations

The alternative connects to 11th Avenue NE at an existing driveway curb cut which is not currently in use. This alternative is not expected to route measurable traffic onto 11th Avenue NE at the new alley driveway, excluding garage vehicles. SDOT stated concerns about introducing a point of conflict with a future bike lane on 11th Avenue NE. This alternative also requires utility relocations.

By using a single curb cut at the existing driveway, the number of total curb cuts will be reduced by three along the property boundary.

Development Considerations

Of the alternatives considered, this alternative appears to be the most logical for delivering the most affordable housing units. Tower floor plates are likely similar in terms of deliverable units with other vacation alternatives, but the number of residential units which can be constructed below high-rise height are higher than all other options. The mid-rise floor plates are likely to be the largest of the evaluated alternatives.

ROOSEVELT ALLEY CONNECTION ALTERNATIVE

Concept Overview

The realignment design concept eliminates the existing alley access at NE 45th Street and reconstructs alley access through a dogleg to Roosevelt.

Design Considerations

The alternative connects to Roosevelt at an existing driveway curb cut which is not currently in use. This alternative may route alley traffic generated from other sites to Roosevelt at the new alley driveway. SDOT stated concerns about introducing traffic onto Roosevelt in this location.

By using a single curb cut at the existing driveway, the number of total curb cuts will be reduced by three along the property boundary.

Potential concerns with this alternative are the proximity to the intersection of Roosevelt and NE 45th and an alley would enter a left-turn only lane, introducing the challenge of alley traffic weaving through heavy traffic near a major intersection.

Although this alternative likely enables a high-rise floor plate, the overall mid-rise floorplate is reduced due to the significant amount of land orphaned on the north side of the site between the property line and the newly dedicated alley. This will leave around 3,500 SF of parcel area unsuitable for multifamily development.

Development Considerations

Of the alternatives considered, this alternative had less potential redevelopment square footage at ground level than a connection to 11th Ave NE, but does suggest delivery of a large affordable housing project is feasible. This alternative also requires utility relocations.

HAMMER HEAD AND CUL-DE-SAC ALTERNATIVES

Concept Overview

Various “hammerhead” alley concepts were developed and evaluated for the site. Turning requirements were established using guidance from Section 3.1 Construction of Roadways, Figure G Alley and Easement Turnarounds, of Seattle Streets Illustrated, with modifications for the SPU turning vehicle requirements noted above.

A Cul-De-Sac alternative was also developed based on a request from an SDOT representative.

Design Considerations

The hammerhead and cul-de-sac alternatives require significant property dedication for vehicle turning movements at the ground floor level and complicate redevelopment. The lost ground floor area could potentially be reclaimed to some extent through significant cantilevering of above grade structure; however, this type of structural approach is expensive and generally incongruous with affordable housing development.

Other Considerations

Use of a hammerhead alternative likely reduces the number of affordable units which can be delivered on the site in comparison to other alternatives, particularly for development under the high-rise height of 85 feet in comparison to other alternatives. This reduction is estimated at ~30-35 units assuming a 18 story high rise tower development.

Note, the mid-rise development potential is reduced for the hammerhead alternative due to the narrow remaining width on the northwest corner, which cannot accommodate a classic “double loaded” corridor building design. This results in a less efficient layout, increases the cost per unit, and thus likely reduces the number of units delivered, given finite affordable housing resources. This option also requires utility relocations.

The cul-de-sac option appears to have limited value for further consideration due to its lack of available developable area after dedication.

3. CONCLUSIONS

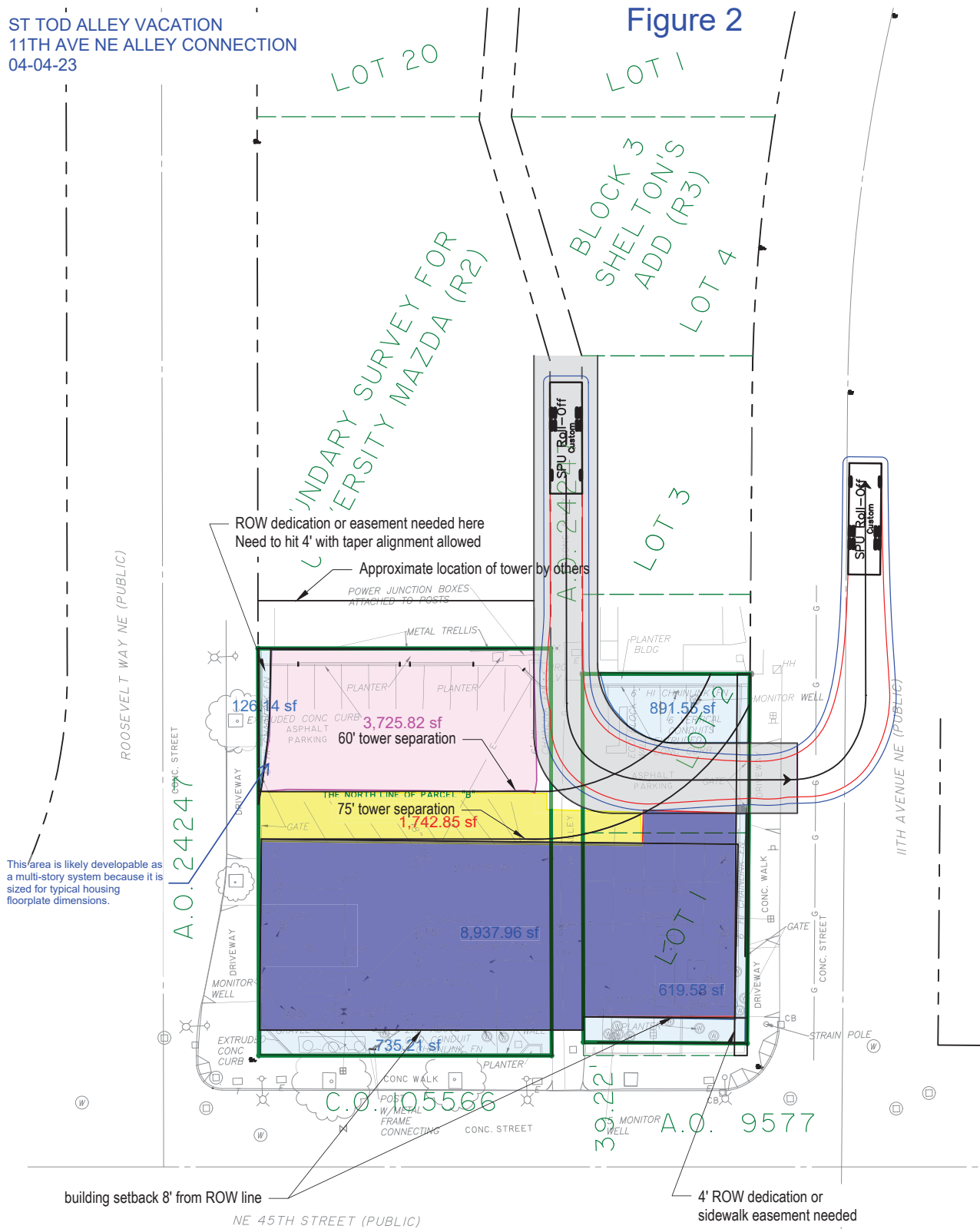
Of the alternatives considered, a vacation and dedication to 11th Avenue NE alternative appears the most attractive to move forward. Justification includes:

- the most potential to deliver the highest number of affordable housing units
- The most logical alley vacation and alley dedication justification
- Strong use of vacant public property for high priority community needs

SDOT did state they have concerns about a potential conflict point with a future bike lane on 11th Avenue NE and a new alley connection there. An additional traffic alley memo addresses this topic in more detail.



Figure 2



Area available for mid rise redevelopment = 14,440 sf

Area available for tower floor plate redevelopment:

75' tower clearance = 8,940 sf

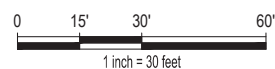
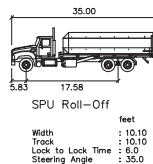
60' tower clearance = 10,680 sf

Area not suited or available for redevelopment = 1,755 sf

(floor plate limits of ~10,500 sf apply to this zoning code)

Legend

- Developable for Mid Rise Only
- Developable for High Rise, 75' clear
- Developable for High Rise, 60' clear
- Not Ideal Parcel Area for Housing

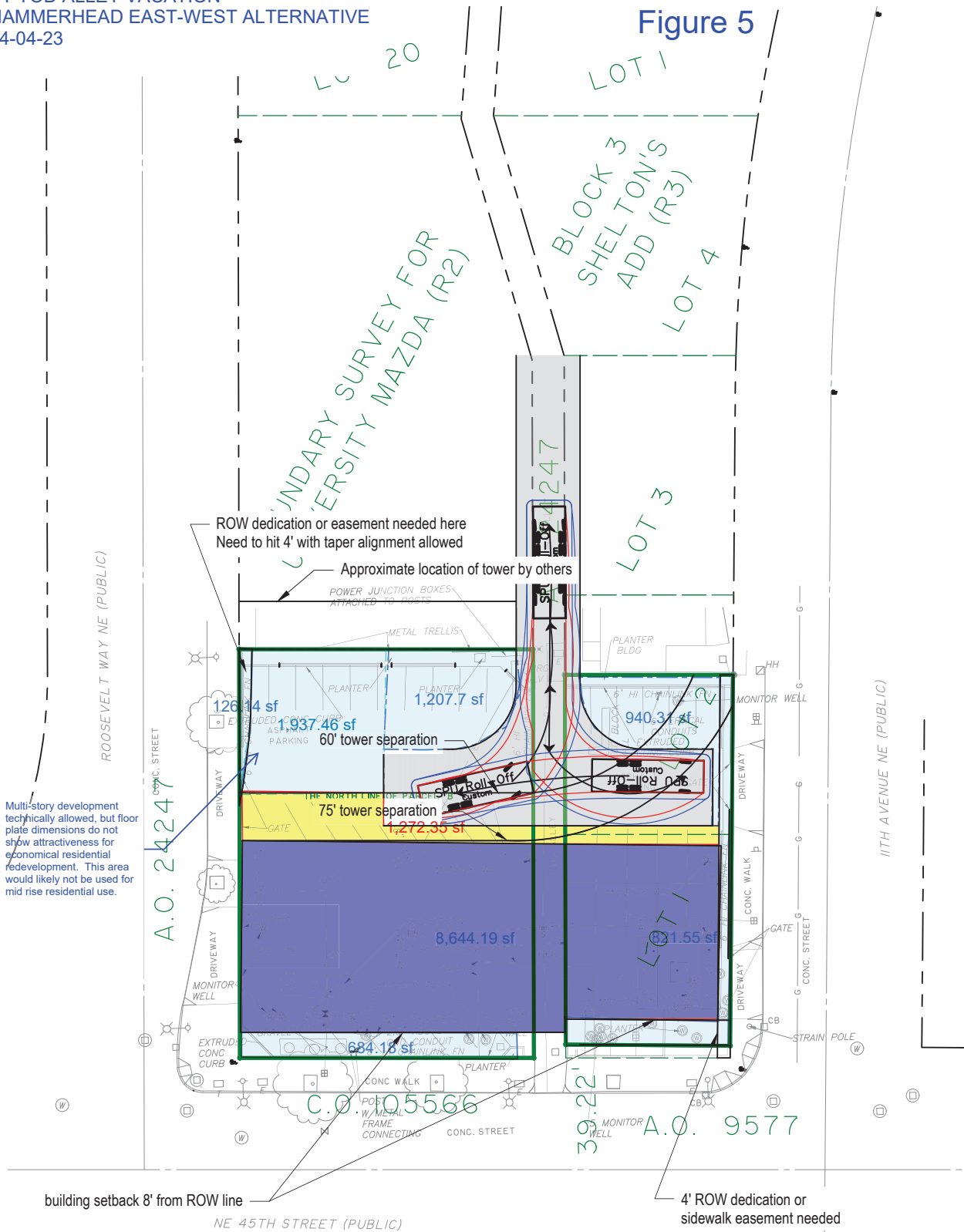


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Figure 5



Area available for mid rise redevelopment = 9,915 sf

Area available for tower floor plate redevelopment:

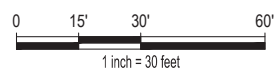
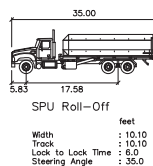
75' tower clearance = 8,645 sf

60' tower clearance = 9,915 sf

Area not suited or available for redevelopment = 2,830 sf

Legend

- Developable for Mid Rise Only
- Developable for High Rise, 75' clear
- Developable for High Rise, 60' clear
- Not Ideal Parcel Area for Housing



Draft - For Review Only



From: [Barnett, Beverly](#)
To: [LaBorde, Bill](#); [Gray, Amy](#); [Nelson, Alyse](#); [DuBois, Jeanette](#); [Keenan-Koch, Jackson](#); [Timmer, Kelsey](#); [Marek, John](#); [Jenkins, Michael](#); [Whitson, Lish](#); [Maurer, Adam](#); [Shaw, John](#); [Hurley, Joseph](#); [Baker, Gerald](#); [Wilburn, Bradley](#)
Subject: FW: 1000 NE 45th Street - revised traffic memo
Date: Wednesday, May 17, 2023 8:04:20 AM
Attachments: [image001.png](#)
[1000 NE 45th Street Alley Traffic memo 2023-05-16.pdf](#)

Good morning to all! I just received this update information from Tim Bates and am sharing for your review. As you will recall the city has requested information about alley design options for the proposed partial vacation of the alley at 1000 45th. We asked for data on the current and future uses of the alley for access and services and how the alley options would impact the pedestrian environment, bicycle infrastructure and other streets. We also wanted to better understand how the alley design options might impact the development of the site and how many units of affordable housing might be able to be built.

We met with ST on March 17 to discuss a draft of the ST work. On April 13 the city received 2 memos for ST "Alley Concept" and "Alley Traffic". On April 25 city staff met with ST to review the material. The city identified that the memos did not include all of the service and vehicle traffic that would need to use the alley. ST was asked to update to include all anticipated traffic and how the numbers might change impacts to other users, bicycle infrastructure and the future development of the site.

Here is the updated information. After review we will want to develop a preferred alley design option and begin to move forward with other steps in the vacation review such as Design Commission. Thank you for being so willing to dig in on the nonstandard vacation so we can support the development of affordable housing on the site. Let me know if you have any additional questions. I will be setting some meetings. Thanks

From: Bates, Tim <Tim.Bates@soundtransit.org>
Sent: Tuesday, May 16, 2023 3:58 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Subject: 1000 NE 45th Street - revised traffic memo

CAUTION: External Email

Hi Beverly,

Please find attached the revised traffic memo from KPFF. Let me know if the attachment doesn't come through.

Since no revisions to the "concept alternatives" memo were discussed, we don't have a revised version at this time.

Best,
Tim

Tim Bates

Senior Project Manager – Transit-Oriented Development
Community Development Office
Sound Transit
W 206-689-4842



MEMO



Date: May 16, 2023
To: Tim Bates, Sound Transit
From: Jeremy Febus, PE
Subject: Sound Transit U-District 45th & Roosevelt TOD Alley Traffic Evaluation

1. OVERVIEW AND SUMMARY

Sound Transit in partnership with the Seattle Office of Housing is evaluating low-income housing development potential for their property located at 1000 NE 45th Street in Seattle, WA. The single parcel is bisected by a public alley and is bordered to the north by an existing mid-rise apartment building (Bridges @11th), and a car dealership (See Figure 1.1). The car dealership is currently in permitting for a new residential tower development (OneX Towers). The site is in an SM-U 95-320(M1), and the alley bisecting the site is less than 16-foot wide (currently 10-foot wide) and is therefore considered by City policies an “unimproved alley”.

The purpose of this memo is to summarize our findings and conclusions regarding traffic impacts from alley vacation alternatives considered as part of that analysis. Alley vacation alternatives were described in a separate memo by KPFF and are summarized as follows:

1. No vacation
2. Partial vacation with dedication of new alley connection to Roosevelt Way NE.
3. Partial vacation with dedication of new alley connection to 11th Avenue NE.
4. Partial vacation with dedication of a new hammerhead or cul-de-sac turnaround.

This memo considers traffic impacts from Alternatives 1, 3, and 4. We understand from our own analysis, and from discussions with SDOT staff, that Alternative 2 is undesirable to either SDOT or Sound Transit. It is therefore dismissed.

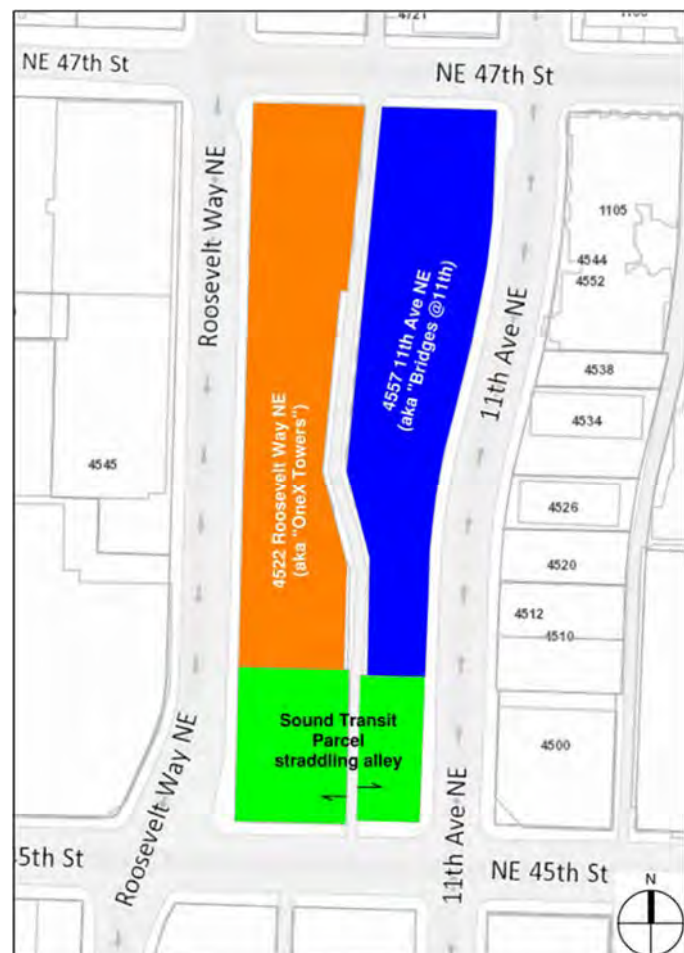


Figure 1.1 – Subject Parcel & Alley (SDCI GIS Image)

MEMO



This analysis does not produce any original traffic study data, but rather summarizes the impacts of the planned low-income housing synthesized with existing traffic study data available for adjacent development on the same block. Our findings are summarized in Table 1.1 with supporting documentation and analysis following.

Table 1.1: Estimated Average Daily Trip (ADT) Summary for Alternatives @ Full Block Buildout

Alternatives	Alley Connection to NE 45 th St (ADT)	Alley Connection to 11 th Ave NE (ADT)	Existing Private Driveway to 11 th Ave NE (ADT)	Alley Connection to NE 47 th St (ADT)
1: No Vacation	382	N/A	196	783
3: Alley Access to 11th	N/A	87	491	783
4: Dead End Alley	N/A	N/A	578	783

2. REGULATORY CONTEXT

2.1 City of Seattle Codes and Policies regarding Alleys

- The subject alley is classified as a Commercial Alley per the Seattle Right of Way Improvement Manual (Streets Illustrated).
- Street's Illustrated 2.16 states a, "Commercial Alleys' primary purpose is to provide access for freight loading, waste collection for commercial uses, and may provide access to parking." Also, see Figure 2.1, also from Street's Illustrated Section 2.16.
- Seattle Municipal Code (SMC) 11.14.025 – Alley, provides: "Alley means a highway **not designed for general travel** and primarily used as a means of access to the rear of residences and business establishments. (emphasis added)
- SMC 23.48.085 – Parking location and access, requires that, "Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director."

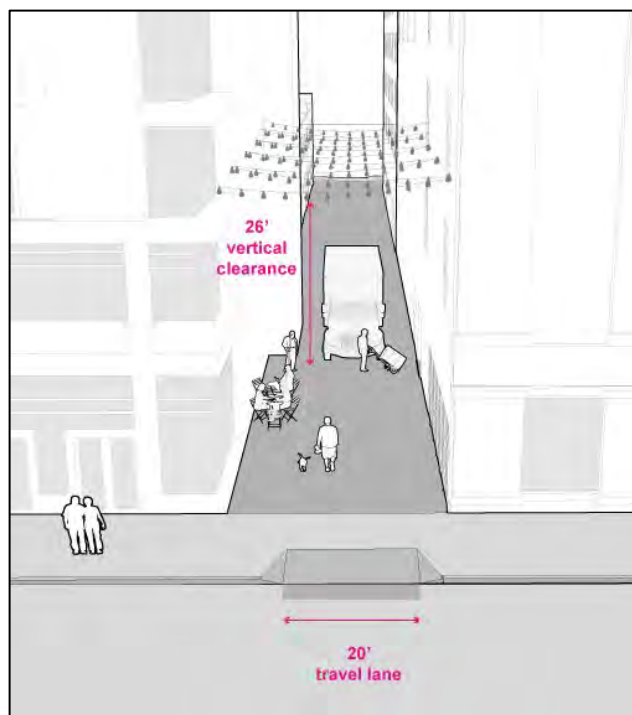


Figure 2.1 Alley (from Street's Illustrated 2.16)

- The existing alley varies from 16 to 20 feet wide, except where it bisects the Sound Transit parcel. Where it bisects the Sound Transit parcel, it is only 10-feet wide.
- SMC 11.58.290 – Alley-Backing from or to, states, “No person shall back any vehicle into or out of any alley; Provided, that this section will not apply when backing is done under the guidance of a person whose duty is to direct the driver's movements with safety.”

2.2 City of Seattle Codes and Policies regarding Connectivity, Dead-Ends and Turnarounds

- Streets Illustrated 3.1 Turn Arounds And Cul-De-Sacs, states, “For network connectivity we prioritize through street connections. However existing right-of-way limitations or existing topography conditions might preclude this.”
- Streets Illustrated Section 3.1, Design Guidelines for Alley turns and turnarounds, states, “Turnarounds are required at alley dead ends when the connecting street is an arterial.... The turn shall be designed to accommodate the types of vehicles using the alley. Alternate designs may be proposed and are subject to approval by SDOT.”

3. EXISTING AND PROPOSED DEVELOPMENT CONTEXT

3.1 Bridges @11th Development

- A Traffic Impact Analysis (TIA) was prepared by Transpo Group, dated January 27th, 2012, for the (at that time) proposed development at 4557 11th Avenue NE (now known as, “Bridges @11th”) immediately north of the Sound Transit Parcel on the east side of the existing alley (Figure 1.1). This project is constructed and occupied. The TIA provides the following:
 - The project proposed 180 apartment units and 2,000 square feet of retail space.
 - The project was anticipated to generate 491 ADT with 38 in the AM Peak and 45 in the PM Peak.
 - 60% of the project vehicle traffic volume was projected to be distributed to westbound NE 45th Street (Figure 3.1).
 - The Transpo analysis does not estimate frequency of delivery vehicles, waste-management collection, or move-in, move-out traffic.

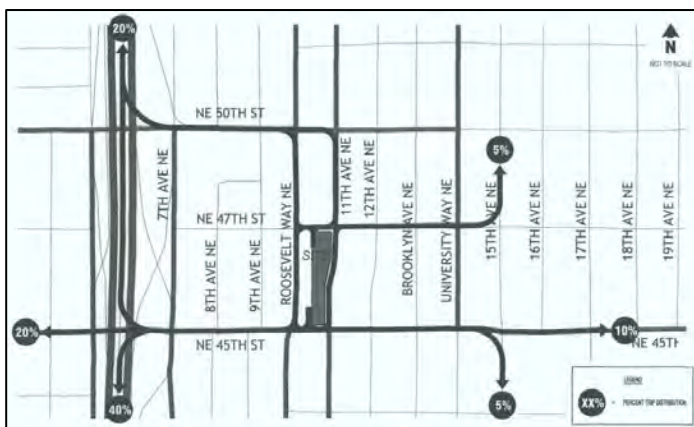


Figure 3.1 – Project Trip Distribution (Transpo Report, Attachment E)

- [illegible]

3.2 OneX Towers

- 133

- Approximately 870 ADT are anticipated (all from the alley) with 36 in the AM Peak and 59 in the PM Peak.
- Waste-management, recycling, and compost collection is anticipated to occur twice per week with staging in the alley.
- Anticipated Mail and deliveries average 5 truck deliveries per day.
- Move-in, move-out is anticipated to occur on average 3 times per week.
- The Design Review Recommendation Agenda, prepared by MZA Architects, dated March 13, 2023 (SDCI#3036780-LU), provides the following:
 - Each tower will have a separate loading berth (Figure 3.2).
 - Waste management storage occurs at the south tower loading berth (Figure 3.2).
 - Both towers share a single garage entrance at the sound end of the north tower (Figure 3.2).
 - Given the greater than 600-foot length of the superblock, SDCI required that the project be bisected by an east/west “mid-block” connection, roughly aligning with the muse at Bridges @11th, and specifically encouraging pedestrian crossing of the alley (Figure 3.1).



Figure 3.2 – Ground Level Plan, pg. 78 of the DRB Recommendation Packet (North is to the left)

3.3 Low Income Housing Development on Sound Transit Parcel

The proposed low-income housing development on the Sound Transit Parcel will have the following development and related traffic characteristics:

- Unit count has not been determined at this time, but for this analysis is assumed to be between 90 and 215 units. The unit count is anticipated to vary widely depending on which alley vacation alternative is ultimately pursued.
- No parking spaces are proposed with the site development.
- The development will not produce any new average daily trips (ADT) of significance in comparison to the overall block.
- Solid waste, recycling, and compost collection is anticipated to occur once per week within the final alley configuration. Solid waste collection is anticipated to occur through a roll-in compactor.

- Mail and delivery vehicles are anticipated to visit the site three times per day within the final alley configuration. Deliveries will typically coincide with other deliveries to adjacent developments sharing the alley and is therefore a nominal impact.
- The University District is itself a substantial employment center and is also home to significant resources for basic goods and services within a half-mile walking distance of the Sound Transit Parcel. The site is also less than one-quarter mile walking distance from the University District Light Rail Station entrance on Brooklyn Avenue. For all of these reasons, ride sharing is anticipated to be minimal. When it is needed, pick-up and drop off is most likely to occur in the parking lane on Roosevelt Avenue NE.
- Assuming 50% annual turnover in residents, and assuming turnover is roughly distributed throughout the year, then weekly move-in, move-out activity will vary from 0.5 times per week to 1.0 times per week on average depending on the final unit count.

4. ALTERNATIVES ANALYSIS

4.1 Alternative 1 – No Vacation

NE 45th Street is a principal arterial, and the major east/west transportation corridor of the University District connecting to neighborhoods beyond. In the “No Vacation” scenario, low-income housing would be constructed in 2 separate structures flanking the alley, and the existing “unimproved” alley and the curb cut on to NE 45th Street would be widened to 20-feet (Figure 4.1). **Alternative 1, is currently the only alternative allowed outright by City Codes and Standards.**

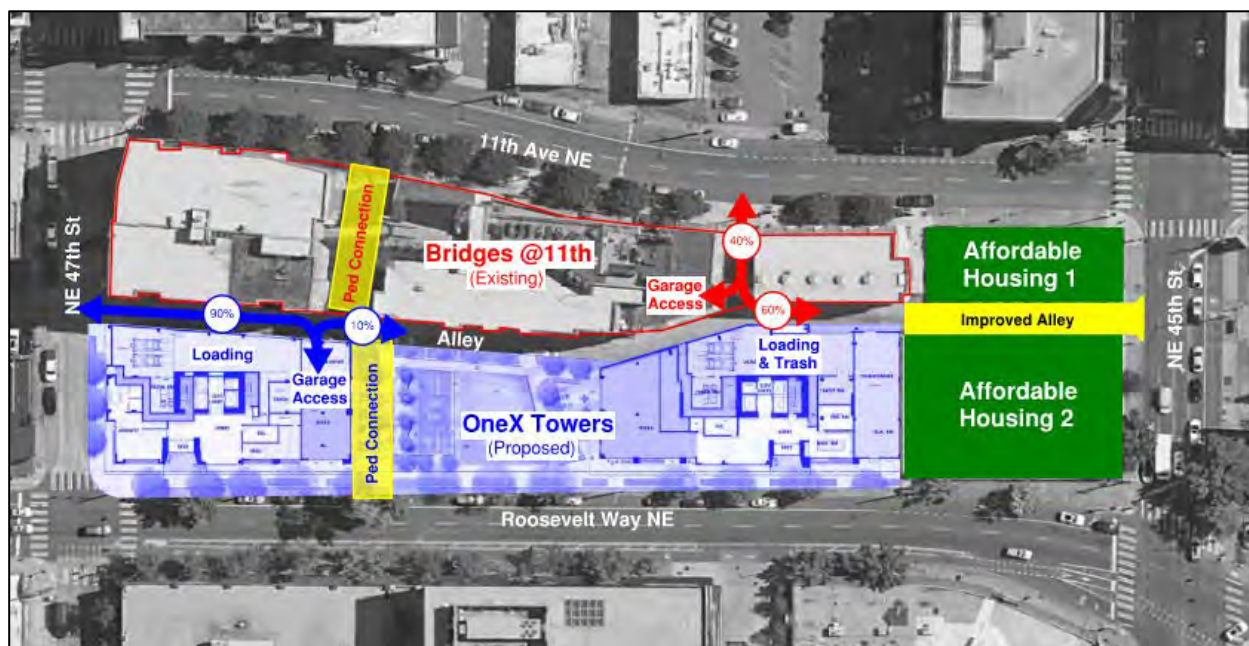


Figure 4.1 – No Vacation Alternative (Google Image, North is to the left)

In this alternative, we assume that traffic from the Bridges @11th garage that did not previously use the alley connection to 45th due to the unimproved condition of the alley, will begin to use this route

as the shortest distance to I-5. If we apply Transpo Group's traffic distribution projections from their previously mentioned report, then 60% of the Bridges @11th ADT (295 of 491) would utilize this curb cut. We assume the remaining 40% of the Bridges @11th traffic (196 ADT) would continue to utilize the driveway connection to 11th Avenue NE.

Based on our observations of existing conditions, including frequent queuing of westbound traffic at the NE 45th Street Intersection with Roosevelt Way NE, vehicles attempting to exit the alley on to westbound NE 45th Street will block the sidewalk while they wait for an opening (Figure 4.2). Building chamfers or setbacks could be implemented in the building design to improve visibility for pedestrians; however, the likelihood of vehicles queuing for long periods on the sidewalk remains a concern.

We assume that traffic to and from the OneX Towers will take the most direct route available. The southbound alley offers the shortest route to NE 45th Street, which as we previously discussed is anticipated to be the route of a majority of traffic. However, given the pedestrian crossing of the alley, the lack of a clear line of sight to the south end of the alley combined with the possibility for blockage of the alley by trash and/or load/unload activity intended to happen in the alley, and given the length of the superblock which increases the risks of conflicts, we assume that a majority of traffic from the OneX Towers (90%) will travel north to NE 47th Street. The remaining 10% will utilize the alley to and from NE 45th Street.



Figure 4.2 – Existing Alley Connection to NE 45th Street (Google Streetview Image)

4.2 Alternative 3 – Partial Vacation and Dedication of Access to 11th Ave NE

The vacation of the alley connection to NE 45th Street and the dedication of a connection to 11th Avenue NE allows for a larger buildable area for affordable housing, but it does not open a desirable route for most general travel (Figure 4.3).



Figure 4.3 – Alley Connection to 11th Ave NE Alternative (Google Image)

As previously mentioned, the Bridges @11th housing has an existing curb cut and garage access on to 11th Avenue NE (Figure 4.4). A new 11th Avenue NE driveway connection does not create a shorter or faster route to the garage at Bridges @11th, and so traffic in and out of the existing garage connection to 11th Avenue NE is expected to remain substantially the same.



Figure 4.4 – Existing Private Driveway Connection to 11th Ave NE (Google Streetview Image)

The 11th Avenue NE connection offers an approximately a one-quarter mile longer route for cars exiting the proposed garage at the OneX Towers. A left turn is not permitted from NE 45th Street to 11th Avenue NE (Figure 4.5), and so the alley connection to 11th Avenue NE does not provide a shorter route for any inbound vehicles except those traveling north on 11th Avenue NE who started their trip south of NE 45th Street, or those traveling westbound on NE 45th Street. The Transpo Report (Figure 3.1) estimated 15% of ADT would fit this description. For the purposes of our

MEMO

analysis, we conservatively assumed that two-thirds (10%) of traffic that could use the 11th Avenue NE alley driveway as a shorter route would. We did not assume that all traffic that could use this route would because, while shorter, the route is narrow and subject to intermittent blockage consistent with permitted alley uses. The primary beneficiaries of the alley access to 11th Avenue NE would not be general traffic but service vehicles, waste management, etc., that would not need to navigate a hammerhead (See Alternative 4 below).



Figure 4.5 – Eastbound NE 45th Street at 11th Avenue NE (Google Streetview Image)

SDOT staff have communicated that they plan to construct a protected bicycle lane in the existing parking lane on the west side of 11th Avenue NE. Given this, they understandably object to a new alley connection to 11th Avenue NE on the grounds that it would create new vehicle and bicycle conflicts. The proposed bike lane on 11th Avenue NE would be for cyclists traveling northbound uphill at a 3-4% grade, which will have some effect to moderate speeds and improve stopping distance. In addition, there are substantive design elements, such as raising the bike lane through the alley driveway that would help to mitigate the potential for vehicle and bicycle conflicts. See the conclusions of this memo for additional discussion of this topic.

4.3 Alternative 4 – Partial Vacation and Dedication of a hammerhead or cul-de-sac

In this scenario, 95% of daily trips serving the OneX Towers would enter and exit the alley from NE 47th Street, and all daily trips from the Bridges @11th would enter and exit from their existing private driveway connection to 11th Avenue NE. Following the same logic applied above to the 15% of ADT that could use an 11th Avenue NE connection as a shorter route to the OneX Tower garage, we assume here that one-third (5%) of ADT will utilize the private driveway inbound from 11th Avenue NE. Applying Transpo Group's projections, an estimated 80% of the outbound traffic from the OneX Towers would be turning westbound on NE 47th Street (Figure 4.6).

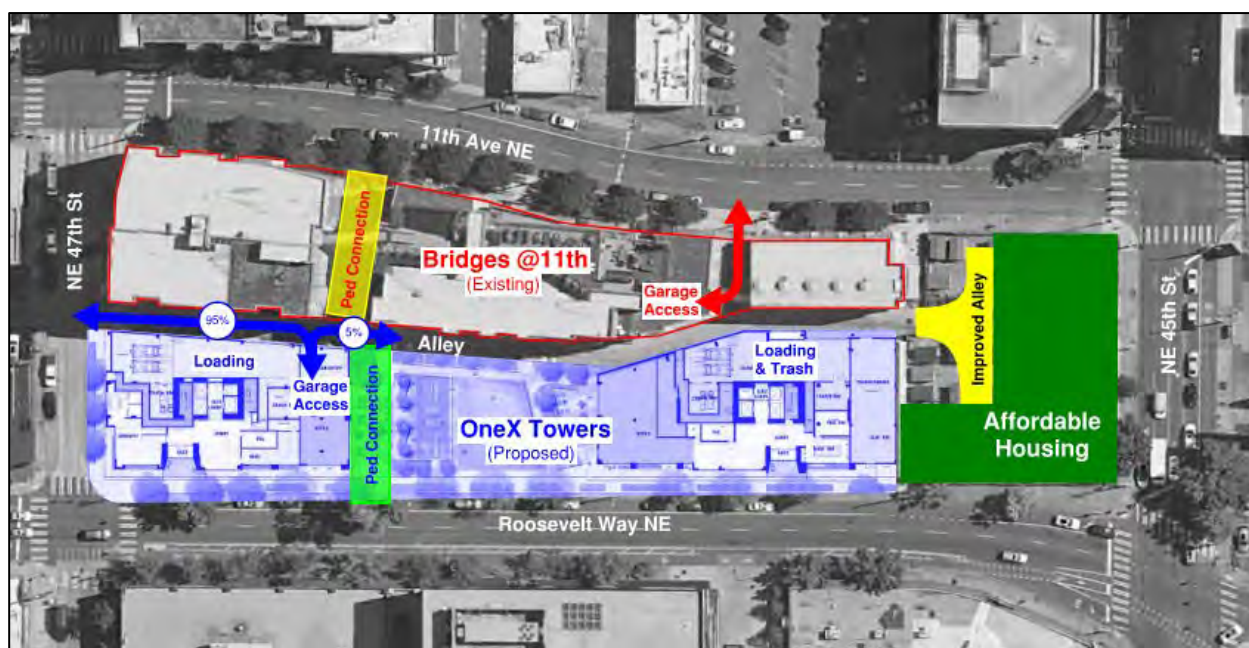


Figure 4.6 – Dead-End Alley Alternative (Google Streetview Image)

Delivery, waste management, service, and move-in/move-out vehicles would enter and exit the alley from NE 47th Street. Delivery vehicles, etc., serving the OneX Tower will have the ability to turn around at either 1 of 2 loading bays off the alley; however, the same vehicles serving the Bridges @11th or the proposed Affordable Housing project, would need to utilize the turn-around at the alley terminus to travel back to NE 47th Street northbound in the alley.

As previously noted, we anticipate that current and proposed waste management staging for Bridges @11th (Figure 4.7) and collection for both OneX Towers and Bridges @11th will substantially block alley traffic during their operations. We also anticipate potential for vehicle/pedestrian conflicts at the “mid-block” pedestrian crossing of the alley.

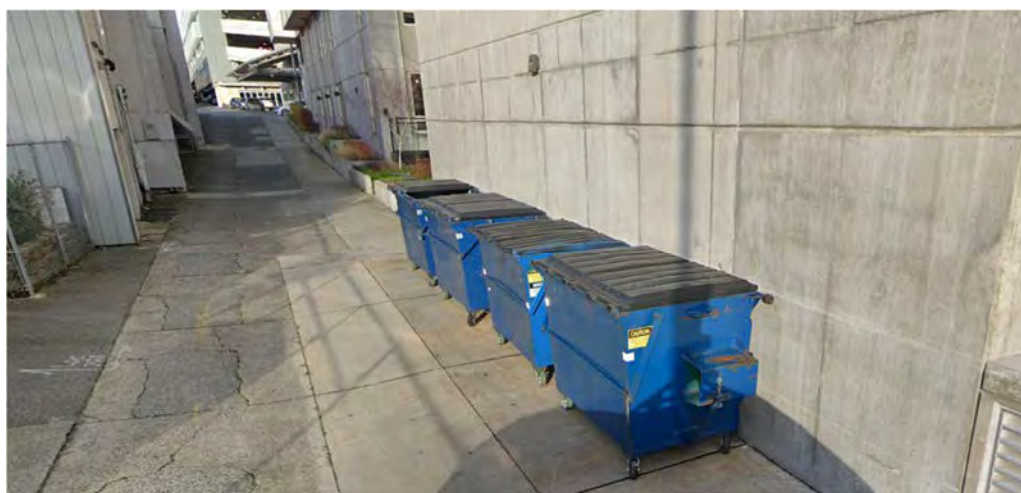


Figure 4.7 – Bridges @11th Trash Staging in Alley (Google Streetview Image)

5. CONCLUSION

City codes and policies recognize that alleys support a wide range of uses at very low speeds. Intermittent blockages of an alley are allowed and even expected. Alleys are not intended for general traffic, and vehicles are not permitted to back up out of an alley, even to avoid alley congestion.

City codes and policies treat turnarounds as a mitigation for an unavoidable dead-end condition, not a design tool to create dead end conditions. A dead-end condition is avoidable as discussed in Alternative 3.

The alley in question is part of an over 600 feet long superblock. Typical best practices in urban planning would create 200 to 300 ft long square blocks in a dense urban environment. The block is so long that SDCI and DRB required a through block connection for pedestrians to mitigate its impacts on pedestrian connectivity in the neighborhood. In our professional opinion, it is not prudent for the density of housing and tenant traffic proposed under full buildout combined with the pedestrian mid-block crossing, and all service, loading, delivery, move-in/move-out, and waste management vehicles on a double-large block to all share only one alley connection to a single adjacent street.

While we agree that effort should be made to limit vehicle interaction with bicycle facilities, this should not be at the expense of increasing vehicle interaction with pedestrian facilities such as the sidewalk on NE 45th Street or at the through block pedestrian connection in the alley. Meaningful design tools and best practices are available to make the driveway and bike lane crossing safer. The discussion above indicates that vehicle traffic from the new alley connection would be primarily service, move-in/move-out, delivery, and waste management vehicles, not general traffic.

Based on our analysis of existing and proposed conditions, and our review of City codes and policies, we recommend that the fully built out superblock have 2 points of public ingress/egress: one to NE 47th Street and one to 11th Avenue NE. In our opinion, Alternative 3 with elimination of the alley driveway connection to NE 45th Street and mitigation elements added to the bike lane and alley driveway design in 11th Avenue NE, provides the best outcome for public safety and mobility when all modes of transportation are considered.

From: [Barnett, Beverly](#)
To: [Gray, Moira](#)
Cc: [Gray, Amy](#)
Subject: FW: 1000 NE 45th solid waste concerns
Date: Thursday, March 24, 2022 4:10:18 PM
Attachments: [image001.png](#)
[image002.png](#)

Moira, for the ST file please.

From: Hulsman, Sally <Sally.Hulsman@seattle.gov>
Sent: Monday, March 21, 2022 4:19 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Subject: 1000 NE 45th solid waste concerns

Hi Beverly,

Here's what solid waste needs:

- SPU to provide: inventory of current solid waste in the alley
- Others to provide: Approximate size and type of development (Residential + Commercial) for estimating new development solid waste needs. If it is big, it has some implications for what type of containers and therefore the trucks needed and the frequency of trucks in the alley.

Observations:

- Exit to bike lanes – not good for solid waste. We do it, but it puts bikers and drivers at risk.
- Hammerheads are good – turning radius calculations needed
- We do not back out onto an arterial. Goal would be to go through the alley instead of going into alley head on and then backing out.
- And yes, not great to exit into arterial.

Other impacts on SW:

- Delivery activity estimates may impact solid waste services. If alley is blocked, solid waste services are interrupted. We often request, for example, a Loading Dock Operations plan when it comes to how all services are coordinated.

Let me know your timing.

Thanks,

Sally

Sally Hulsman

Solid Waste Inspections & Compliance
City of Seattle, <https://www.seattle.gov/utilities>
O: 206-684-4682 | M: 206-255-8768 | sally.hulsman@seattle.gov



MEMORANDUM

Date: April 6, 2022
To: Beverly Barnett, SDOT and Laurie Olson, OFH
From: SDOT Development Review and Seattle Dept of Construction & Inspections (SDCI)
Subject: Proposed alley vacation at 1000 NE 45th St

Thank you for the opportunity to share Seattle Department of Transportation (SDOT) Seattle Dept of Construction & Inspections (SDCI) information and recommendations for this proposed partial alley vacation at 1000 NE 45th St associated with future development of the Sound Transit staging site for a zero parking, affordable housing project.

Based on our evaluation of three design options below, we are recommending the project move forward with a vacation proposal that provides a new turnaround, at- or below-grade, at the northern boundary of the project site and in alignment with the existing north-south alley. We are open to non-standard designs or deviations for this turnaround provided that the project RFP be conditioned so that **any design must be shown to accommodate an SPU Solid Waste collection vehicle and SU-30 commercial freight box truck.**

If the project moves forward with the proposed alley vacation, the existing access needs on the block and the service needs for the new development will need to be accomplished from the remaining portion of the alley ROW. The density of the surrounding city block and the number of heavily used multi-modal facilities on each blockface make this a challenging goal. SDOT and SDCI staff have discussed three options that could maintain the required access and service functions:

- First, the alley vacation is not pursued and a 5' dedication is required on each side of the alley ROW when Sound Transit redevelops its two parcels at the south end of the block. Because of the impact to deliverable units, the existing heavy traffic volumes and the existing Metro Route 40 frequent transit service operating on NE 45th St, SDOT does not support this option.
- Second, the alley could be rerouted to connect to 11th Ave NE or Roosevelt Way NE across the north portion of one of the project parcels. This would allow for the proposed alley vacation to connect the two development sites and increase the number of units delivered over the first option. But it would also introduce significant potential for conflicts when vehicles, particularly freight and service vehicles, exit the alley.

An eastbound connection to 11th, would require vehicles to cross the heavily used pedestrian sidewalk along 11th, and cross a future protected bike lane at close proximity to the intersection with NE 45th St. This would be inconsistent with current SDOT practice to work to reduce potential conflicts between vehicles and bicycles. Similarly, a west-bound realignment to Roosevelt, would require vehicles to cross the heavily used sidewalk along Roosevelt as well, and the proximity to the intersection of 45th and Roosevelt Way would make exiting maneuvers challenging. In either case, the newly perpendicular alley segment would need to accommodate turning movements for freight vehicles and sufficient sight distance to allow exiting vehicles to see oncoming users in the roadway. The space necessary to accommodate these maneuvers

would have to be dedicated as ROW and could exceed the area necessary for the third option we considered. So SDOT does not support this option.

- Our third and preferred option would be for dedication of a vehicle turnaround at the northern edge of the Sound Transit sites. This configuration would still allow the alley vacation to connect the two sites, but it would avoid conflicts with other users near the intersections with 45th. If designed to accommodate an SPU collection vehicle, it would also support all freight and service access needed on the alley. And it could be designed to use the existing alley ROW north of the project site for one leg of a hammerhead or other turnaround configuration, thus reducing the site impact compared to a 20' perpendicular alley segment spanning one-half the width of the project site. As this option reduces safety conflicts on more heavily-used roads and as SDCI believes it would not have significant impacts on the surrounding network, our departments view this as the preferred option.

SDOT and SDCI recognize the potential of an alley vacation to increase the number of affordable units delivered by this project. So we are prepared to support a vacation proposal that maintains the service functions occurring via the alley while minimizing impacts to the project.

Please let John Shaw and I know if you have any questions. We can be reached at Jackson.Keenan-Koch@seattle.gov or John.Shaw@seattle.gov.

Jackson Keenan-Koch
Development Review Program
Seattle Department of Transportation

John Shaw
Senior Transportation Planner
Seattle Department of Construction & Inspections

DuBois, Jeanette

From: Maurer, Adam
Sent: Tuesday, May 2, 2023 4:57 PM
To: Wilburn, Bradley; Barnett, Beverly; Bates, Tim; Pacheco, Abel; Jeremy Febus (Jeremy.Febus@kpff.com); Keenan-Koch, Jackson; Timmer, Kelsey; Marek, John; DuBois, Jeanette; LaBorde, Bill; Shaw, John; Hurley, Joseph; Buker, Gerald; Whitson, Lish; Jenkins, Michael
Subject: RE: ST proposal at 1000 45th follow up

Thanks for your leadership and thorough notes Beverly. SPU Solid Waste is supportive of the continued work needed for this development.

Kind regards,



Adam Maurer
Solid Waste Development Review Specialist
City of Seattle, [Seattle Public Utilities](#) – Solid Waste
Mobile: 206.300.9613
[Solid Waste Guidelines for Developers](#) | [Solid Waste Storage – Land Use Code](#)

Note:

I work a flex schedule, so I am out of the office every other Friday. Please keep this in mind.

From: Wilburn, Bradley <Bradley.Wilburn@seattle.gov>
Sent: Tuesday, May 2, 2023 7:37 AM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Bates, Tim <Tim.Bates@soundtransit.org>; Pacheco, Abel <abel.pacheco@soundtransit.org>; Jeremy Febus (Jeremy.Febus@kpff.com) <Jeremy.Febus@kpff.com>; Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Timmer, Kelsey <Kelsey.Timmer@seattle.gov>; Marek, John <John.Marek@seattle.gov>; DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; LaBorde, Bill <Bill.LaBorde@seattle.gov>; Maurer, Adam <Adam.Maurer@seattle.gov>; Shaw, John <John.Shaw@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>; Buker, Gerald <Gerald.Buker@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Jenkins, Michael <Michael.Jenkins@seattle.gov>
Subject: RE: ST proposal at 1000 45th follow up

Good morning and thank you for this update, Beverly - SDCI remains committed to seeing this project through to the end.

Respects,

Bradley

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Sent: Monday, May 1, 2023 2:13 PM
To: Bates, Tim <Tim.Bates@soundtransit.org>; Pacheco, Abel <abel.pacheco@soundtransit.org>; Jeremy Febus (Jeremy.Febus@kpff.com) <Jeremy.Febus@kpff.com>; Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Timmer, Kelsey <Kelsey.Timmer@seattle.gov>; Marek, John <John.Marek@seattle.gov>; DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; LaBorde, Bill <Bill.LaBorde@seattle.gov>; Maurer, Adam <Adam.Maurer@seattle.gov>; Shaw, John <John.Shaw@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>; Buker, Gerald <Gerald.Buker@seattle.gov>; Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Whitson, Lish

<Lish.Whitson@seattle.gov>; Jenkins, Michael <Michael.Jenkins@seattle.gov>

Subject: ST proposal at 1000 45th follow up

Happy Monday everyone. Thank you all for your thoughtful work on this nonstandard vacation! On March 17 ST met w/ city staff to go over a draft of the alley design options being reviewed. On April 13th ST provided the city with 2 memos titled "Alley Concept" and "Alley Traffic". On April 25 ST and KPFF met with city staff to review the memos. Both memos provide some good information but the city did identify that some refinements are needed. The critical piece is that the analysis appears to only look at the impacts to the alley from the proposed affordable housing project. This results in vehicle counts that are too low and don't reflect the actual use of the alley. As we discussed in our meeting, since this is a partial alley vacation the existing alley and the new reconfigured alley connection must accommodate all the current and future use of the alley. The traffic count needs to include the anticipated volumes from the new project as well as the current existing and under construction uses. The size and number of service and utility vehicles is an important part of this. We do understand that the property owner on the west side of the block has expressed concerns about the alley design options and it would be helpful if you could further articulate those concerns.

SPU also identified that there would be additional SPU trips as the pickups for other uses on the block cannot accommodate all the needed pickups.

This revised data is the first step in determining the actual impacts of the alley design options. With complete data we can more accurately determine impacts from each option and then begin work on mitigation measure or conditions. We do need the best data we can get to also understand the impact of each alley design option on the developability of the site and how the number of units of affordable housing might be impacted. SDCI has been looking at all the materials and will help us with this as we move forward.

Please have KPFF reach out if there are any questions about refinements to the memos. After the updates are received it might be helpful to set a similar meeting with city staff to talk through the memos.

In moving forward SDOT does need to develop a clear recommendation. We cannot move forward with an alternative analysis. This is the time for us to consider all the alternatives and reach a shared conclusion about the best alternative moving forward.

Again, thank you to everyone for your work on this.

Sound Transit sites at NE 45th St and Roosevelt/11th Ave NE

Site characteristics

- One combined site with alley vacation: ~19,250 sq ft
- As two sites with an alley
 - East site: ~7400
 - West site: ~11,800

Height

- SMC 23.48.615 outlines 95' is midrise allowance, 320' is maximum.
- SMC 23.48.615.A.2 states a site must be at least 12,000 sq ft to go above 95'. **Unless the sites are combined, it will not be possible to go above 95'.**
- Provisions in SMC 23.48.645.A regulates sizes of floor plates above the midrise allowance with the intent of reducing floor areas as the building gets taller. Application of this standard varies depending on overall height.

Tower separation (SMC 23.48.645.E)

- SMC 23.48.645.E regulates highrise (anything above 95') separation on lots within the same block; a minimum separation of 75' is required extending onto other sites.
- The OneX site to the north of the west site is proposing a highrise where this standard will impact development.
- This standard can be reduced by up to 20% with a special exemption as part of the MUP process.

Floor area ratio and Incentive Zoning (SMC 23.48.620, 23.48.622, 23.58A.040)

- FAR: Base 4.75, max 7
- If development exceeds base FAR, IZ provisions found in SMC 23.48.622 and 23.58A.040 apply.
- Within SMC 23.58A.040, applicants may propose Neighborhood Green Street in conjunction with SDOT, Neighborhood Open Space, Midblock connector. Most development in this area opts for Neighborhood Open Space.
- Based on the lot size alone, it is unlikely there is enough FAR for a building to exceed ~22-25 stories.

Setbacks (SMC 23.48.640, 23.48.645, 23.53)

- A ROW 4' setback along Roosevelt Way NE and 11th Ave NE is required.
- If the alley is maintained, a 5' dedication (setback if no loading or parking proposed) on each side is required for alley,
- SMC 23.48.640 requires an 8' setback from property lines abutting NE 45th St.

From: [Barnett, Beverly](#)
To: [LaBorde, Bill](#); [Hurley, Joseph](#); [Shaw, John](#); [Wilburn, Bradley](#); [Kinast, Valerie](#); [Bandekar, Windy](#)
Cc: [DuBois, Jeanette](#); [Gray, Amy](#)
Subject: FW: Sound Transit
Date: Monday, June 5, 2023 1:53:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

Hi everyone. I wanted to share with you that SDOT staff have reviewed the updated Traffic Memo prepared by KPFF and provided by Sound Transit. SDOT can support the preferred option from the memo which is for new alley access to 11th AV NE. As we move forward with the review I will be working with them on condition language for the design of the new alley segment.

This means that ST can schedule at the Design Commission and we will be working on a public hearing date for City Council review. We are shooting for an August public hearing date so that we get in before the budget process begins.

I'm sure I will have more questions for all of you as we move forward. Thanks

From: Timmer, Kelsey <Kelsey.Timmer@seattle.gov>
Sent: Monday, June 5, 2023 12:43 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Marek, John <John.Marek@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>
Subject: RE: Sound Transit

Hi Beverly,

Apologies for the delay. Based on the new information in the Traffic Memo, SDOT would support an alley vacation option with alley access on NE 47th St and 11th Ave NE. SDOT is now supportive of this option because we believe there will be opportunities for SDOT to work with the private development to minimize impacts to pedestrians and cyclists on 11th Ave NE.

Thanks,
Kelsey

Kelsey Timmer

Senior Transportation Planner, Street Use
City of Seattle, [Department of Transportation](#)
M: 206-930-2848 | kelsey.timmer@seattle.gov
[Blog](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#) | [Flickr](#) | [Customer Service](#)
Pronouns: she/her/hers

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Sent: Tuesday, May 23, 2023 4:18 PM
To: Timmer, Kelsey <Kelsey.Timmer@seattle.gov>; Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>

Koch@seattle.gov; Marek, John <John.Marek@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>

Subject: RE: Sound Transit

Perfect! Thanks for the update.

From: Timmer, Kelsey <Kelsey.Timmer@seattle.gov>

Sent: Tuesday, May 23, 2023 4:17 PM

To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Marek, John <John.Marek@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>

Subject: RE: Sound Transit

Hi Beverly,

Dev Rev and Traffic Ops have some time set next Tuesday to review and discuss the revised memo, so I can get back to you with our comments then.

Thanks,
Kelsey

Kelsey Timmer

Senior Transportation Planner, Street Use

City of Seattle, [Department of Transportation](#)

M: 206-930-2848 | kelsey.timmer@seattle.gov

[Blog](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#) | [Flickr](#) | [Customer Service](#)

Pronouns: she/her/hers

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>

Sent: Tuesday, May 23, 2023 10:44 AM

To: Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Marek, John <John.Marek@seattle.gov>; Timmer, Kelsey <Kelsey.Timmer@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>

Subject: Sound Transit

Good morning. I want to check in with you on your review of the revised kpff memo on alley design options at the sound transit site at 1000 45th. The memo conclude that an alley with an exit to 11th provides the best option for the site. Do we concur with that conclusion or do we want a different outcome? ST wants to schedule at the design commission and I think we should have this resolved before the SDC review. Thanks



August 15, 2023

Honorable Alex Pedersen, Chair
Transportation & Seattle Public Utilities Committee
Seattle City Council
600 Fourth Avenue
Seattle, Washington 98104

**Subject: Petition of 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**

Dear Chair Pedersen and Honorable Members of the Committee:

We are returning the petition from the Central Puget Sound Regional Transit Authority ("Sound Transit" or "ST") for the vacation of the southern 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 (“ROW”) to be vacated has a slightly different measurement on the east and the west side the general description is approximated.

Seattle Department of Transportation (SDOT) recommends the vacation be granted subject to conditions and procedural obligations included in this recommendation.

I. CITY COUNCIL DISTRICT

The proposed street vacation is in City Council District 4.

II. BACKGROUND

Sound Transit owns a parcel at the southern edge of the block bounded by Roosevelt Way NE on the west, NE 47th Street to the north, 11th Avenue NE on the east and NE 45th Street on the south. The block has an alley running north/south between NE 47th Street and NE 45th Street that is opened for the full length and improved at the northern portion. The Sound Transit parcel is on NE 45th Street and is split by the existing alley. Other property owners occupy the rest of the block north of the Sound Transit property. The eastern side of the block is developed with a mixed-use apartment building that uses the alley for access and services and has a private driveway connecting to 11th Avenue NE. The western side of the block is currently in use by an auto dealership but will be developed with two high-rise mixed-use buildings of approximately 400 units in total which will use the alley for services and access.

The block is in the University District neighborhood and within the University Community neighborhood planning area. The site is zoned Seattle Mixed-University 95-320 with an M1 Mandatory Housing Affordability designation (SM-U 95-320 (M1)). This zone allows a range of uses and has a mandatory affordable housing requirement. Projects on sites larger than 12,000 square feet in this zone may build up 320 feet, depending on tower spacing rules. Smaller parcels are limited to 95 feet.

The Sound Transit property is split into two parcels that are each less than 12,000 square feet in size that limits the development potential of the sites. With an alley vacation the combined parcel would be over 19,000 square feet and it may be possible to develop a high-rise residential tower on the combined site.

Sound Transit acquired the property to support the Link Light Rail project and the expansion to Northgate. This site was used for construction offices for the University District Station, which is just to the south of NE 45th Street. After the University District Station opened Sound Transit agreed to lease the property to the City at no cost to establish a temporary Tiny House Village. Sound Transit has been considering options for disposing the surplus property and plans to offer the

site for developing permanent affordable housing. Sound Transit is working with the City's Office of Housing ("OH") to open a Request for Proposals ("RFP") to solicit bids for acquiring the property for the purpose of developing affordable housing. Sound Transit will not develop the site but will select a developer for the housing based on the RFP criteria in development with OH. Sound Transit is working in partnership with OH who will guide the process and will provide funding for the affordable housing.

The Sound Transit Board has established policies to support equitable transit-oriented development ("TOD") and guide the use of property that remains as surplus after completing a Sound Transit transportation project. In 2015, the state legislature adopted legislation directing the agency to advance equitable TOD goals through prioritizing affordable housing when Sound Transit is proceeding with a surplus property disposition. In November 2022, the Sound Transit Board adopted a resolution supporting disposing the University district property for affordable housing.

The policy supports larger regional plans as well, including the Puget Sound Regional Council Growing Transit Communities Strategy, adopted in 2013. Sound Transit is a part of that agreement.

Sound Transit is proceeding to implement those goals and has asked the City Council to consider the vacation petition in advance of the RFP process to support the greatest interest in the site.

III. NONSTANDARD REVIEW PROCESS

The Street Vacation review is intended to be a rigorous examination of the impacts from the loss of a portion of public right-of-way ("ROW") and the impacts from the development that occurs following the vacation. The review process follows the guidance provided in the adopted Street Vacation Policies and in state law. It is also shaped by previous City Council vacation decisions and conditions and guidance from the Early Council Review. The depth of the review necessitates a specific development proposal to understand all the impacts from the proposed vacation and how the public interest is served by the vacation. Historically, the proposal must be for a current project that is ready to secure permits and begin construction immediately should the City Council grant the vacation.

Sound Transit has asked the City Council to consider the petition to vacate the southern portion of the alley absent a specific development proposal. Sound Transit intends to offer the property for developing affordable housing and the purpose of the request for an early vacation approval is to reduce uncertainty about the ability of a purchaser to secure a vacation. Sound Transit and its partner on the site, the Office of Housing, believe that an early vacation approval could facilitate the RFP process and encourage the greatest number of bids.

The City Council has expressed its willingness to consider the vacation absent a development and this leads to some changes in the review steps. The Council will initially review the proposed alley vacation without a developer or a project and may act to grant the vacation with conditions to address defined impacts from the loss of the alley segment and guidance and conditions around the

future public benefit and community engagement work. The community engagement supplemental work and the public benefit proposal are to be deferred until a developer has been selected by Sound Transit and OH. The Sound Transit RFP process shall contain the conditions, recommendations, and procedural obligations included in this recommendation.

Once Sound Transit and OH select an affordable housing provider, the work on the design and development of the site may proceed. As this work moves forward the purchaser will need to conduct additional community engagement and develop a public benefit proposal and provide this information to SDOT. Because the City Council will have already acted on Clerk File 314496, SDOT will create a new Clerk File to contain the additional information. SDOT, the Seattle Design Commission (“SDC”), and other City staff will review the material and provide a recommendation to the City Council.

The City Council will then review and act on this second Clerk File containing the public benefit proposal and the supplemental community work. Constructing housing on the site may then proceed. In the usual fashion, the final Vacation Ordinance will be forwarded to the City Council only when the project has completed all the obligations contained in the two Clerk Files.

IV. ACTIVITIES PRIOR TO FORMAL VACATION APPLICATION

The Street Vacation Policies outline several procedural obligations that a developer must address before SDOT may accept a vacation petition. This includes meeting with SDOT about the vacation process, policies, and obligations; submitting a 0 to 30% Street Improvement Plan (“SIP”); meeting with SDOT and SDCI staff about regulatory and code requirements, completing Seattle Department of Construction and Inspections (“SDCI”) Early Design Guidance (“EDG”) for projects subject to design review; working with Department of Neighborhoods (“DON”) on a Community Engagement Plan; and having an early briefing at the SDC.

Since this proposal does not include a specific project, the activities were more limited and involved a number of meetings. Sound Transit has met and worked with City staff at SDCI, SDOT, Seattle Public Utilities (“SPU”), Seattle City Light (“SCL”), SDC, and DON. Sound Transit also had an early meeting with the SDC before submitting a vacation petition. These multiple meetings helped to shape the vacation petition submitted to the City Council and outlined information needed by City agencies to review the concept of the partial alley vacation.

V. COMMUNITY ENGAGEMENT PLAN

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”) Chapter 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 4-2018 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 so the Community Engagement Plan may be accepted by SDCI and SDOT.

Since Sound Transit will seek an affordable housing developer for the site under current regulations, the development will not require any level of review SDCI's Design Review program. Because of the alley vacation, future development will still be subject to review by the Seattle Design Commission and to the obligation to work with DON to develop a Community Engagement Plan.

Sound Transit did conduct community engagement work in 2021 to explore the community's preference for the future development of the site and provided this work to DON. Sound Transit met with community stakeholders, conducted surveys in four languages, mailed over 10,500 postcards to residents, visited over 70 businesses in the area and distributed information at the University District Farmer's Market.

Through this work Sound Transit found that affordable housing was the top priority for the site. The community work also identified an interest in maximizing the housing units and accommodating a range of household sizes. Respondents also supported "reconfiguring" the alley to further enhance the development potential of the site.

While Sound Transit did a lot of work to provide information to the community and solicit input in a variety of ways, the work did not make a clear statement that the alley was proposed for a partial vacation. Nor was there a specific request for public benefit ideas related to the alley vacation. The City has asked that Sound Transit follow up on the community work previously done to specifically address the alley vacation and provide the opportunity for input on the public benefit proposal.

Sound Transit proposes to defer the additional community engagement and the work to develop a public benefit proposal. This work would be completed after the initial approval of the partial alley vacation and would be done by the purchaser of the site as the specific development is planned. Deferring this supplemental community engagement will provide an opportunity for community input on the public benefit proposal.

VI. 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 (“DRB”) meetings, Street Improvement Permit (“SIP”) review, or other City procedures have begun to identify issues and refine the proposal.

An early Council briefing was held on July 19, 2022, at the Sustainability & Transportation Committee. During that briefing, the Committee expressed support for the nonstandard review process to support developing affordable housing on the Sound Transit property.

VII. REASON FOR VACATION

The vacation is sought to support developing affordable housing on two Sound Transit’s surplus property. The alley vacation allows for consolidating the site so that one building can be developed. This consolidation eliminates the duplication of service and access points and supports a more efficient development. Developing two buildings on the site could require redundant services in each building such as elevators and stairs, lobbies and building entries, mail and package pickup, and trash/recycling service.

In addition, the consolidated site can accommodate more units of housing. Sound Transit has estimated that it is possible that two to three times the number of units could be developed on a consolidated site. The reduction in development costs of the single building plan may reduce the cost per unit of each unit of housing. Without redundant services such as elevators and loading or service bays a consolidated site will likely support constructing the maximum number of units on the site.

VIII. NO-VACATION ALTERNATIVE

Without a vacation of the alley splitting the Sound Transit property it would be possible to develop the property individually for affordable housing. While an alley vacation would consolidate the property into a larger contiguous site, the two individual parcels do have the potential to be developed for housing. However, retaining the alley and developing the two smaller sites would likely yield far fewer affordable units than would the vacation alternative. The height of the buildings would likely be limited as the lot size is too small to maximize the height provided for in the zoning code. The alley would require widening through a dedication of five feet on each side to meet current development standards.

Because of the small lot size and the need for redundant services it is not clear that a project would be financially feasible for affordable housing without the alley vacation, or the project might require a greater subsidy to be viable.

The feasibility assessment provided by Sound Transit suggests a reasonable development scenario of the site without an alley vacation would be a mid-rise building on each side of the alley with 6 to 7 stories and a potential of 77 units of housing and approximately 6,000 square feet of retail in total.

The no-vacation alternative would not require any public benefits or any additional Community Engagement work.

IX. PROJECT DESCRIPTION

Sound Transit does not have a purchaser or developer for the site, so no project description is available. A speculative look at the development potential of the site is based on a feasibility assessment provided by Sound Transit. SDCI has been very engaged in looking at the regulatory obligations at this location and in reviewing the feasibility assessment provided by Sound Transit. It is not anticipated that parking would be required or provided by the housing development, but any scale of development would need to include the space for a reconfigured alley and provide for services and access to the new building.

Sound Transit has presented three possible outcomes for development of the consolidated site. One possibility is a mid-rise project of 7 stories with about 94 units and approximately 6,000 square feet of retail. A second outcome could be a high-rise building of 18 stories with 218 units and 6,000 square feet of retail. A third outcome could be a high-rise building of 28 stories with 260 units and 6,000 square feet of retail.

SDCI has looked at the complexity of the development site and tower spacing requirements with a planned adjacent building. The SMC requires an 8-foot setback from property lines abutting on NE 45th Street and a 4-foot setback is required on Roosevelt Way NE and 11th Avenue NE. In addition, the project would need to dedicate the space needed for a new alley segment to replace the vacated portion. SDCI has also considered requirements that might affect the cost of development if the project were to be developed as a high-rise. A taller tower may require additional elevator banks which are costly and may not be feasible for an affordable housing proposal. High-rise towers have increased costs related to construction methods and materials.

SDCI also noted that at-grade neighborhood open space would be required to exceed the site's maximum Floor Area Ratio ("FAR") which would be required for high-rise development.

A high-rise building with more units could be developed but the costs and complexities of the site make this a more challenging direction.

A realistic outcome on this site is a project that provides somewhere around 200 units of housing and is probably not higher than 16 to 18 stories with ground floor retail of 6,000 square feet. While there is no certainty as to the number of units that might be provided it is likely possible to obtain around 200 units of housing. This scale of project could also accommodate the space

needed to dedicate the new alley segment to 11th Avenue NE. The development of a new alley segment is a mandatory element of the proposal. The development of around 200 units of housing seems realistic but the number of units should be considered as possible and not assumed as an outcome or required as a condition.

What cannot be known now is whether a provider might be selected who proposes larger units or proposes a lower affordability level, which means a greater subsidy to develop the units both of which could result in fewer units. There could be other factors that may be considered in selecting a winning bid on the site that might impact the number of units that are ultimately built.

X. CIRCULATION/REGULATORY REVIEW/ISSUE IDENTIFICATION

In the absence of a specific development proposal the review was limited, and the information reviewed by city staff was based on regulatory obligations and feasibility analysis by Sound Transit. SDOT, SPU, SCL, and SDCI reviewed the concept of the alley vacation. The SDC held a regular Commission meeting to formally review the vacation and provide comments and a recommendation.

XI. DESIGN COMMISSION REVIEW

The SDC reviews all vacation proposals and provides advice to the City Council and City departments on specific elements of the proposal. The SDC focuses their review on two areas established by the City Council in Resolution 31809: how the loss of the right-of-way impacts the functions of the remaining rights-of-way near the project, the public trust functions and how improvements to the public realm offset the loss of the right-of-way, and the public benefit obligation. To evaluate the implications of the loss of the right-of-way, the SDC considers elements such as the community context, how project features such as building orientation and scale are affected, how utilities are modified as a result of the loss of the right-of-way, and how the project engages with the public realm around the development site. The SDC is particularly interested in the community engagement plan and how the goals of the community are reflected in the development and public benefit features.

Following the review of how the elements of the right-of-way are modified as a result of the vacation, the SDC then considers the proposed public benefit package. This includes a review of whether the proposed features are of value to the public and rise to the level of a public benefit. The review considers whether the public benefit elements are public in nature and how the elements exceed any project-related improvements that benefit the project more than the public. Finally, the SDC review considers whether the public benefit proposal is adequate considering the scale of the project, the loss of the public right-of-way, and the impacts of the vacation.

The SDC reviewed the Sound Transit proposal at a subcommittee prior to the vacation petition submittal on June 9, 2022, and at its regular Commission meeting on July 6, 2023, and made the following comments and recommendations.

At the June 9, 2022, meeting, the Commissioners focused their comments on 5 topics:

1. Alley access for city service vehicles, circulation of pedestrian and vehicular traffic
2. Public benefit – goals and restrictions
3. Pedestrian experience of NE 45th Street – massing and setback
4. RFP-embedded expectations for developers
5. Transportation – all modes of access around the site

At the July 6, 2023, Commission meeting the Commission focused their discussions and deliberations following categories outlined in the Council policies for Public Trust analysis. Public Trust policies address the implications of the alley vacation proposal on the role and purpose of rights-of-way and how the project proponent has addressed the loss of the street or alley on the remaining functions of right-of-way abutting or near the site.

The Commission organized their discussion in three groups:

- Circulation and Access, Utilities
- Free Speech, Public Assembly
- Open Space, Light and Air, Views, Land Use, and Urban Form

As Sound Transit has not developed a public benefit package, the Commission did not provide any analysis or direction on that part of the vacation process.

Circulation, Access, and Utilities

Commissioners focused their comments on how vehicles and pedestrian circulation will occur in a safe manner from the new alley configuration. Commissioners also focused their comments on where the location of “back of house” functions (trash, drop offs, deliveries, move-ins) from the vacation. Commissioners raised concerns about the potential impact to Protected Bike Lanes (“PBL”) planned for the west side of 11th Avenue NE and how those conflicts will be mitigated when a development is selected in the RFP process.

Free Speech and Public Assembly

Commissioners had no specific comments on these policies.

Open Space, Light and Air, Views, Land Use, and Urban Form

Commissioners focused their deliberations on how the loss of the alley segment and consolidation of the two parcels affect urban form. Commissioners also discussed the benefits of the vacation in consolidating two parcels that are relatively small. Commissioners also discussed whether a high-rise development appeared feasible due to the site and its constraints. Commissioners also discussed the benefits of having a continuous structure along NE 45th Street due to the vacation. Commissioners expressed concern about the residual space at the NE corner of the site abutting 11th Avenue NE and its role in providing open space.

Commissioners also discussed and expressed concern about Sound Transit stated goals for the project. Sound Transit has indicated that the project was intended to have 100% affordable units. However, there is no explicit goal (number of units, levels of affordability, etc.) and how that goal can be realized if a structure up to or meeting the base height limit is the only feasible option due to site constraints.

Commissioners also expressed concern about the nature of this vacation. The lack of a concurrent development proposal with the vacation petition raises many unanswered questions about its implications on the public realm and abutting development. Commissioners understood that the shared Council and Sound Transit commitment to affordable housing was the basis for this abbreviated process, as both City and Sound Transit believe the RFP process will be strengthened with the vacation in place. Commissioners expressed that any allowance for future vacations without a concurrent development should be highly selective and based on similar strong City priorities. They did understand that future development was intended to meet Sound Transit policies on transit supportive development.

Commission Action

The Commission recommends that the City Council approve the proposed partial alley vacation. The Commission also recommends that the Council require Sound Transit to embed the following conditions in their RFP for future development at this site:

Condition 1 - Public Benefit

Prior to applying for a Master Use Permit 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 Seattle Design Commission 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 issuing a Certificate of Occupancy.

Condition 2 – Public Trust – Circulation and Access

Prior to applying for a Master Use Permit, present to the SDC the design of the access point of the alley to 11th Ave 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.

Condition 3 – 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.

Condition 4 – 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.

The conditions recommended by the SDC are included as conditions in this recommendation with an edit related to the timing. As the project may not need a Master Use Permit (“MUP”) the timing obligation to provide information prior to a MUP application may not work. The edit provides that the additional work shall be provided to the City prior to the MUP or according to a schedule established with SDOT.

XII. 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 general 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 to the extent possible without a specific development proposal, a public benefit proposal, and an updated Community Engagement Plan.

XIII. 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.

The main purpose of alleys is to provide for access to the individual parcels on a block and to provide for services and utilities. Alleys generally are not considered part of the larger circulation system and do not provide for the circulation of vehicles around a site or a community. Since the alley segment proposed for vacation will be replaced with a new alley segment the use and function of the alley remains in a different form.

Alleys connecting to major arterials can pose some challenges for merging traffic. Both the existing alley access to NE 45th Street and the proposed new alley alignment to 11th Avenue NE would have alley traffic entering the street system on an arterial. This area is busy with buses and vehicles and has high volumes of traffic heading towards Interstate 5. The new access proposed on 11th Avenue NE has the additional complication of heavy use by pedestrians and bicycles which can increase conflicts.

The new alley segment connecting to 11th Avenue NE can adequately provide for continued access and services on the block. Through a Street Improvement Permit ("SIP") or other permit, SDOT will work with the developer on the design of the new alley segment and will require design strategies to mitigate any conflicts with pedestrians and bicycles.

Access: Streets and alleys provide access to individual parcels and provide access around and through the surrounding and larger 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 main function of alleys is to provide for access to individual parcels and to provide for utility vehicles and services such as solid waste pickup and utility infrastructure such as SCL poles or SPU catch basins. When the vacation or partial vacation of an alley is proposed the review looks at the impact to the surrounding parcels and whether the service and access uses that should be contained within the parcel are pushed out to the surrounding streets.

This block is long, over 600 linear feet, extending from NE 47th Street to NE 45th Street; the alley in the block is open and has been improved north of the Sound Transit parcels. The alley is currently used by the other property owners for typical alley functions such as access to garages, and for service use such as SPU garbage/recycling pick-ups. These alley functions need to continue on the block, so before a vacation can be approved there must be a replacement of the alley functions.

SDOT, SDCI, and Sound Transit discussed the options for continuing alley functions on the block. The options considered:

- 11th Avenue NE alley connection: this concept eliminates the existing alley connection at NE 45th Street and provides reconfigured alley access through a dogleg to 11th Avenue NE;
- Roosevelt Avenue NE alley connection: this concept eliminates the existing alley access and provides reconfigured alley access through a dogleg to Roosevelt; and
- Hammer head and cul-de-sac alternatives: this concept eliminates the existing alley access and considered various concepts that confined the vehicle movement to the interior of the alley with vehicles entering, turning within the interior of the site and then exiting at the alley entrance on NE 47th Street.

An alley exit on Roosevelt Avenue NE was eliminated as a viable alternative because of its proximity to the I-5 freeway. The high volume of traffic there would mean that alley traffic would need to wind through heavy traffic near a major intersection.

SDOT and SDCI initially identified an interior hammer head or turnaround as a preferred alternative. This alternative was preferred by the City as a way to minimize impacts to Roosevelt Way NE which contends with traffic heading to I-5 or 11th Avenue NE which has high pedestrian and bicycle use currently which is expected to increase in the future. The City requested that Sound Transit provide additional analysis of the alternatives.

Sound Transit had KPFF review the alley alternatives and it provided its analysis to the City on May 16, 2023. KPFF identified that the City's preferred alternative would likely have the greatest impact on development of the site for affordable housing. The creation of a turnaround in the center of the site would take considerably more space than accommodating a dogleg alternative. This would limit the property available for housing

and creates an awkward development site around the alley hammer head. Both the reduction in parcel size and the need to develop around a turnaround would limit the development potential of the site.

KPFF estimated that the interior turnaround could reduce the housing development by perhaps 30 to 35 units.

After a review of the additional analysis provided by KPFF, SDOT can move forward with the “L” shaped alley dogleg configuration proposed by KPFF with an alley connection to 11th Avenue NE. The alley connection needs to be consistent with the Streets Illustrated Street Improvement Manual and the proposal provided to SDOT. The design details shall be established through the SIP review.

In addition, since the alley will connect onto a busy pedestrian and bicycle route, SDOT will require that the proposed alley reconfiguration include design features such as signage and clear sight lines consistent with best practices to minimize potential conflicts between exiting vehicles and the bikes and pedestrians on 11th Avenue NE.

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 alley will be realigned following the vacation and shall be designed to accommodate SPU service vehicles where its large-scale vehicles will be needed to provide services to the multi-family buildings on the block and the new affordable housing.

The alley also has Puget Sound Energy, SCL, SPU storm/sewer lines, and some telecommunication facilities. These facilities will need to be accommodated or relocated as determined by the impacted utility.

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.

Alleys traditionally provide for access to the adjacent parcels, parking access, service access such as deliveries and solid waste pickup. Alleys also provide space for utility infrastructure such as City Light vaults and drainage catch basins. The alley proposed for the partial vacation is open and available for public use and provides for the service and access needs for the other parcels on the block.

While it is possible for the public to use the alley and to exercise free speech rights in the alley it does not appear to have much value for those purposes absent some adjacent buildings with public access or public purpose. The alley does not appear to be a neighborhood short cut or a route to public space although it should be noted that the University neighborhood is always busy with pedestrian and bicycle activity.

The vacation is only for the southern portion of the alley. The northern segment of the alley would remain, and the development would create a new alley segment connecting to 11th Avenue NE. The block will continue to have a public alley even after the vacation and new alley segment. While it seems unlikely that the alley will become a place used by the public for the exercise of free speech rights the free speech opportunities are similar before and after a vacation.

Without a proposal for the development of the site it is unknown whether new public space might be included with the new 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 or alley as a place for community activity in considering any vacation.

As noted, alleys generally function as the back door of a block and provide important space for services and access to property but generally don't provide adequate space for the public to gather. This alley extends from NE 47th Street to NE 45th Street and the southern portion of the approximately 116 linear feet is proposed for vacation. While the alley is long it is narrow and will remain in regular use for services and garage access for the other properties along the alley.

After the vacation, the alley functions will all remain with the new proposed connection to 11th Avenue NE. The width of the alley would make it an awkward and likely insufficient space for a community event or public gathering especially with ongoing service and access uses. The alley does not currently serve as a place of public assembly nor is it adjacent to a public or community space. The narrow width of this alley and its continued need for access to loading, parking, and services make it an unlikely space for public assembly.

Without a development proposal it is unknown whether any new space would be provided on site that might be suitable as public gathering space.

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.

This proposed vacation is for the southern portion of the alley and includes about 1,160 square feet of right-of-way that is approximately 10 feet in width and 116 feet in length. While the alley is open and available to the public. However, the continued use of the vacated and reconfigured alley for traditional alley purposes, such as utility services, limits its value as public open space. As noted, this alley space functions to provide for property access and services and does not appear to have value for valuable public open space.

Without a specific development proposal, it is unknown whether any public open space will be provided with the new housing.

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 alley proposed for vacation is the southern portion of the alley and the service and access functions of the alley will be realigned with a new alley segment proposed to connect to 11th Avenue NE. The functions of the alley will remain in the reconfigured version but there will not be continuous visual access north and south through the alley. The development of a building over the vacation portion of the alley will create a longer continuous building frontage not relieved by the intervening alley.

There are not any public spaces that will be shadowed by development at this location. There will be a modest diminution in light and air, but the vacation supports the development of an affordable housing project reflecting one of the highest goals for the City.

Without a specific proposal it is not possible to know the height and how the block might be utilized but 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 views 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 alley right-of-way proposed for vacation does not provide views of any natural feature or community landmark. Should the vacation be approved, the alley will be developed but there is not a loss or diminution of any public views. While the alley is open and does provide the ability to look up and down the alley the scale of development around

the site does not provide for any significant views. There are no views of importance that will be lost by vacating this alley.

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 project is consistent with the zoning for the area and would be consistent with the scale of a number of planned and permitted future developments. The scale of any building likely to be developed on the consolidated site would be consistent with the zoning and with the goals to support housing and particularly affordable housing in the area. Given the size of the property, even combined through the alley vacation, development here will likely be smaller than the building proposed north of this site and many other developments in the pipeline for the University District. Currently in permitting is a project on Roosevelt north of the Sound Transit property that will be 240 feet in height, a 320-foot hotel/residential building across 11th Avenue NE, a 265-foot residential tower just south on NE 45th Street, and a 320-foot residential tower southeast on NE 45th Street. In addition to these projects in permitting a number of developments are planned or in review in the neighborhood.

SDCI noted that this site is prominent at the entry to district and is very visible. The site fronts on NE 45th Street which can feel hostile to pedestrians and the volume of cars can feel overwhelming. SDCI suggests that any open space provided on site be welcoming and serve as a respite for pedestrians. The street edge should be developed with setbacks that provide relief to pedestrians, create usable space, and have an engaging edge at street-level.

This area is well served by existing transit including the new University District Light Rail Station within two blocks of the site. The neighborhood is rich with educational and cultural opportunities and has a wide variety of retail and services. The location provides for much needed affordable housing in an area with excellent transit, amenities, and services.

XIV. 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 urban 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.

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 Vacation Policies go on to 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 may proposed more moderate public benefit packages that implicitly recognize the public benefit in supporting the proposal.

The consistent direction from the City Council has been that every project, even those providing for important public services, must provide a proportional public benefit.

Public benefit elements must also exceed elements required by the Seattle Municipal Code or mitigation required under the State Environmental Policy Act ("SEPA") 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.

The SDOT recommendation includes the background from the Vacation Policies to provide the values as expressed in the policies and the criteria that are used to evaluate a public benefit proposal. In the absence of a development plan and a public benefit proposal the information is included here to provide guidance for low-income housing providers who will review the Council recommendation when developing a bid for the property.

In addition to the summary in this recommendation and the expanded information provided in the Vacation Policies potential bidders and the selected bidder should work with SDOT to understand the obligations of the vacation process. SDOT and other City staff, including the expertise of the SDC, will assist in the development of a meaningful public benefit plan that is proportional to the benefits that will be provided by the affordable housing.

SDOT is ready to assist Sound Transit through the RFP process. Once a bid is selected SDOT can facilitate meetings to outline a schedule and process to move this uncommon process forward.

XV. RECOMMENDATION

It is recommended that the vacation be 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 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.

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 RFP 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 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 its 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.

Sincerely,


Greg Spotts (Aug 9, 2023 14:22 PDT)

Greg Spotts, Director
City of Seattle, Department of Transportation

Enclosures

From: [Hurley, Joseph](#)
To: [Jenkins, Michael](#); [Buker, Gerald](#); [Barnett, Beverly](#); [Wilburn, Bradley](#); [Whitson, Lish](#)
Cc: [DuBois, Jeanette](#); [Capestany, Tina](#)
Subject: RE: 1000 NE 45th Street alley vacation analysis - check in
Date: Monday, March 6, 2023 7:41:57 AM
Attachments: [1000_45th_SDCI_draft_030423_sml.pdf](#)
[1000_45th_Recent_nearby_examples.pdf](#)
[image002.jpg](#)
[image004.png](#)
[image001.png](#)

Hello Michael et al.,

Here are those associated graphics, added to the analysis – talk to you soon!

Regards,

Joe

Ps – I also attached the PDF with recent nearby towers.

Joe Hurley

Senior Land Use Planner

Seattle Department of Construction and Inspections

(206)561-3432 | Joseph.Hurley@seattle.gov

From: Hurley, Joseph

Sent: Thursday, March 2, 2023 9:37 AM

To: Jenkins, Michael <Michael.Jenkins@seattle.gov>; Buker, Gerald <Gerald.Buker@seattle.gov>; Barnett, Beverly <Beverly.Barnett@seattle.gov>; Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Capestany, Tina <Tina.Capestany@seattle.gov>

Subject: RE: 1000 NE 45th Street alley vacation analysis - check in

Hello Michael,

Yes! I will tune-up the graphics from the meeting and send them along.

Joe

Joe Hurley

Senior Land Use Planner

Seattle Department of Construction and Inspections

(206)561-3432 | Joseph.Hurley@seattle.gov

From: Jenkins, Michael <Michael.Jenkins@seattle.gov>

Sent: Wednesday, March 1, 2023 1:05 PM

To: Buker, Gerald <Gerald.Buker@seattle.gov>; Barnett, Beverly <Beverly.Barnett@seattle.gov>; Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Capestany, Tina <Tina.Capestany@seattle.gov>

Subject: RE: 1000 NE 45th Street alley vacation analysis - check in

Thanks so much!

Is it possible to get the graphics you developed that illustrates the tower separation issue and any of the other that affects development capacity based on site size and orientation?

Michael

From: Buker, Gerald <Gerald.Buker@seattle.gov>
Sent: Wednesday, March 01, 2023 11:55 AM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Jenkins, Michael <Michael.Jenkins@seattle.gov>; Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Capestany, Tina <Tina.Capestany@seattle.gov>
Subject: RE: 1000 NE 45th Street alley vacation analysis - check in

Hello all,

Please see attached rundown of zoning for this site. Let me know if you have any questions.

Gerald Buker “Eddie”

Land Use Planner

City of Seattle Department of Construction and Inspections

P: (206) 386-1246 | Gerald.Buker@Seattle.gov

" Helping people build a safe, livable, and inclusive Seattle. "

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Sent: Wednesday, March 1, 2023 9:18 AM
To: Jenkins, Michael <Michael.Jenkins@seattle.gov>; Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Capestany, Tina <Tina.Capestany@seattle.gov>; Buker, Gerald <Gerald.Buker@seattle.gov>
Subject: RE: 1000 NE 45th Street alley vacation analysis - check in

Thanks everyone!

From: Jenkins, Michael <Michael.Jenkins@seattle.gov>
Sent: Friday, February 17, 2023 11:55 AM
To: Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Barnett, Beverly <Beverly.Barnett@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Capestany, Tina

<Tina.Capestany@seattle.gov>; Buker, Gerald <Gerald.Buker@seattle.gov>

Subject: Re: 1000 NE 45th Street alley vacation analysis - check in

Thanks Bradley!

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From: Wilburn, Bradley <Bradley.Wilburn@seattle.gov>

Sent: Friday, February 17, 2023 11:54:15 AM

To: Jenkins, Michael <Michael.Jenkins@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Barnett, Beverly <Beverly.Barnett@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Capestany, Tina <Tina.Capestany@seattle.gov>; Buker, Gerald <Gerald.Buker@seattle.gov>

Subject: RE: 1000 NE 45th Street alley vacation analysis - check in

Good morning, Michael-

Just a reminder, I'll be out starting the morning of 2/23/23 and will be returning to the office on 3/7/23. I've invited Jackson Keenan-Koch (SDOT) to the check-in meeting in anticipation of providing additional ground level clarity if needed for the ROW. I'm confident Joe and Eddie will provide a baseline analysis to help the commissioners when that time arrives. Once I'm back in the office, I'll check-in with you for status and troubleshooting, if needed.

Respectfully yours,

Bradley

-----Original Appointment-----

From: Jenkins, Michael <Michael.Jenkins@seattle.gov>

Sent: Friday, January 6, 2023 10:39 AM

To: Jenkins, Michael; Jenkins, Michael; Whitson, Lish; Barnett, Beverly; Hurley, Joseph; Wilburn, Bradley

Cc: DuBois, Jeanette; Capestany, Tina; Buker, Gerald

Subject: 1000 NE 45th Street alley vacation analysis - check in

When: Thursday, February 23, 2023 3:00 PM-4:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where:

This meeting is to discuss an project seeking a partial alley vacation for an affordable housing development. The project will not be subject to the city's DRB program. However, the Commission will be asked to approve the vacation. Some consultation on design and zoning issues will be helpful in making any recommendations.

I've attached a copy of the recent Council presentation on the proposal.

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4525 9TH AVE NE

SDCI #3035493-EG

EARLY DESIGN GUIDANCE MEETING

FEBRUARY 10, 2020



SUMMARY OF KEY DEVELOPMENT STANDARDS: SEATTLE MUNICIPAL CODE

Address: 2545 9th Avenue NE - University District
Zoning Designation SM-U 95-320 (M1)
Lot Area 21,600 SF

Topic & Reference	Code Language (Paraphrased Summary)	Project specific application or interpretation
Height Limit - Rooftop Features 23.48.025.C	4. Rooftop features are permitted to the heights indicated below, as long as the combined coverage of all rooftop features does not exceed 20% of the roof area, or 25% including stair or elevator penthouses or screened mechanical equipment: +4' Railings, parapets, skylights, planters, etc. +15' Stair penthouses, mechanical equipment, covered or enclosed common recreation area for structures exceeding 125 ft height 5. For structures greater than 85 ft in height: +25' Elevator penthouses, if the elevator provides access to a rooftop with usable open space, up to 45' permitted if the structure is greater than 125' and total coverage is less than 25% 7. Combined total coverage may be increased up to 65% of the roof area, if: All mechanical equipment is screened and no rooftop features are located closer than 10 feet to the roof edge.	Departure requested on Option C, see page 39
Amenity Area for Residential Uses 23.48.045	B. Quantity: 5% of total gross floor area in residential use. C. Standards: Max 50% are may be enclosed, 10 ft minimum horizontal dimension, 225 sf minimum size, Street accessible street level landscaped open space counted as twice the area, Public open space may be used	
Structure Height in SM-U Zones 23.48.615	A.1. Maximum height limit: 95' midrise structures, 320' highrise structures A.2. The minimum lot size is 12,000 square feet for a highrise structure.	Development parcel is 21, 600 square feet.
Floor Area Ratio 23.48.620	Base FAR for all Uses = 4.75 Max FAR for non-residential uses = 7 Max FAR for residential uses and for all uses in a mixed-use development = 12 *An additional increment of 1.0 FAR above the max FAR is permitted on lots meeting the requirements of subsection 23.48.620.D.	Project pursuing 12 FAR
Extra Floor Area in SM-U Zones 23.48.622	A.1.b. Achieve 35% of the extra floor area through the use of one or more of the following: Providing open space amenities according to Sections 23.48.624 and 23.58A.040. Green Building Performance. Applicants for development containing any extra floor area in SM-U zones shall meet the green building standard per Chapter 23.58D.	
Bonus Floor Area for Publicly Accessible Open Space Amenities 23.48.624	B. The following open space amenities area eligible for a floor area bonus to gain an amount of extra floor area: 1. Neighborhood open space.	Project is providing a neighborhood open space
Street-level Development Standards 23.48.640	B. Street-level street-facing units = 7 ft average/5 ft minimum setback from street lot line Landscaped areas, private or common useable open space or amenity area, and unenclosed stoops, steps, decks are permitted in required setback area. Bay windows, canopies, are permitted to extend up to 4 ft into the required setback.	Neighborhood open space design to meet these criteria
Upper-level Development Standards 23.48.645	A. All highrise structures are subject to a limit on the floor area of stories above 45 ft. 12,000 sf average gross floor area/13,000 sf max gross floor area for residential use up to 160 ft 10,500 sf average gross floor area/11,500 sf max gross floor area 160 ft to 240 ft 9,5000 sf average gross floor area/10,500 sf max gross floor area greater than 240 ft D. 15 ft minimum setback from any side lot line that is not a street or alley for all portions of a highrise structure exceeding the midrise height limit of the zone. E. 75 ft minimum separation is required between highrise portions of structures on a lot and any existing highrise structures located on a separate lot in the same block.	
Façade Modulation 23.48.646	A. Façade modulation is required for the street-facing façade within 10 ft of a street lot line on lots exceeding 12,000 sf B. Modulation is not required for the portion of the street-facing façade that does not exceed a width of 100 feet above 45 feet in height. C. Max length of unmodulated facade within 10 ft of street lot line = 120 ft for stories above 45 ft to 95 ft, 80 ft for stories above 95 ft.	
Parking 23.54.015	L. All residential uses within urban centers or within the Station Area Overlay District: No minimum requirement.	



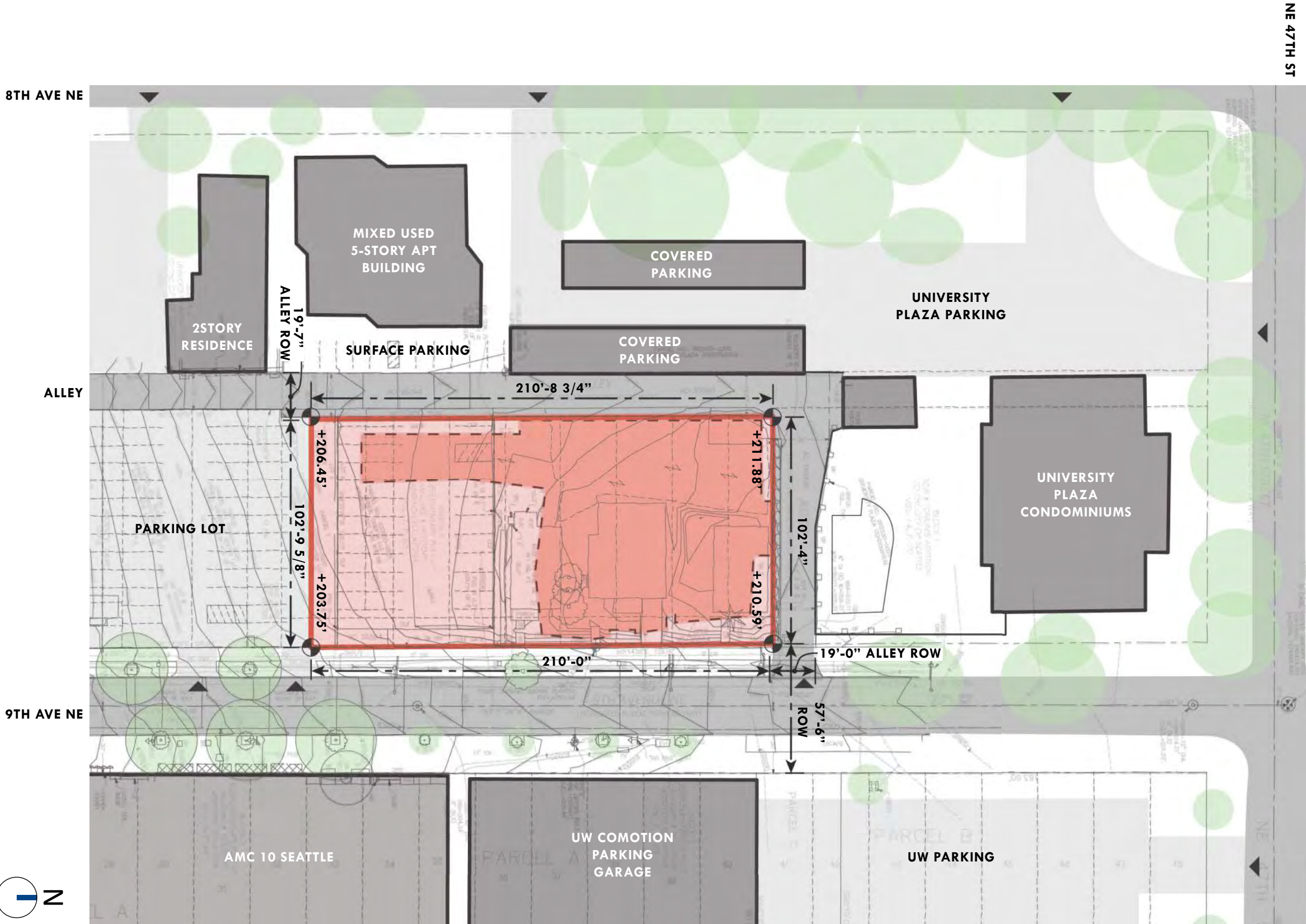
SITE SURVEY

LEGAL DESCRIPTION:

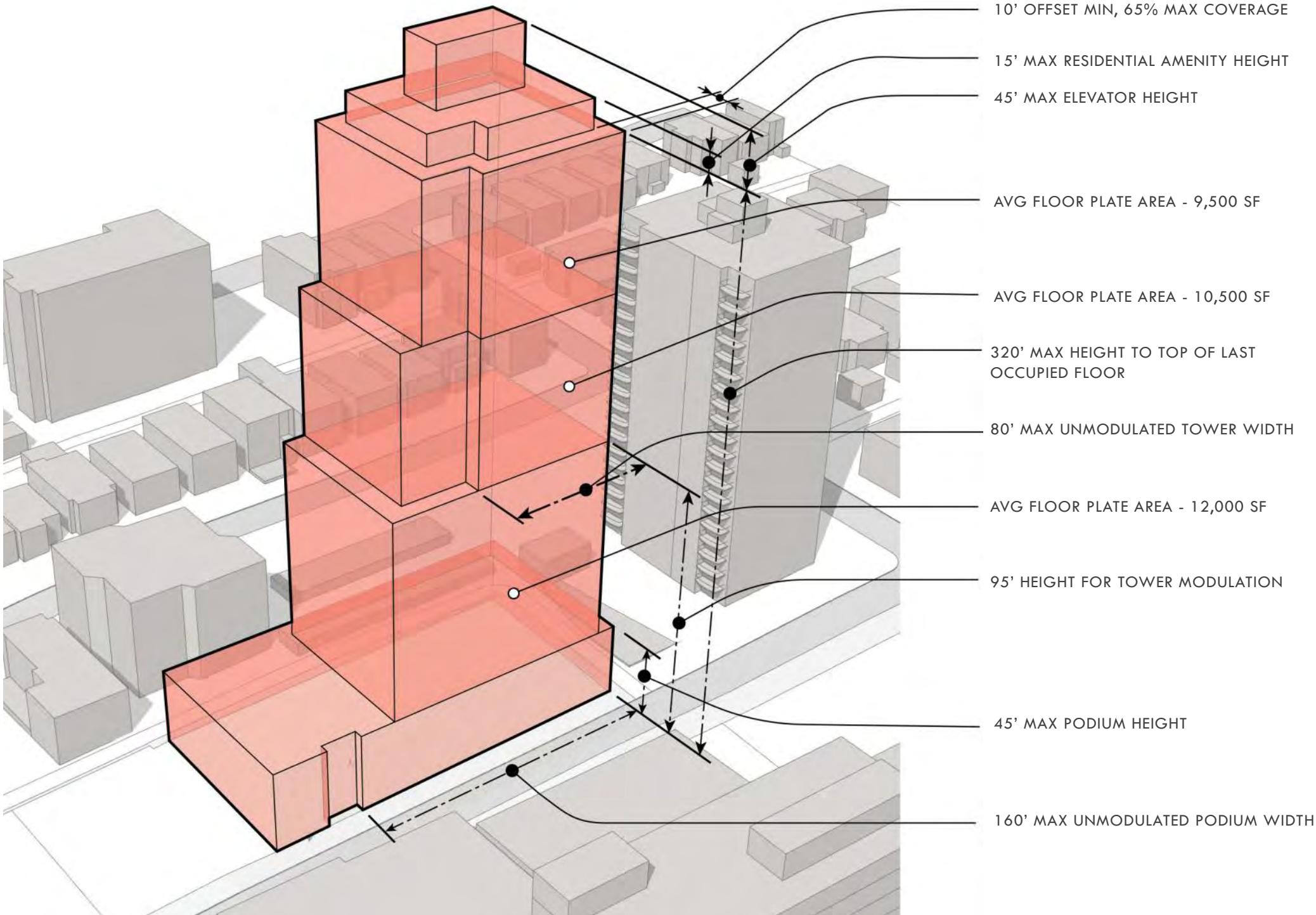
MC GUIRE & HOLDENS TO LATONA SUPL & POR
VAC ST ADJ
PLAT BLOCK: 3
PLAT LOT: 1-2-3-4-5-6

MCGUIRE & HOLDENS TO LATONA SUPL 6 LESS
N 5 FT & ALL 7 & 8 & 9 POR VAC ST ADJ
PLAT BLOCK: 3
PLAT LOT: 6-7-8

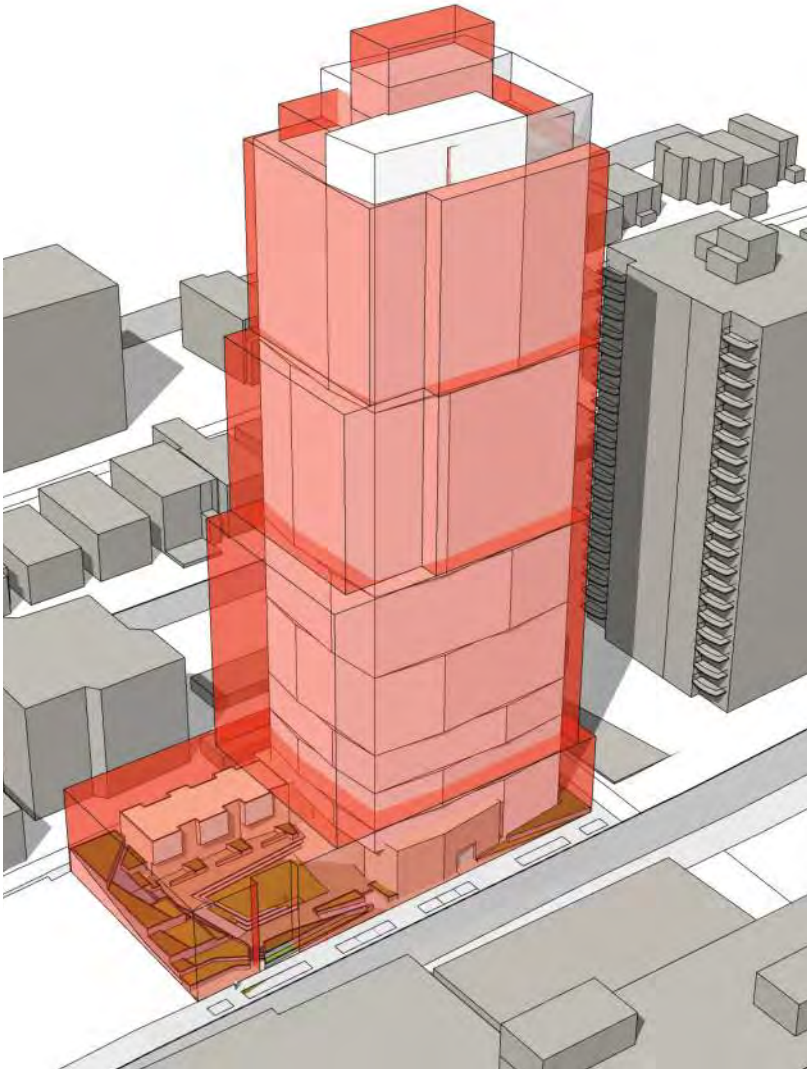
MC GUIRE & HOLDENS TO LATONA SUPL & POR
VAC ST
PLAT BLOCK: 3
PLAT LOFT: 9



ZONING DIAGRAM

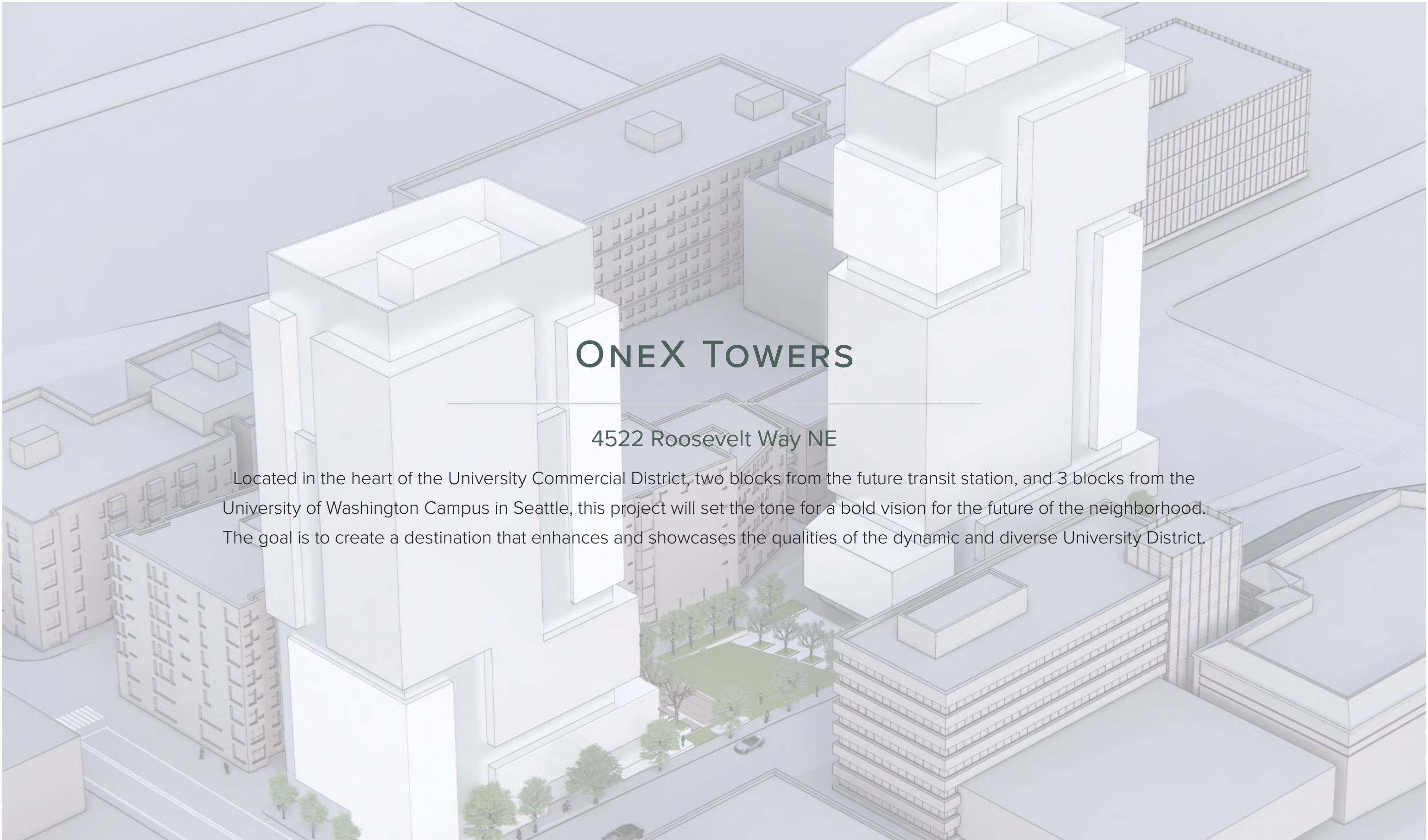


MAX ZONING ENVELOPE ALLOWED



PREFERRED MASSING COMPARED TO MAX ZONING ENVELOPE

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ONEX TOWERS

4522 Roosevelt Way NE

Located in the heart of the University Commercial District, two blocks from the future transit station, and 3 blocks from the University of Washington Campus in Seattle, this project will set the tone for a bold vision for the future of the neighborhood. The goal is to create a destination that enhances and showcases the qualities of the dynamic and diverse University District.

EXISTING SITE PLAN

Site Information

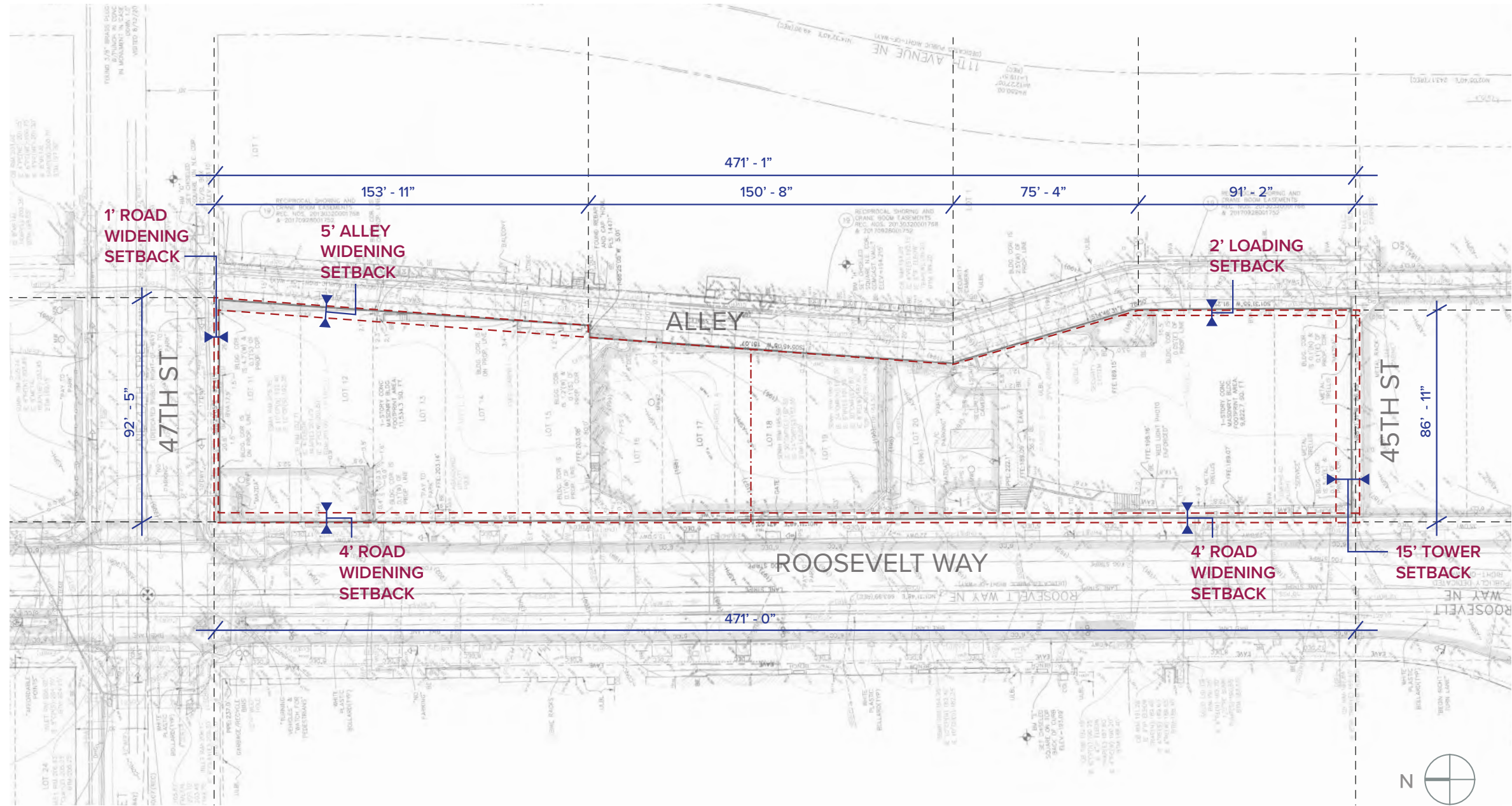
The site is located at 4522 Roosevelt Way NE, and is bounded by 47th Street to the north, an alley to the east, adjacent property to the south, and Roosevelt Way NE to the west. The OneX property is the result of combining four of the five parcels on the block, 470' total in the N-S direction.

Legal Description

PETTITS UNIVERSITY ADD LOTS 11 & 12 & 16 THRU 20 BLK 9 TGW N 45.77 FT M/L OF S 330.77 FT M/L OF SE 1/4 OF SE 1/4 SEC 8-25-4 LY BETWN ROOSEVELT WY NE & ALLEY LESS ANY POR S OF LN RNNG FR A PT 205 FT N OF N MGN NE 45TH ST (AS MEAS ON E MGN SD ROOSEVELT WY NE) TH N 45 FT TH E 83 FT M/L TO W LN SD ALLEY & TERM SD LN LESS POR FOR ALLEY PER DEED REC #20130226000878

BEG ON E LN OF 10TH AVE NE 205 FT N OF N LN OF E 45TH ST TH N 45 FT TH E 83 FT M/L TO W LN OF ALLEY TH S ALG ALLEY TO PT E OF BEG TH W 92 FT M/L TO BEG LESS POR FOR ALLEY PER DEED REC #20130226000878

N 77 FT OF S 240 FT OF E 92 FT OF W 122 FT OF SE 1/4 OF SE 1/4 SEC 8-25-4 BEING THAT POR SD SUBD LY WLY OF ALLEY AS SHOWN IN PLTS OF SHELTON ADD (BLK 3) & PETITS UNIV ADD (BLK 9) & ELY OF ROOSEVELT WY NE LESS POR FOR ALLEY PER DEED REC #20130226000878



ZONING SUMMARY

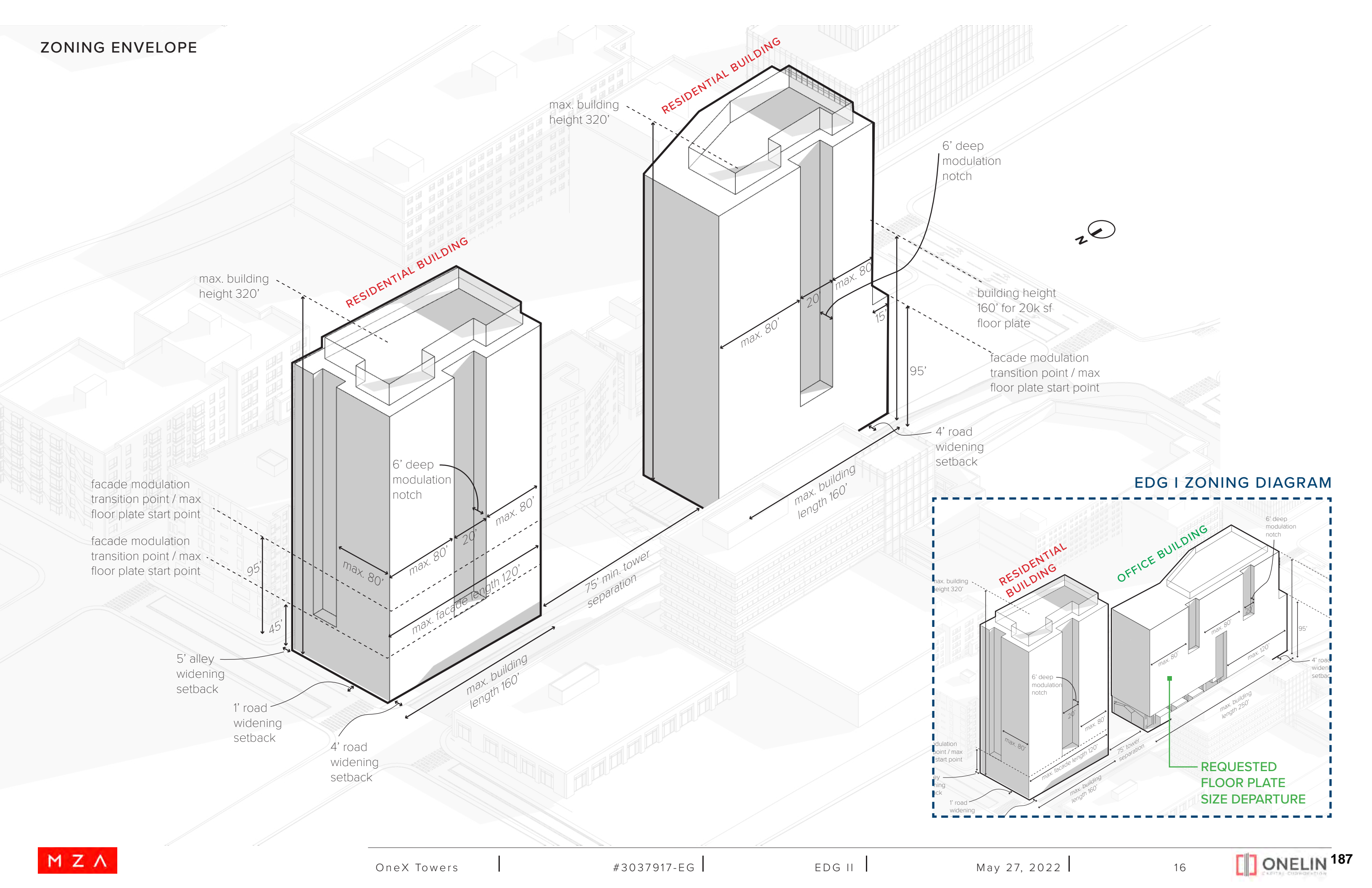
Project Name	OneX Multifamily	
Client		
Address	4522 Roosevelt Way NE, Seattle WA 98105	
Jurisdiction	City of Seattle	
Codes Enforced		
Parcel Number(s)	674670-1390, 674670-1380, 082504-9066, 082504-9050	
Zoning	SM-U 95-320(M1) (University Community Urban Center)	
Overlay Zoning	Light Rail (Station Overlay District): 45 (NE 45th St) Urban Village Overlay: University District (Urban Center)	
Land Use Notes		
Environmentally Critical Areas	N/A	
Site Area	37,590sf	
Streets and Dedication	Roosevelt Way NE NE 47th St Alley	Principal Arterial - 68ft ROW Min - 4' street setbacks Collector Arterial - 62ft ROW Min - 1' street setbacks 20ft Min - 2'6"alley dedication at North end

LAND USE		
Code Section	Title	Zoning Requirements
23.48	Seattle Mixed	
23.48.005.A	Permitted Uses	1.All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by subsection 23.48.005.B and those permitted only as conditional uses by subsection 23.48.005.C.
23.48.005.D	Required Street Level Uses	1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street-level of the street-facing facade along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640
23.48.020.B	Floor area exempt from FAR calculations	1.All underground stories or portions of stories. 2.Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access. 3.As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.
23.48.025.C	Rooftop Feature	4.The following rooftop features may extend up to 15 feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection 23.48.025.C.4, including weather protection such as eaves or canopies extending from rooftop features, does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment: a.Solar collectors; b.Stair and elevator penthouses; c.Mechanical equipment; 5.For structures greater than 85 feet in height, elevator penthouses up to 25 feet above the height limit are permitted. If the elevator provides access to a rooftop designed to provide usable open space or common recreation area, elevator penthouses and mechanical equipment up to 45 feet above the height limit are permitted, provided that all of the following are satisfied: a.The structure must be greater than 125 feet in height; and b.The combined total coverage of all features gaining additional height listed in this subsection 23.48.025.C does not exceed limits listed in 23.48.025.C.4. 9.Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.
23.48.040.B.1	Transparency and blank façade requirements	b.In the SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-RB, and SM-NG zones, for all other streets not specified in subsection 23.48.040.B.1.a, a minimum of 30 percent of the street-facing facade must be transparent, except that if the slope of the street frontage abutting the lot exceeds 7.5 percent, the minimum amount of transparency is 22 percent of the street-facing facade. c.Only clear or lightly tinted glass in windows, doors, and display windows is considered transparent. Transparent areas shall be designed and maintained to provide views into and out of the structure. Except for institutional uses, no permanent signage, window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items shall completely block views into and out of the structure between 4 feet and 7 feet above adjacent grade. The installation of temporary signs or displays that completely block views may be allowed if such temporary installations comply with subsection 23.55.012.B.
23.48.040.B.2	Blank façade limits	1)Blank facades are limited to segments 30 feet wide. Blank facade width may be increased to 60 feet if the Director determines as a Type I decision that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. 2)The total width of all blank facade segments shall not exceed 70 percent of the width of the street-facing facade of the structure on each street frontage; or 78 percent if the slope of the street frontage abutting that lot exceeds 7.5 percent.

23.48.040.D	Maximum Width	1. The maximum width of a structure, or of a portion of a structure for which the limit is calculated separately according to subsection 23.48.040.D.2, as measured along all streets in SM-U zones and along Class 1 pedestrian street in other Seattle Mixed zones, except SM-SLU zones, is 250 feet, except as otherwise provided in subsection 23.48.040.D.3. 3.For purposes of this subsection 23.48.040.D, the following portions of a structure shall not be included in facade width measurement: c.Stories of a structure on which more than 50 percent of the total gross floor area is occupied by any of the following uses: 2)Community clubs or community centers;
23.48.045.A	Amenity Area for residential uses	Amenity area is required for all development with more than 20 new dwelling units.
23.48.045.B	Quantity of amenity area	An area equivalent to five percent of the total gross floor area in residential use shall be provided as amenity area, except that in no instance shall the amount of required amenity area exceed the area of the lot. In determining the quantity of amenity area required, accessory parking areas and areas used for mechanical equipment are excluded from the calculation of gross floor area in residential use. For the purposes of this subsection 23.48.045.B, bioretention facilities qualify as amenity area.
23.48.045.C	Standards for amenity area	1.All residents of the project shall have access to the required amenity area, which may be provided at or above ground level. 2.A maximum of 50 percent of the required amenity area may be enclosed. 3.The minimum horizontal dimension for required amenity areas is 15 feet, except that for amenity area that is provided as landscaped open space located at street level and accessible from the street, the minimum horizontal dimension is 10 feet. 4.The minimum size of a required amenity area is 225 square feet. 5.Amenity area provided as landscaped open space located at street level and accessible from the street shall be counted as twice the actual area in determining the amount provided to meet the amenity area requirement.
23.48.050	MHA requirements	The provisions of Chapters 23.58B and 23.58C apply in all Seattle Mixed zones, except SM-SLU 85/65-160 zones and SM-UP zones that do not have a mandatory housing affordability suffix.
23.48.085.D	Parking and loading access	1.Access to parking and loading shall be from the alley
23.48.V	University District	
23.48.602.C	Required street-level use	1. One or more of the following uses listed in this subsection 23.48.605.C.1 are required at street level along the street-facing facades abutting streets shown on Map A for 23.48.605
23.48.610	Transportation management programs	B.An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP.
23.48.615.A	Maximum height limits	1.The maximum structure height in SM-U zones is shown as the number(s) following the zone designation. 2.A minimum lot size of 12,000 square feet is required for a highrise structure.
23.48.620.A	Floor area ratio limits	Table C for 23.48.620
23.48.620.C	Floor area exempt from FAR	2.Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C, whether required or not, that meet the development standards of subsection 23.48.040.C; 3.Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C that abut and have access onto a mid-block corridor meeting the standards of subsection 23.48.640.F and the applicable standards in Section 23.58A.040;
23.48.620.D	Additional increment of chargeable floor area above the maximum FAR	For all SM-U zones, an additional increment of 0.5 FAR is permitted above the maximum FAR of the zone for a lot that includes residential dwelling units that comply with all of the following conditions: 1.Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and 2.Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards: a.The amenity area has a minimum area of 1300 square feet and a minimum horizontal dimension of 20 feet; and b.The amenity area must be common amenity area, except that up to 40 percent of the amenity area may be private provided that the private and common amenity area are continuous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and c.The common amenity area includes children's play equipment; and d.The common amenity area is located at or below a height of 85 feet.
23.48.640.E	Mid-block corridor	Required mid-block corridor

23.48.640.F	Overhead weather protection	1.Continuous overhead weather protection, provided by such features as canopies, awnings, marquees, and arcades, is required along at least 60 percent of the street frontage of a structure, 2.The covered area shall extend a minimum of 6 feet from the structure, unless otherwise provided in this subsection 23.48.640.F, and unless there is a conflict with existing or proposed street trees or utility poles, in which case the Director may adjust the width to accommodate such features as provided for in subsection 23.48.640.F.6. 3.The overhead weather protection must be provided over the sidewalk, or over a walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to the sidewalk, the covered walking area must be within 18 inches of sidewalk grade and meet Washington State requirements for barrier-free access. 4.For overhead weather protection extending up to 6 feet from the structure, the lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of 13 feet above the sidewalk or covered walking area. For weather protection extending more than 6 feet from the structure, the lower edge of the weather protection shall be a minimum of 10 feet and a maximum of 15 feet above the sidewalk or covered walking area. 5.Lighting for pedestrians shall be provided. The lighting may be located on the facade of the building or on the overhead weather protection.
23.48.645.A	Highrise floor are limits	Greater than 160 feet but not exceeding 240 feet in height: 10,500sf (Average gross floor area for all stories above 45 feet); 11,500sf (Maximum gross floor area of any single story above 45 feet) Greater than 240 feet in height: 9,500sf (Average gross floor area for all stories above 45 feet); 10,500sf (Maximum gross floor area of any single story above 45 feet)
23.48.645.D	Side lot line setbacks	In the SM-U 75-240 and SM-U 95-320 zones, a minimum setback of 15 feet is required from any side lot line that is not a street or alley lot line for all portions of a highrise structure exceeding the midrise height limit of the zone.
23.48.645.E	Separation	2.Within a lot. A minimum separation of 75 feet is required between any highrise portion of a structure and all other portions of the same structure that exceed 45 feet in height, or portions of other structures on the lot that exceed 45 feet in height, as shown on Exhibit A for 23.48.645.
23.48.645.F	Projections	The first 4 feet of horizontal projection of decks, balconies with open railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper-level setbacks
23.45.646.A	Façade modulation in SM-U Zone	In all SM-U zones, for all structures on lots exceeding 12,000 square feet, facade modulation is required for the street-facing facade within 10 feet of a street lot line,
23.45.646.C	The maximum length of an unmodulated façade	Table B for 23.48.646 for highrise structure - Maximum length of unmodulated facade Stories up to 45ft in height - 160 Stories above 45ft, up to the midrise height limits - 120 Stories above the midrise height limit of the zone - 80
23.45.646.D		If a portion of a street-facing facade within 10 feet of the street lot line extends to the maximum length permitted for an unmodulated facade, any further increase in the length of the facade is allowed only if the additional portions of the facade set back a minimum of 10 feet from the street lot line for a minimum length of 20 feet. If the required setback is provided, additional portions of the facade may be located within 10 feet of the street lot line. Permitted projections within the setback area are limited to the following: 1.Roof eaves, including gutters and roof cornices and other similar architectural features, that may extend a maximum of 18 inches into the setback area; and 2.Overhead weather protection, whether required by subsection 23.48.640.H or not.
23.48.650.B	Required open space for large lot developments in SM-U zones	B.Open space required by subsection 23.48.650.A shall meet the following standards: 1.The minimum amount of required open space shall be equal to 15 percent of the lot area. 2.Area qualifying as required open space may include both unenclosed usable open space and limited amounts of enclosed areas, as provided for in this subsection 23.48.650.B and as specified in Table A for 23.48.650. a. Usable open space open to the sky subject to subsection 23.48.650.B.5 - 60% min, No max b. Open space covered overhead by the structure, such as an arcade or building cantilever, and subject to subsection 23.48.650.B.6 - 20% max c. Enclosed open space providing amenity features such as a public atrium, a shopping atrium, winter garden, or covered portion of a mid-block pedestrian corridor and subject to subsection 23.48.650.B.7 - 35% max
23.54.015	Required Parking	Table B for 23.54.015 L.All residential uses within urban centers or within the Station Area Overlay District - No minimum requirement
	Bicycle Paking	Table D for 23.54.015 D.2 Multi family Structure: Long term: 1/dwelling unit, short term: 1/20 dwelling units

ZONING ENVELOPE



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1013 NE 45TH STREET | EDG

SDCI # 3037927-EG

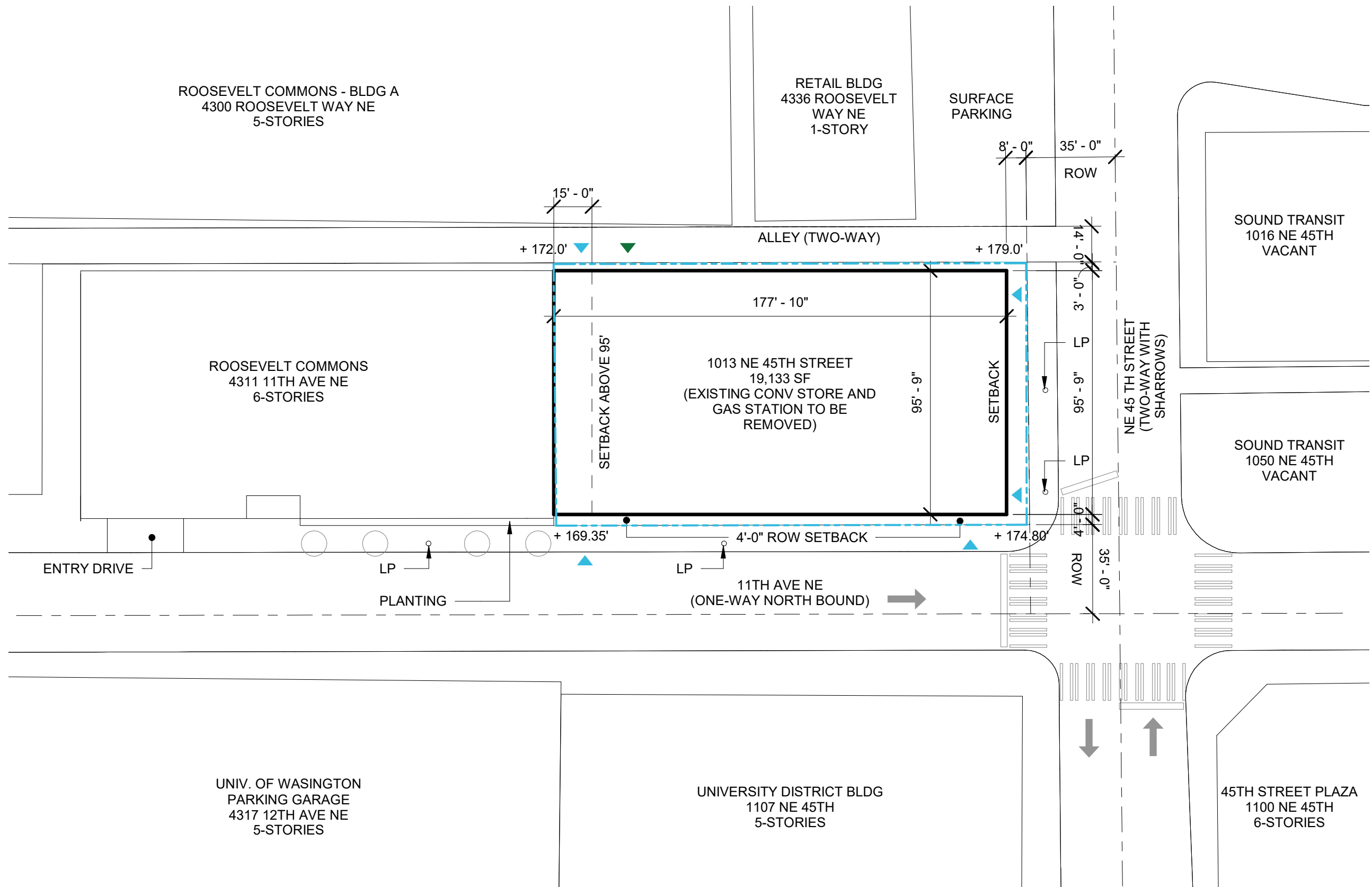
EARLY DESIGN GUIDANCE MEETING

JULY 19, 2021

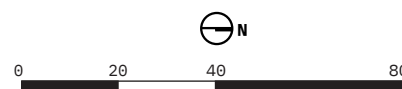


AREA MAP



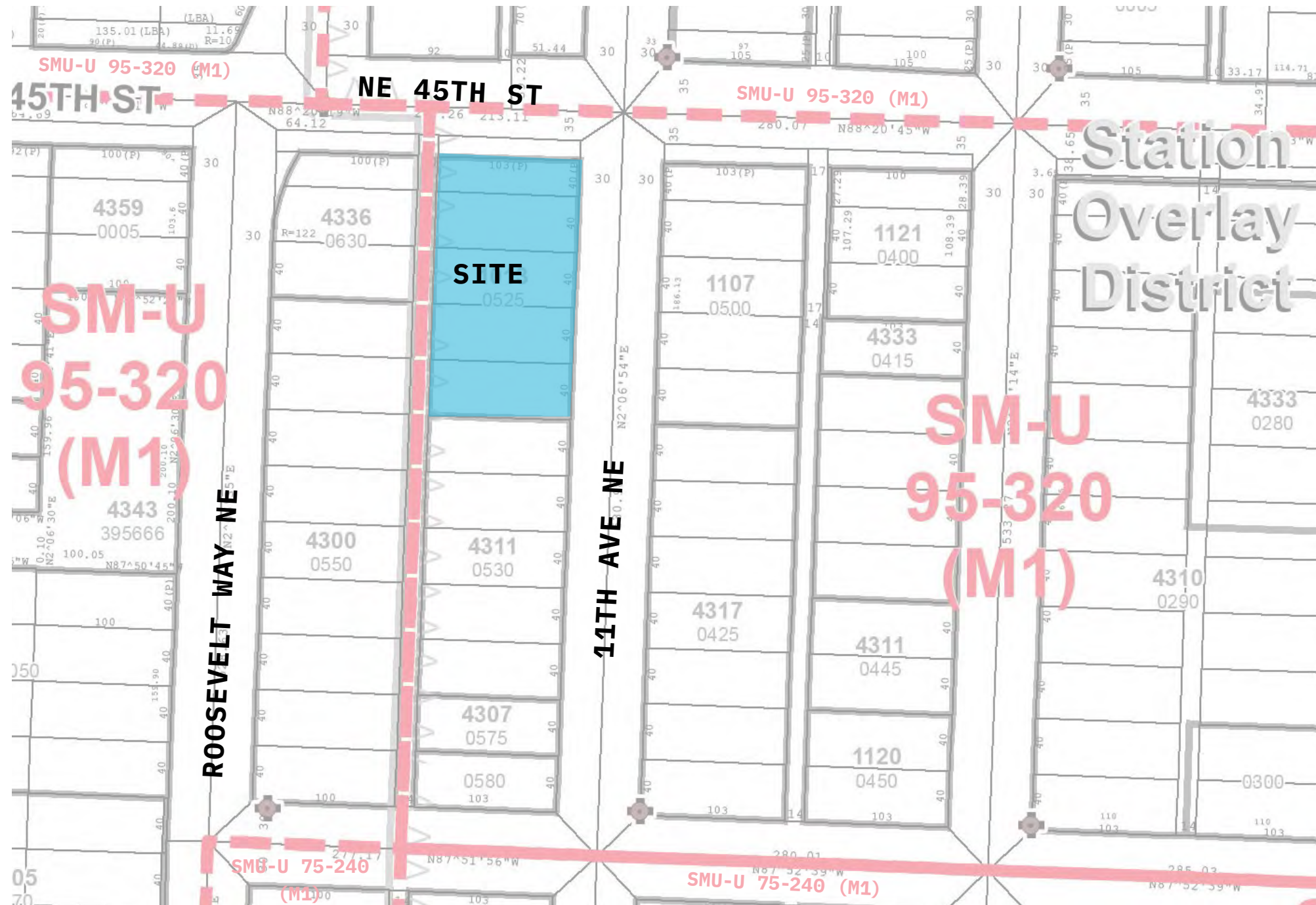


SITE PLAN



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- ◀ VEHICLE ACCESS
- ▶ PEDESTRIAN ACCESS



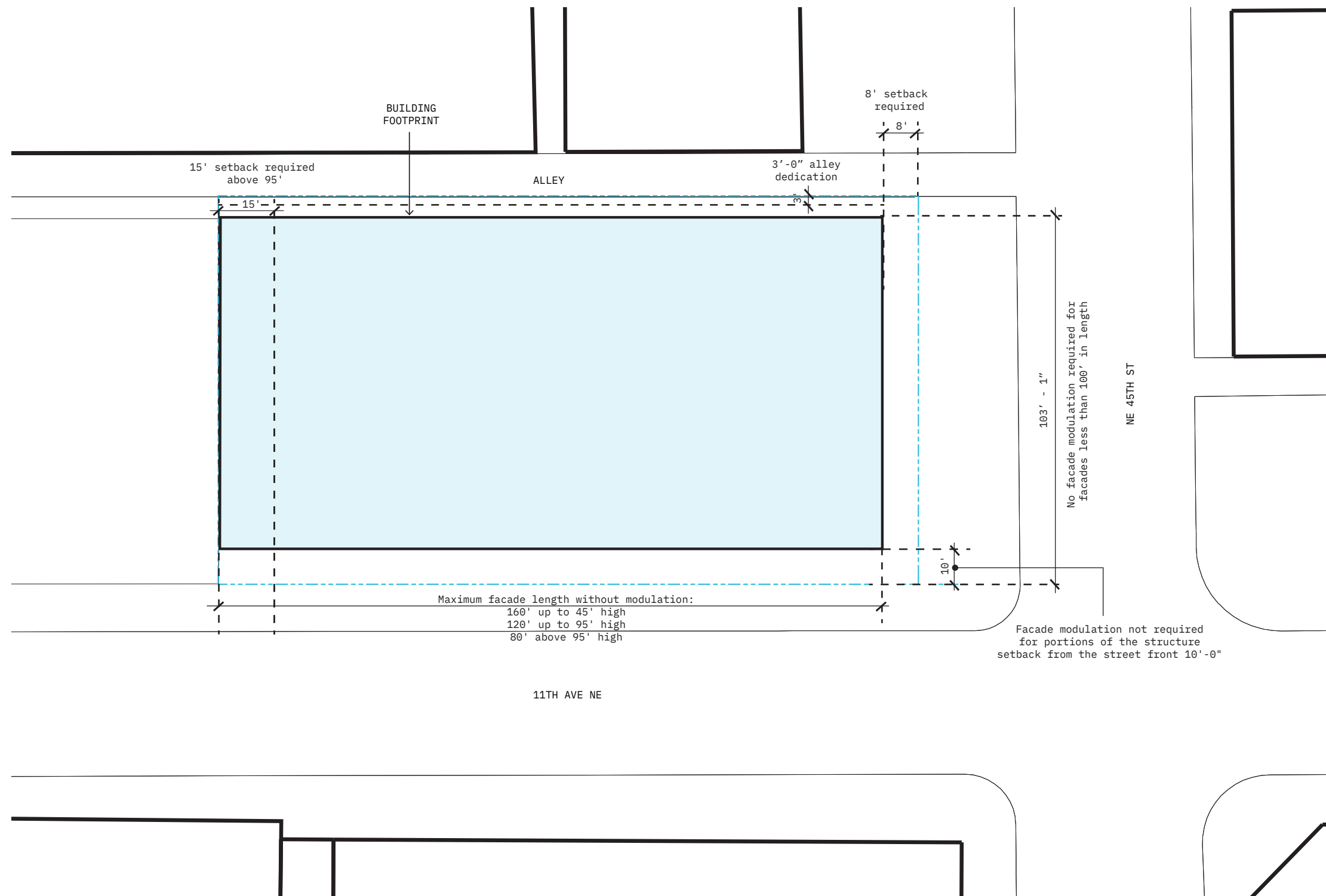
Station
Overlay
District

ZONING MAP



ZONING		ZONING	
<p>SMC.23.48.021</p> <p>Extra floor area in Seattle Mixed zones</p> <p>D. Minimum requirement. Developments containing any extra floor area shall meet the following requirements:</p> <p>1. Green building performance. The applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.</p>	<p>SMC.23.48.025</p> <p>Structure height</p> <p>C. Rooftop features</p> <p>4. The following rooftop features may extend up to 15 feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection 23.48.025.C.4, including weather protection such as eaves or canopies extending from rooftop features, does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:</p> <p>b. Stair penthouses;</p> <p>c. Mechanical equipment;</p> <p>g. Covered or enclosed common amenity area for structures exceeding a height of 125 feet.</p> <p>5. For structures greater than 85 feet in height, elevator penthouses up to 25 feet above the height limit are permitted. If the elevator provides access to a rooftop designed to provide usable open space or common recreation area, elevator penthouses and mechanical equipment up to 45 feet above the height limit are permitted, provided that all of the following are satisfied:</p> <p>a. The structure must be greater than 125 feet in height; and</p> <p>b. The combined total coverage of all features gaining additional height listed in this subsection 23.48.025.C does not exceed limits listed in 23.48.025.C.4.</p>	<p>SMC.23.48.040</p> <p>Street-level development standards</p> <p>C. Development standards for required street-level uses. Street-level uses that are required by subsection 23.48.005.D, 23.48.605.C, or 23.48.805.B, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, 23.48.620.B.2, 23.48.720.B.2, or 23.48.820.B, whether required or not, shall meet the following development standards. In the SM-NG zone, where street-level use requirements apply to a mid-block corridor, these standards shall be applied as if the mid-block corridor were a street.</p> <p>1. Where street-level uses are required, a minimum of 75 percent of the applicable street-level, street-facing facade shall be occupied by uses listed in subsection 23.48.005.D.1. The remaining street-facing facade may contain other permitted uses or pedestrian or vehicular entrances.</p> <p>3. The space occupied by street-level uses shall have a minimum floor-to-floor height of 13 feet and extend at least 30 feet in depth at street level from the street-facing facade.</p> <p>E. Mid-block corridor</p> <p>1. Required mid-block corridor</p> <p>a. In the area shown on Map B for 23.48.640, lots that meet the following criteria are required to provide a midblock corridor:</p> <p>1) The lot exceeds 30,000 square feet in area and abuts two north/south streets.</p> <p>The project site is less than 30,000 sf, therefore a mid-block corridor is not required.</p>	<p>SMC.23.48.615</p> <p>Floor area ratio in SM-U zones</p> <p>C. Floor area exempt from FAR. In addition to the exempt floor area identified in subsection 23.48.020.B, the following floor area is exempt from FAR limits:</p> <p>SMC.23.48.020.B</p> <p>3.As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area. All gross floor</p>

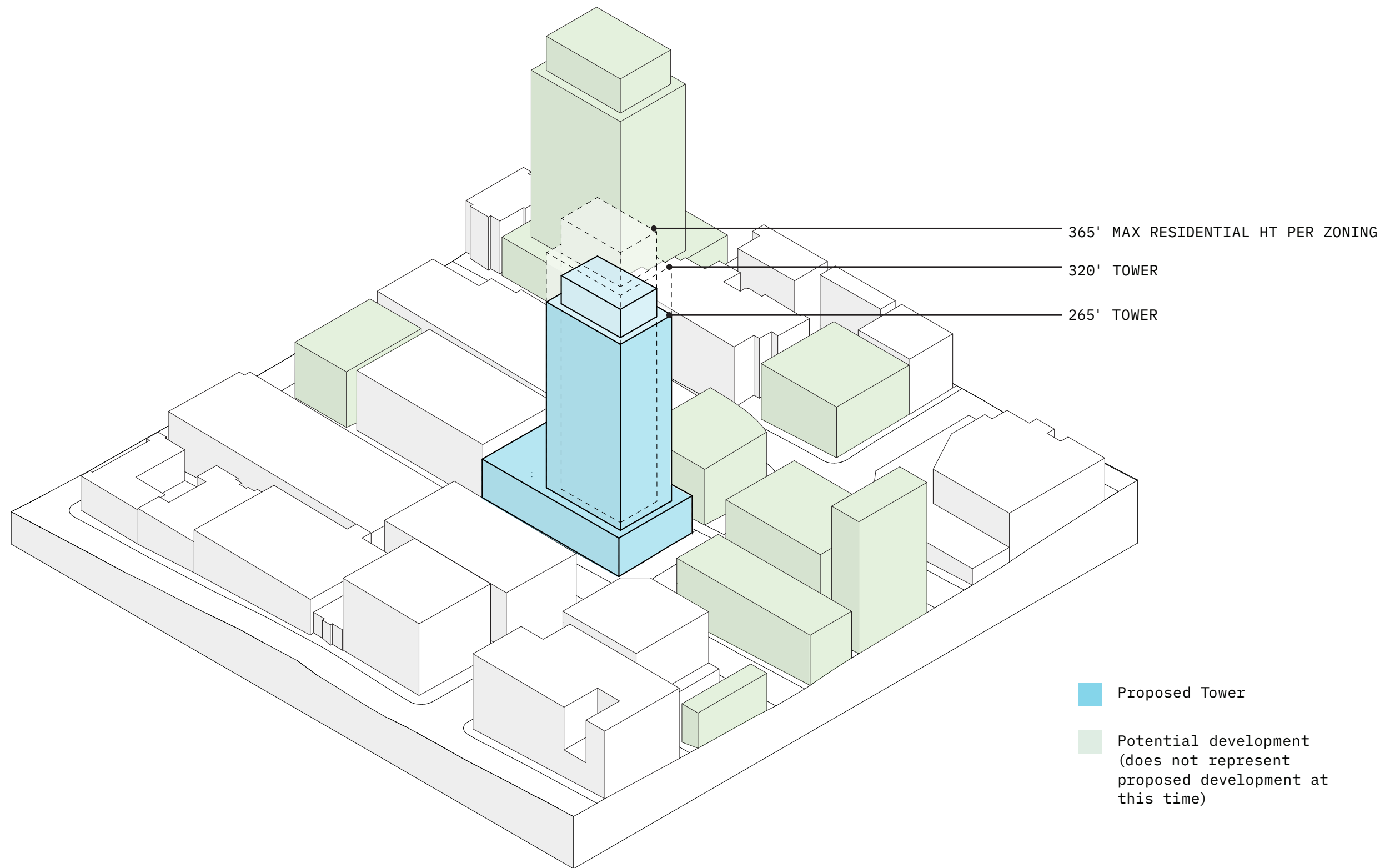
ZONING		ZONING	
SMC.23.48.640 Street-level development standards in SM-U zones A. Required setbacks in SM-U zones NE 45th Street - 8 feet minimum E. Mid-block corridor A. In the area shown on Map B for 23.48.640, lots that meet the following criteria are required to provide a mid-block corridor: 1. The lot exceeds 30,000 square feet in area and abuts two north/south streets. Lots exceeding 30,000 square feet that are separated only by an alley and that are developed as a combined lot development under Section 23.48.627 are also required to provide a mid-block corridor to connect the two abutting north/south streets; and 2. The lot has a street frontage that exceeds 250 feet on at least one of the abutting north/south streets.	SMC.23.48.645 Upper-level development standards in SM-U zones A. Highrise floor area limits. All highrise structures are subject to a limit on the floor area of stories above 45 feet in height except that, on a lot that includes a light rail transit station, the limit on floor area only applies to stories above 55 feet in height. Table A for 23.48.645 Average gross floor area for all stories above 45 feet Greater than 160 feet but not exceeding 240 feet in height - 10,500 square feet. Maximum gross floor area of any single story above 45 feet - 11,500 square feet. B. Upper-level setbacks in SM-U 75-240 and SM-U 95-320 zones. The following upper-level setbacks are required, and the height which the setback is required shall be measured from the midpoint of the lot line from which the setback is required: 1. On lots that do not include highrise structures, an average setback of 10 feet is required from all abutting street lot lines for any portion of a structure that exceeds 65 feet in height. The maximum depth of a setback that can be used for calculating the average is 20 feet. D. Side lot line setbacks. In the SM-U 75-240 and SM-U 95-320 zones, a minimum setback of 15 feet is required from any side lot line that is not a street or alley lot line for all portions of a highrise structure exceeding the midrise height limit of the zone.	SMC.23.48.646 Facade modulation in SM-U zones A. In all SM-U zones, for all structures on lots exceeding 12,000 square feet, facade modulation is required for the street-facing facade within 10 feet of a street lot line, except as specified in subsection 23.48.646.B. B. Modulation is not required for the following: 4. For the portion of the street-facing facade that does not exceed a width of 100 feet above 45 feet in height.	SMC.23.48.650 Required open space for large lot developments in M-U zones A. Open space meeting the standards of this Section 23.48.650 is required in all SM-U zones for development on a lot exceeding 30,000 square feet. B. Open space required by subsection 23.48.650.A shall meet the following standards: 1. The minimum amount of required open space shall be equal to 15 percent of the lot area 2. Area qualifying as required open space may include both unclosed usable open space and limited amounts of enclosed area, as provided for in this subsection 23.48.650.B and as specified in Table A for 23.48.650. The project site is less than 30,000 sf, therefore open space meeting this section is not required.



ZONING DIAGRAM

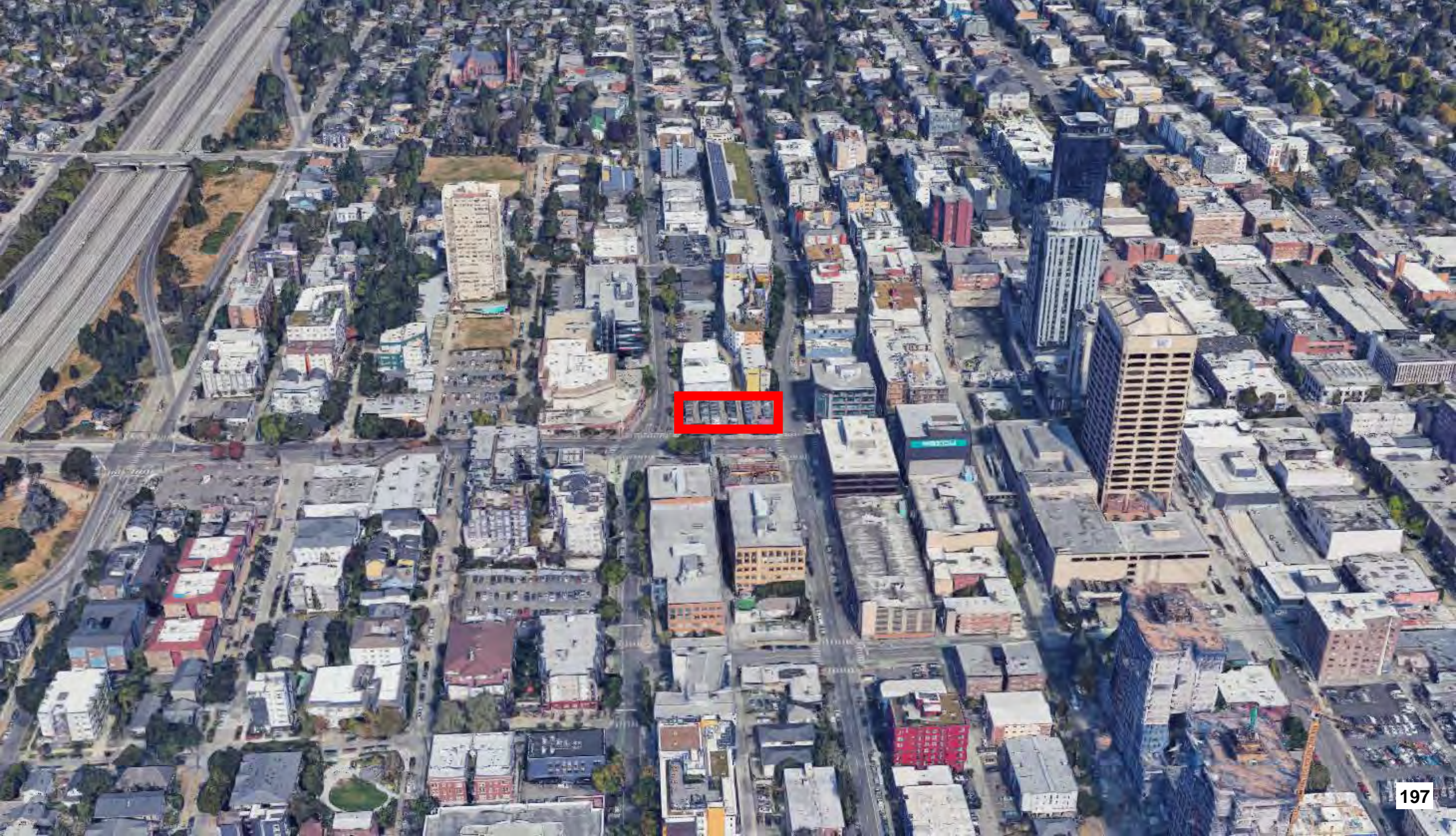


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ZONING ENVELOPE





Sound Transit sites at NE 45th St and Roosevelt/11th Ave NE

Site characteristics

- One combined site with alley vacation: ~19,250 sq ft
- As two sites with an alley
 - East site: ~7400
 - West site: ~11,800

Height

- SMC 23.48.615 outlines 95' is midrise allowance, 320' is maximum.
- SMC 23.48.615.A.2 states a site must be at least 12,000 sq ft to go above 95'. **Unless the sites are combined, it will not be possible to go above 95'.**
- Provisions in SMC 23.48.645.A regulates sizes of floor plates above the midrise allowance with the intent of reducing floor areas as the building gets taller. Application of this standard varies depending on overall height.

Tower separation (SMC 23.48.645.E)

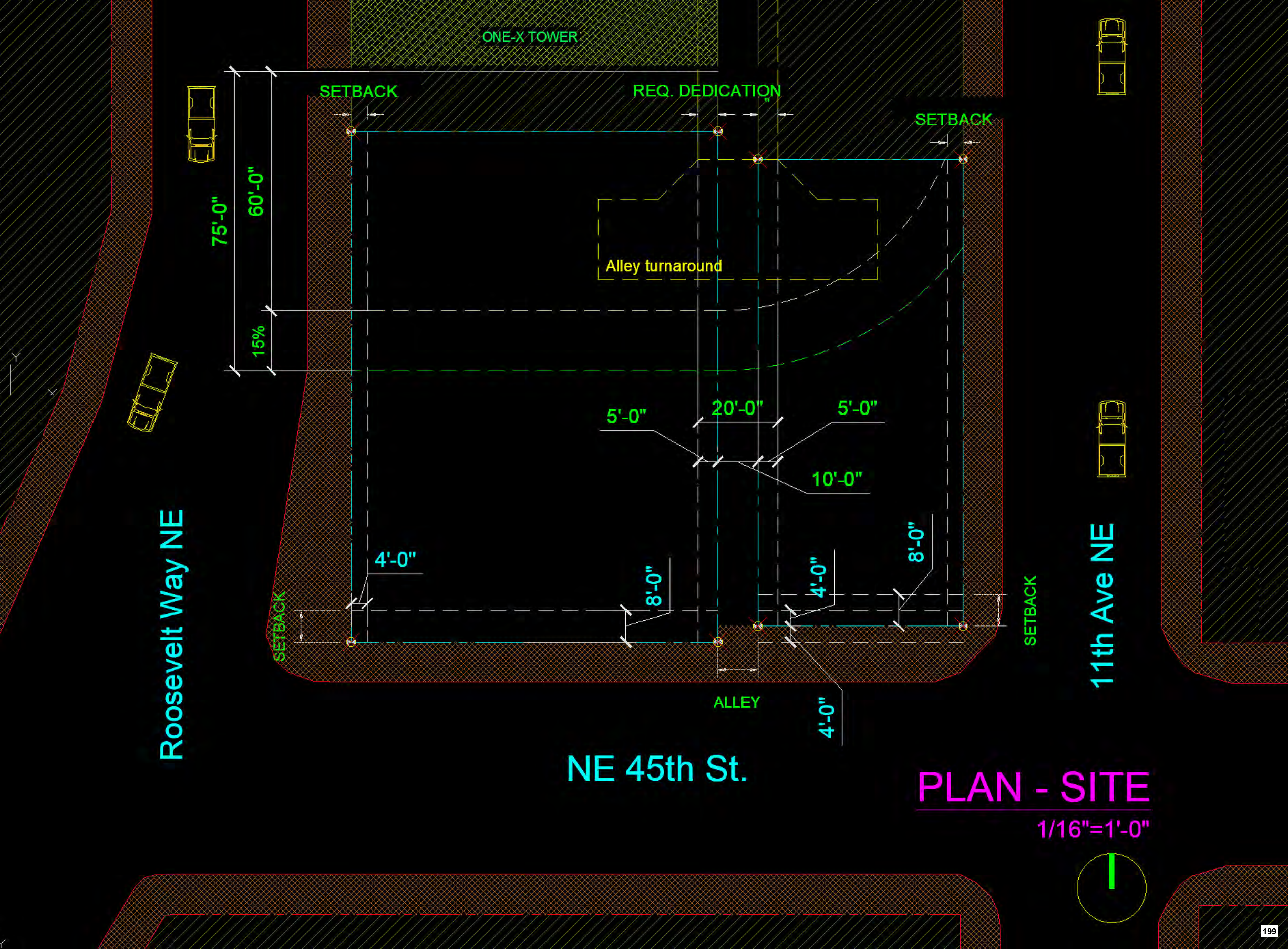
- SMC 23.48.645.E regulates highrise (anything above 95') separation on lots within the same block; a minimum separation of 75' is required extending onto other sites.
- The OneX site to the north of the west site is proposing a highrise where this standard will impact development.
- This standard can be reduced by up to 20% with a special exemption as part of the MUP process.

Floor area ratio and Incentive Zoning (SMC 23.48.620, 23.48.622, 23.58A.040)

- FAR: Base 4.75, max 7
- If development exceeds base FAR, IZ provisions found in SMC 23.48.622 and 23.58A.040 apply.
- Within SMC 23.58A.040, applicants may propose Neighborhood Green Street in conjunction with SDOT, Neighborhood Open Space, Midblock connector. Most development in this area opts for Neighborhood Open Space.
- Based on the lot size alone, it is unlikely there is enough FAR for a building to exceed ~22-25 stories.

Setbacks (SMC 23.48.640, 23.48.645, 23.53)

- A ROW 4' setback along Roosevelt Way NE and 11th Ave NE is required.
- If the alley is maintained, a 5' dedication (setback if no loading or parking proposed) on each side is required for alley,
- SMC 23.48.640 requires an 8' setback from property lines abutting NE 45th St.

















Zoning Code and Development Potential/Building Envelope

1. As platted
2. With Alley Vacation
 - a. Turnaround
 - b. Outlet to Roosevelt
 - c. Outlet to 11th
3. Is an HR project viable, realistic?

Design Issues:

1. Site is large and will be highly visible;
 - a. Large right-of-ways, topography, etc.;
 - b. U-district becoming even more a center for pop., work, transp.
2. Alley vacation eliminates 'break' in massing, makes site larger
3. The site is tough on pedestrians

Design Considerations / Responses

1. **Open Space;** design and location
 - a. welcoming, usable and support community interaction.
 - b. Provide relief/respice on 45th
 - c. physically and visually engage the public realm:
 - d. alleyways as pedestrian routes: windows, entries, art, lighting, active uses etc.
 - e.
2. **Street Edges/Pedestrian Experience:** There is asphalt everywhere,
 - a. need Landscape and pedestrian amenity at 45th
 - b. a well-defined street wall
 - c. setbacks to create space connected to programming, usable, pedestrian respice.
 - d. a porous, engaging edge at street-level
 - e. active uses along street frontages
 - f. human scale and proportions, hierarchy of elements and detailing at a variety of scales

3. Base Expression

- a. a solid "grounded" form with human-scale, proportioned to existing context and anchor upper level massing.

4. Massing and Modulation

- a. Massing to create a composition of discrete forms at multiple scales to mitigate size and strengthen design concept.
- b. modulation that is connected to and strengthens overall composition and building proportions
- c. Changes in color and or material accompanied by a legible change in plane and design language.

5. Architectural Composition and Character

- a. Architectural and Facade Composition: Strive for a harmonious arrangement of legible and well-proportioned elements, employing principals of spatial composition that include hierarchy, balance, scale order, rhythm, repetition, and local symmetry.
- b. Facade Depth & Articulation: Use plane changes, depth, shadow, and texture to provide scale, interest , break up larger facade areas
- c. Reinforce design concept with simplicity; limit the number of materials, colors, and fenestration patterns
- d. "Express an intentional and original response to the context" UDG
- e. "Foster the eclectic mix of architectural styles and forms" UDG

6. Exterior Materials

- a. A simple pallette of high quality materials
- b. (midrise) of sufficient thickness to prevent warping or deformation, with integral color and texture, demonstrable age well in Seattle's climate

From: [Bates, Tim](#)
To: [Jenkins, Michael](#); [Barnett, Beverly](#); [Whitson, Lish](#); [LaBorde, Bill](#)
Cc: [DuBois, Jeanette](#); [Pacheco, Abel](#)
Subject: RE: ST schedule for committee review
Date: Thursday, March 16, 2023 4:33:01 PM

CAUTION: External Email

Thanks for the response, Michael. I look forward to discussing more once we have a check in meeting on the books.

Best,
Tim

From: Jenkins, Michael <Michael.Jenkins@seattle.gov>
Sent: Tuesday, March 14, 2023 10:20 AM
To: Bates, Tim <Tim.Bates@soundtransit.org>; Barnett, Beverly <Beverly.Barnett@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; LaBorde, Bill <bill.laborde@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Pacheco, Abel <abel.pacheco@soundtransit.org>
Subject: RE: ST schedule for committee review

CAUTION: This email originated from a contact outside Sound Transit. Remember, do not click any links or open any attachments unless you recognize the sender and know the content is safe. Report any suspicious email by clicking the “fish” button in Outlook. Thank you! ST Information Security

Hi Tim:

I’m happy to hold a May 4th date as well.

In my conversation with Beverly and Lish, neither raised any concerns about a May 18 presentation and the timing of any staff reports.

We are always happy to hold dates, but they are always contingent on work product. The timing of your traffic study, the ability of staff to review it, the time for any revisions, and the time for staff to develop materials to provide to the Commission dictates when it is appropriate to come. Having said that, it seems like May 4 or 18th are more realistic dates.

We continue to assume the diagrammatic work you have presented to date on the structure, accompanied by any revisions to account for impact of turning movements, will not change significantly.

Michael

From: Bates, Tim <Tim.Bates@soundtransit.org>
Sent: Tuesday, March 14, 2023 10:11 AM
To: Jenkins, Michael <Michael.Jenkins@seattle.gov>; Barnett, Beverly <Beverly.Barnett@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; LaBorde, Bill <Bill.LaBorde@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Pacheco, Abel <abel.pacheco@soundtransit.org>
Subject: RE: ST schedule for committee review

CAUTION: External Email

Hi folks,

To follow up on Beverly and Michael's emails: We are pushing for a summer council date (June or July at the latest) so we can complete the months-long RFP process before the end of the year and thus potentially be eligible for additional affordable housing funding resources. I know that we have a process to work through and appreciate everyone's effort toward meeting this target.

I know Beverly plans to set up a conversation on schedule, but I did want to flag that a May 18th SDC meeting seems too late to make our goal of a June 20th council committee meeting (need time for staff report, council introduction and referral, and 21 day public notice). Michael, based on your email from late January, I thought we were penciled in for April 20th or May 4th?

As for the SDC review itself: I want to calibrate expectations. ST will have several alley reconfiguration layout concepts to share, which will leave us with a theoretical remaining building site. However, as we've discussed, we will not have a project proposal (building design/massing, public realm design, or public benefit details) to discuss. Per our work with the Office of Housing, I believe the plan is to defer additional community engagement until after we have a developer on board and a project proposal to share, which is when I would expect conversation on public benefit to occur as well.

Thanks
Tim

From: Jenkins, Michael <Michael.Jenkins@seattle.gov>
Sent: Wednesday, March 8, 2023 1:36 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Bates, Tim <Tim.Bates@soundtransit.org>; LaBorde, Bill <bill.laborde@seattle.gov>
Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>
Subject: Re: ST schedule for committee review

CAUTION: This email originated from a contact outside Sound Transit. Remember, do not click any links or open any attachments unless you recognize the sender and know the content is safe. Report any suspicious email by clicking the "fish" button in Outlook. Thank you! ST Information

Security

Good afternoon

In terms of next steps with the SDC, we've reserved May 4 and 18th for our review. The review should include a presentation on solutions developed by ST from our initial commission meeting, notably the access issues being analyzed in the traffic study. Any additional design development should also be represented in a presentation based on input or analysis on development capacity in this zone by SDCI. Here's the list from our subcommittee meeting:

1. Provide circulation diagrams for all transportation modes (pedestrian, bike, vehicular), with supporting analysis, to fully understand how the loss of the alley segment affects access to and from the site, including the impact that this may have on residential openings onto the alley. Of particular importance is how vehicular movements will occur from the remaining portion of the alley, including potential connections to either 11th and Roosevelt or through a 'hammerhead' turnaround on the site.
2. The Commission would like more options considered and presented for Public Benefit. Given this site's adjacency to the University of Washington and a myriad of cultural institutions, we would need to understand if there is an actual need for a Cultural Space on this site.
3. Additional analysis should be provided to better understand the range of development types and how their siting, massing, and orientation would impact the public realm. This should be provided for both the vacation and no-vacation alternatives.
4. Some analysis should be provided on how development types under consideration reflect the 2019 OPCD University District Design Guidelines
5. It would be helpful to consider how the Sound Transit team will embed expectations of public benefit, access, and public realm into RFP.
- 6 Tower massing options should be studied to understand how future development on the site, including any contribution to a 'canyon' effect on NE 45th. Any vehicular access options should take into account its implications on the ground floor non-residential massing on NE 45th side of the proposed building. Particular concern should be paid to access options that shift massing toward NE 45th and if that will affect the ability to create pedestrian oriented ground floor spaces that front along NE 45th.

Given the timing of the traffic study and the internal reviews that are going on, I think May 18 is probably a more realistic date for SDC.

Michael

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From: Barnett, Beverly <Beverly.Barnett@seattle.gov>

Sent: Wednesday, March 8, 2023 1:04:28 PM

To: Whitson, Lish <Lish.Whitson@seattle.gov>; Jenkins, Michael <Michael.Jenkins@seattle.gov>;

Bates, Tim <Tim.Bates@soundtransit.org>; LaBorde, Bill <Bill.LaBorde@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>

Subject: ST schedule for committee review

Hi! Tim and I just met to talk about ST and the next steps and timing.

- ST has a meeting next week to at the auto turn layout and alley design issues.
- ST has been working w/ SPU & SCL on utility impacts in the alley.
- Consultant report on the alley analysis is expected at the end of March (at least the draft)
- OH is doing some modeling for council on scale and affordability issues and what the OH contribution to the site could be.

Next steps/questions:

- How long will SDOT and SDCI need to review the alley analysis
- Is there SDCI site analysis still in review
- When can the project be scheduled with the SDC and what info will the SDC need
- When can ST secure a possible PH date (a save the date). The goal for ST is June 20
- Lish may need to assist in the reso intro if we are able to secure a June 20 date as it will be tight

I am going to set a meeting to talk about schedule! Please watch your calendars. Thanks!

From: [Barnett, Beverly](#)
To: [DuBois, Jeanette](#)
Subject: FW: 1000 NE 45th - prep for April 17 coordination meeting
Date: Friday, April 14, 2023 9:39:54 AM

For the file.

From: Jenkins, Michael <Michael.Jenkins@seattle.gov>
Sent: Friday, April 14, 2023 9:29 AM
To: Bates, Tim <Tim.Bates@soundtransit.org>; Pacheco, Abel <abel.pacheco@soundtransit.org>
Cc: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>; Kinast, Valerie <Valerie.Kinast@seattle.gov>
Subject: 1000 NE 45th - prep for April 17 coordination meeting

Hi Tim and Abel:

In advance of our meeting next Monday, I wanted to provide you with some initial input of the traffic analysis that Beverly was provided from KPFF. I also want to touch on the items that the Commission requested in our June 2022 subcommittee meeting as you prepare for the full Commission meeting.

The following notes are developed with an eye to how that information will be presented to the Commission at our upcoming meeting. I will also be asking our Transportation Planner to provide additional input. Our engineer is recused from this project, as she works at KPFF.

MARCH 2023 TRAFFIC STUDY/ANALYSIS:

For each of the options that you intend to show the Commission as part of your response to the June, 2022 Commission meeting, please provide a site plan that includes the following information:

1. Dimensions of the site
2. Dimensions of the width of the drive areas and turning radii, separate from the dimensions of the alley area to the north
3. Dimensions of any curbcut, both the width and the distance from any sidewalk or lanes of travel
4. Dimensions of curbcuts to nearest intersection
5. Dimensions of ground floor spaces independent of the access and turning movement areas

With each of the options you studied, you included assumptions about developable floor plates based on limitations occurring from access options and tower separation requirements. For each of those options, please provide dimensions of those floor plates on a separate plan that includes the square feet and locational information you provided.

In your analysis of floor plates and developable areas based on each access option, you indicate that there are areas that are 'not ideal for parcel area for housing'. Did you determine if the areas are suitable for other principal uses or other uses accessory to the residential uses, such as storage, utility services and other ancillary uses? Could those areas be developed for housing at heights below the tower separation requirement?

If access is approved for either 11th Ave NE or Roosevelt Way NE, what types of mitigation did you explore to provide advance warning to bicyclists of vehicles exiting the site? Information on signage, lighting, or other cues to cyclists should be provided.

On the option you show for a Roosevelt curbcut and access, you show truck turning north on to Roosevelt Way NE. Roosevelt Way NE is southbound travel only. Are you proposing introducing two way auto movements on this segment of Roosevelt? Please clarify.

JUNE 20, 2022 Subcommittee meeting direction, with MJ notes:

1. Provide circulation diagrams for all transportation modes (pedestrian, bike, vehicular), with supporting analysis, to fully understand how the loss of the alley segment affects access to and from the site, including the impact that this may have on residential openings onto the alley. Of particular importance is how vehicular movements will occur from the remaining portion of the alley, including potential connections to either 11th and Roosevelt or through a 'hammerhead' turnaround on the site. (I believe this information is reflected in the KPFF studies and should be provided per my notes above)
2. The Commission would like more options considered and presented for Public Benefit. Given this site adjacency to the University of Washington and a myriad of cultural institutions, we would need to understand if there is an actual need for a Cultural Space on this site. (What kinds of options are you considering based on any ongoing or focused public engagement and work with City departments. Have any agreements been supported or discussed with the Pedersen office on information that will be provided in lieu of specific agreements or designs)
3. Additional analysis should be provided to better understand the range of development types and how their siting, massing, and orientation would impact the public realm. This should be provided for both the vacation and no-vacation alternatives. (Has any additional analysis been provided as part of your internal work? If so, how can that work be represented in your presentation)
4. Some analysis should be provided on how development types under consideration reflect the 2019 OPCD University District Design Guidelines (Has any work occurred here?)
5. It would be helpful to consider how the Sound Transit team will embed expectations of public benefit, access, and public realm into RFP. (How has this work progressed)
- 6 Tower massing options should be studied to understand how future development on the site, including any contribution to a 'canyon' effect on NE 45th. Any vehicular access options should take into account its implications on the ground floor non-residential massing on NE 45th side of the proposed building. Particular concern should be paid to access options that shift massing toward NE 45th and if that will affect the ability to create pedestrian oriented ground floor spaces that front along NE 45th. (I think that work is partially reflected in the traffic study. Translating that to presentation materials that show this information both in site plan and in elevations is needed)

Talk with you on Monday!

Michael Jenkins, Executive Director
Seattle Design Commission
Office of Planning and Community Development
600 – 4th Avenue, 5th Floor
P.O. Box 94788
Seattle, WA 98124-4788
(206) 386-4024 (O)
(206) 491-9123 (cell)

From: [Barnett, Beverly](#)
To: [Keenan-Koch, Jackson](#); [Marek, John](#); [Timmer, Kelsey](#)
Cc: [DuBois, Jeanette](#)
Subject: FW: 45th vacation Design Commission review
Date: Wednesday, June 28, 2023 1:49:56 PM

Hi. Just got this from Valerie. Looks like this will be the question for Jackson. Thanks for covering the meeting. And John, hope you have a great break!

From: Kinast, Valerie <Valerie.Kinast@seattle.gov>
Sent: Wednesday, June 28, 2023 1:35 PM
To: Bates, Tim <Tim.Bates@soundtransit.org>; Barnett, Beverly <Beverly.Barnett@seattle.gov>
Subject: 45th vacation Design Commission review

Hi Tim,

I met with the chairs and Kevin O'Neil, who's currently in the SDC transportation position, to prepare for the meeting next week.

They see the curb cut shift from 45th to 11th as the most sticky issue. They would like a clear presentation of how 11th is the better, or at least acceptable, solution.

Because it's SDOT's call, they find it more important to have John Merrick, or someone equally able to discuss the decision, available for questions than KPFF. That said, it would be good for someone from KPFF to present the tradeoffs and solutions during the presentation, if possible.

These are the specific points we think will bring clarity and resolution at the meeting next week. This will help commissioners be more comfortable saying any transportation impacts of removing the alley have been addressed.

- What is the expected trip generation/use of the new development and curb cut? Since it's a proposed affordable housing project, no on-site parking would be required by Code, but a developer might want to put in some parking. Also, would the development currently to the north use the new access to/from 11th? It would be in everyone's interest to minimize the use of this new curb cut as much as possible.

- What safety measures would be appropriate to minimize/reduce conflicts for pedestrians and bicyclists at the new curb cut on 11th? It seems that the potentially most dangerous movement would be a NB vehicle turning left into the site, and potentially not seeing a pedestrian or cyclist also going north. This seems to set up a conflict point that the "no vacation" option on 45th wouldn't have.

Overall, the chairs understand the idiosyncrasies of approving this vacation without a development proposal and are supportive of trying to make the decision in one meeting. We're set for a good review.

Take care

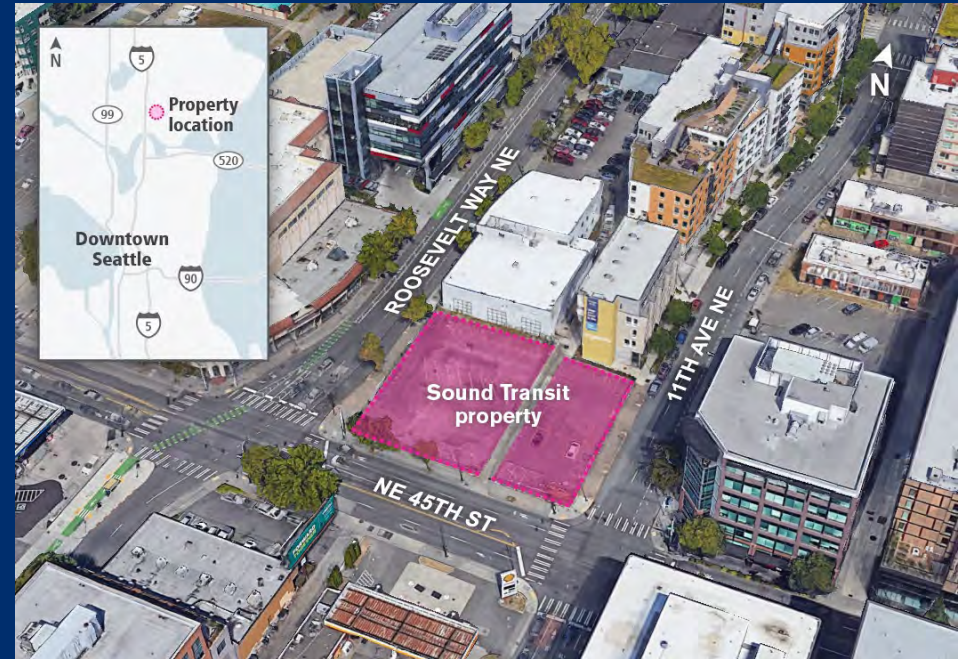
Valerie

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1000 NE 45th Street

*Affordable Housing Alley Vacation
Seattle Design Commission
Public Trust & Public Benefit Meeting*

July 6, 2023



Presentation overview

Proposal and objectives	3
Site context	4
Impact of alley vacation	7
Development context	9
Public trust	11
Public benefit	16
Summary	17



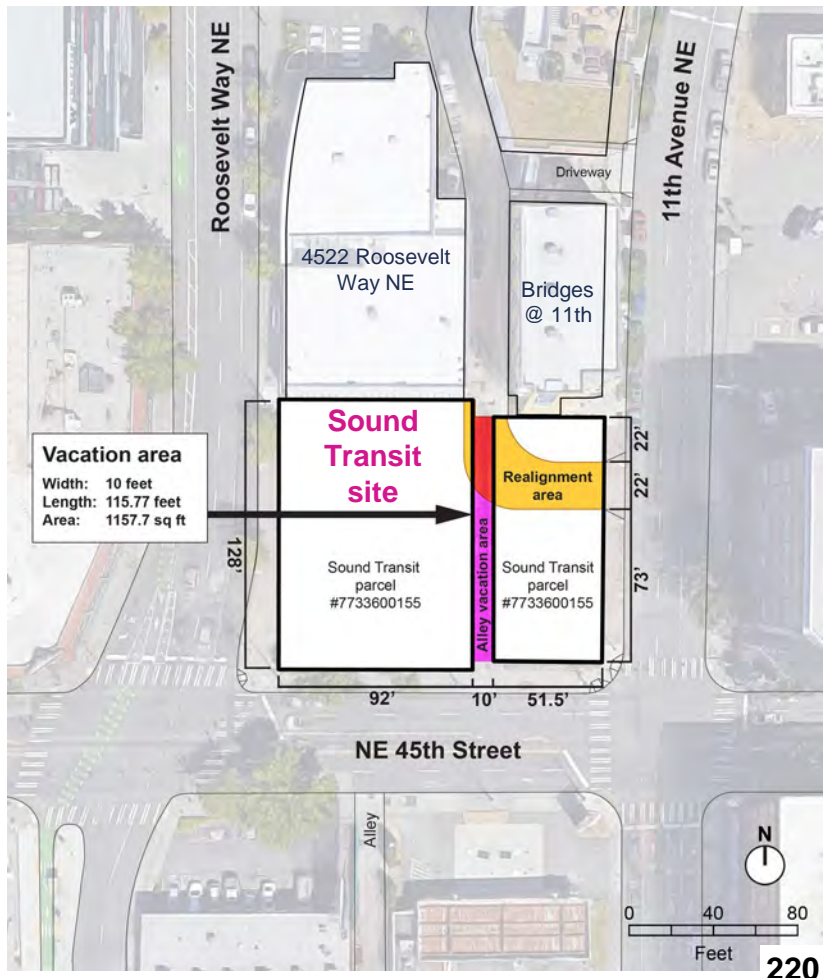
Proposed alley vacation & realignment

Alley vacation proposal and objectives

- Vacate portion of existing alley
- Realign alley to 11th Ave NE
- Consolidate building site to improve affordable housing yield and operations efficiency
- Improve feasibility of high-rise building
- Improve priority pedestrian corridor (NE 45th)

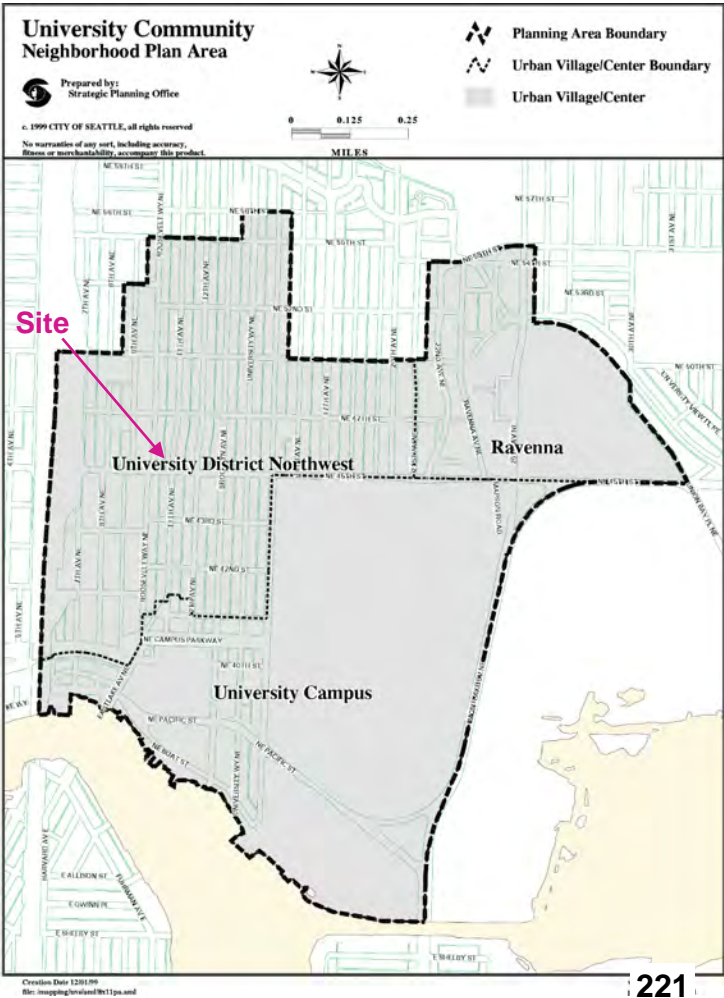
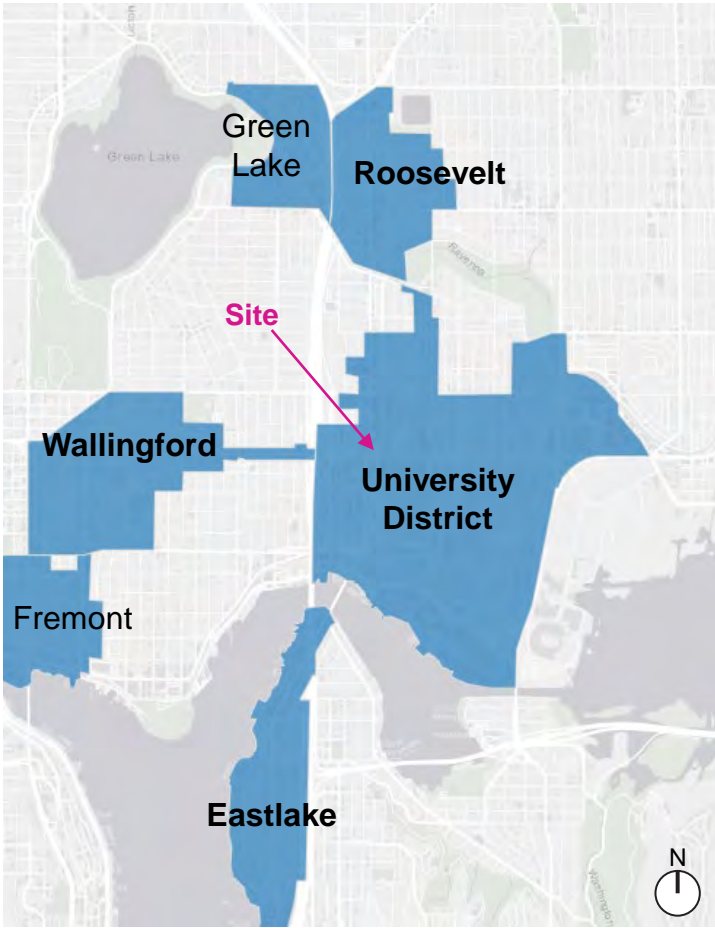
Project & process notes

- ST and Office of Housing partnership
- Goal: 100% affordable housing project with ground-floor commercial/community uses
- Development partner not yet selected
- Future developer to conduct engagement on public benefits and deliver realigned alley



Site context

- Project urban boundary
University District
- Nearby urban boundaries
University Campus
Ravenna
Roosevelt
Eastlake
Wallingford



Site context

Site context: 1000 NE 45th Street

- 17,815 square feet
- Zoning: SM-U 95-320 (M1)
 - Base FAR 4.75 / Max FAR 10 (residential)
 - Incentives for FAR 12 (open space, affordable housing, child care)
- Site split by an alley exiting onto NE 45th Street
- Busy urban context

Design guidelines

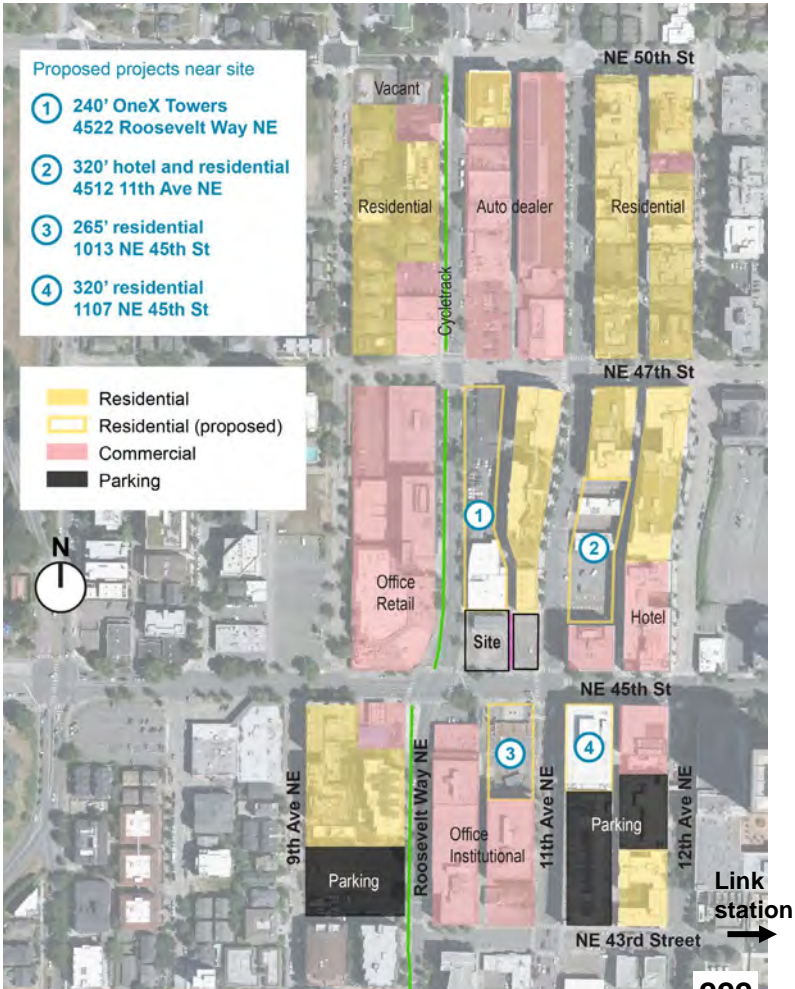
University District Neighborhood Design Guidelines

Council District 4

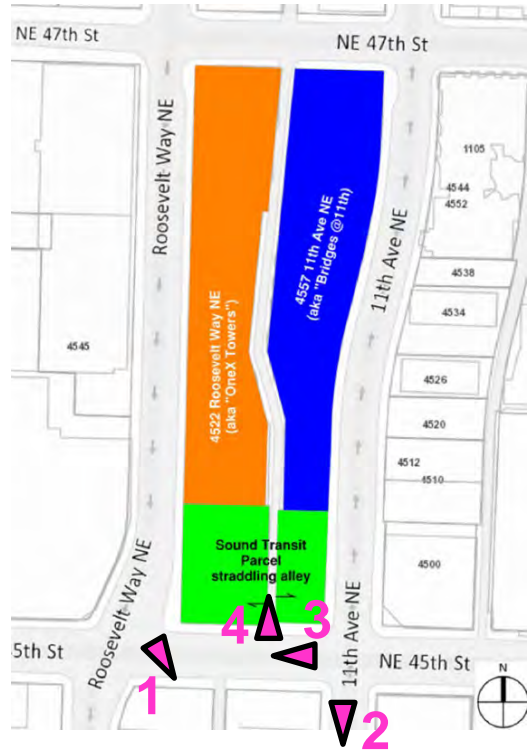
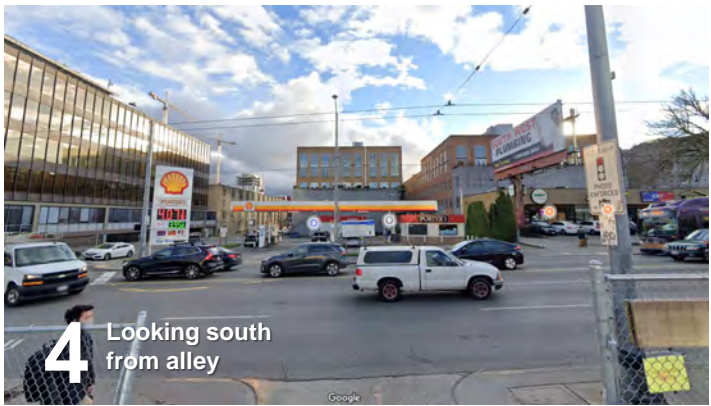
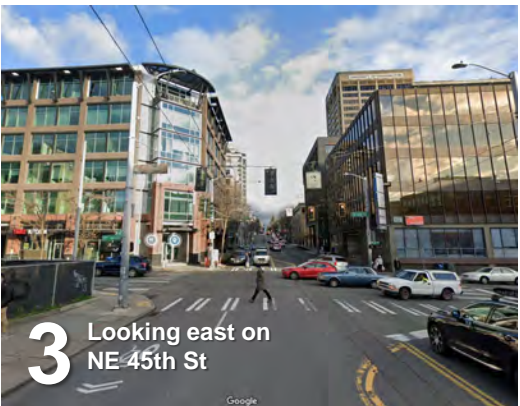
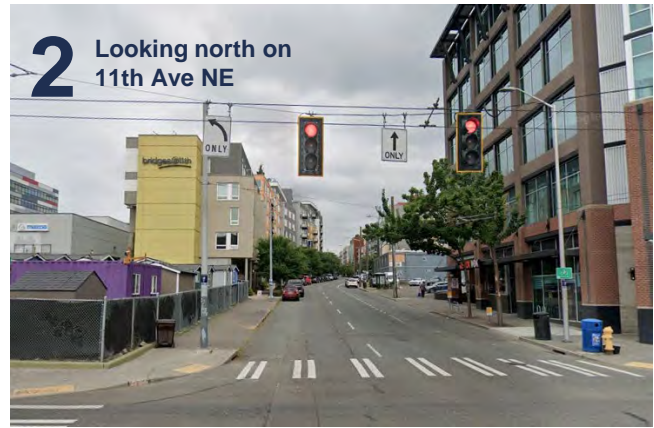
Councilmember Alex Pedersen

Nearby proposed projects by others

1. 4522 Roosevelt Way NE (OneX)
2. 4512 11th Ave NE
3. 1013 NE 45th St
4. 1107 NE 45th St



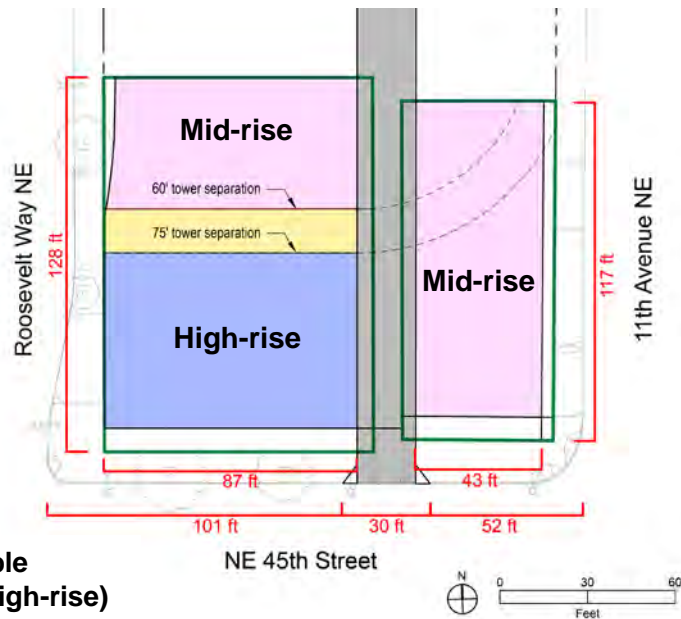
Site & alley context



Images: Google

Alley vacation impact: Buildable area

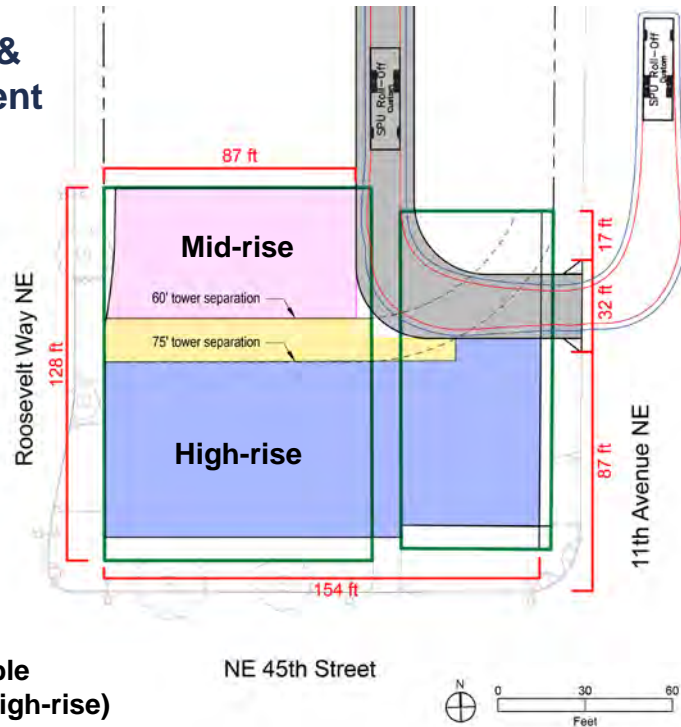
No vacation



**Total buildable
(mid-rise + high-rise)**
14,920 SF

High-rise
5,190 SF (75' clear)
6,500 SF (60' clear)

Vacation & realignment



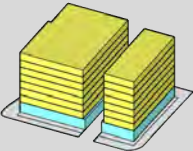
**Total buildable
(mid-rise + high-rise)**
14,440 SF

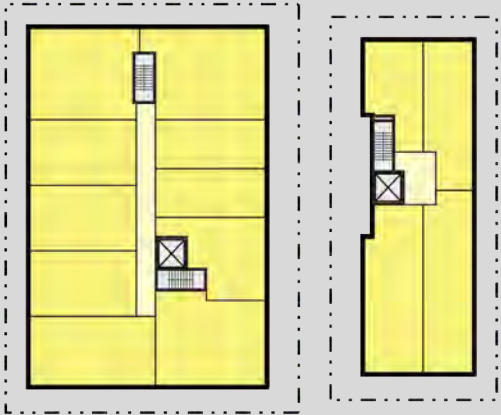
High-rise
8,940 SF (75' clear)
10,500 SF (60' clear)

- Developable for mid-rise only
- Developable for high-rise (60' clear)
- Developable for high-rise (75' clear)

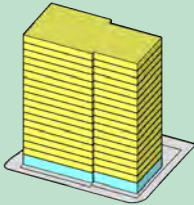
Alley vacation impact: Potential development yield

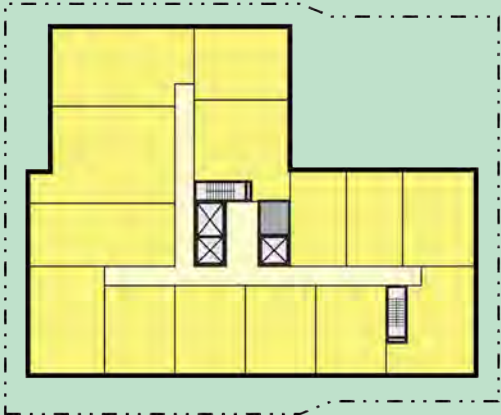
No vacation
Conceptual
floor plan





Vacation &
realignment
Conceptual
floor plan





Floor plans for illustration purposes only

	No vacation	Vacation & realignment	Result of vacation
Buildings	2	1	Improved efficiency in design and operations, fewer loading/access points
Units (conceptual)	90 - 110	195 – 215+	Potential for 100% or greater increase in unit yield, depending on height
Buildable area	14,920 SF	14,440 SF	Small reduction in buildable area due to alley realignment
High-rise floorplate	5,190 - 6,500 SF	8,940 - 10,500 SF	Significant increase in potential high-rise building floorplate
Potential for high-rise	No	Yes	Efficient high-rise floorplate possible due to greater leasable area efficiency and less impact from tower separation

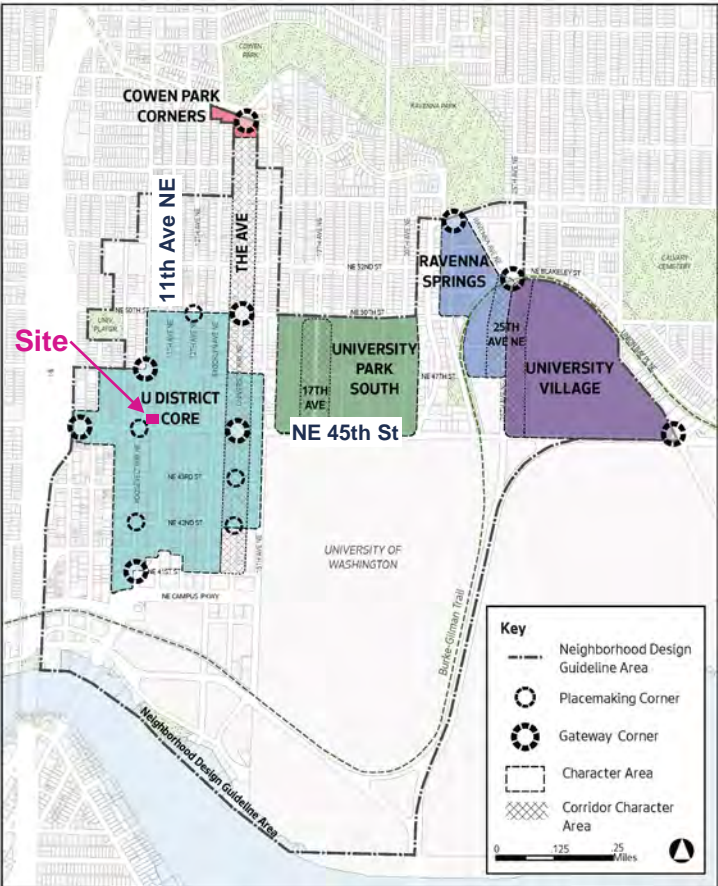
Development context: Open space network

- Dense urban neighborhood**
- University Playground
 - Christie Park

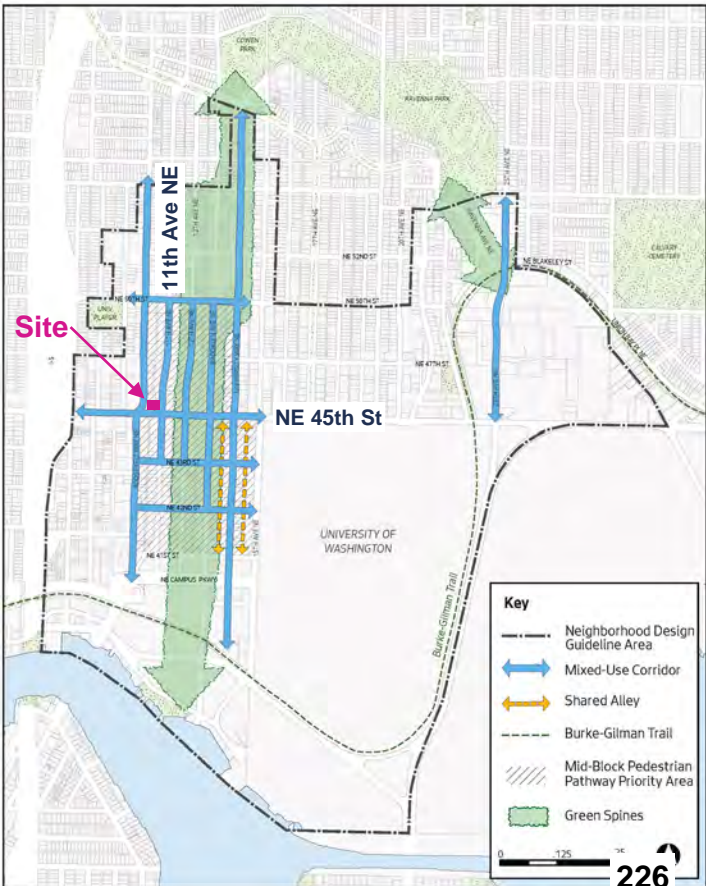
- Placemaking Corner: NE 45th & Roosevelt Way NE**
- Frame space
 - Movement & activity
 - Art, character, seating

- Mixed-Use Corridor**
- Lively pedestrian-oriented streetscapes
 - Ground-level activity to engage public realm

University District Neighborhood Design Guidelines
Map A: Character Areas, Gateways, and Placemaking Corners



University District Neighborhood Design Guidelines
Map B: Public Realm Activation & Open Space Network



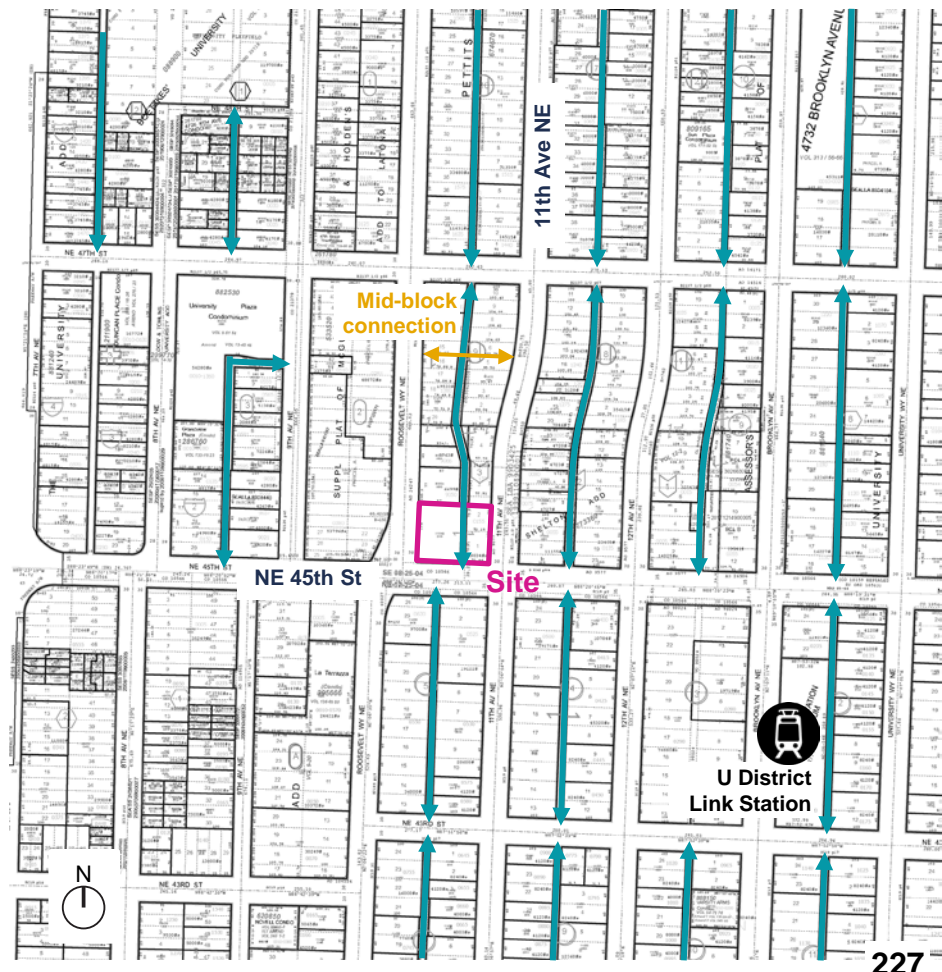
Development context: Alley network

Network context

- Long, narrow blocks
- Alleys provide internal block circulation within arterial network
- Traffic congestion hinders through movements between alley segments

Site & block

- Alley not aligned south across NE 45th St
- East-west mid-block pedestrian connection planned on the northern 1/3 of the block



Public trust

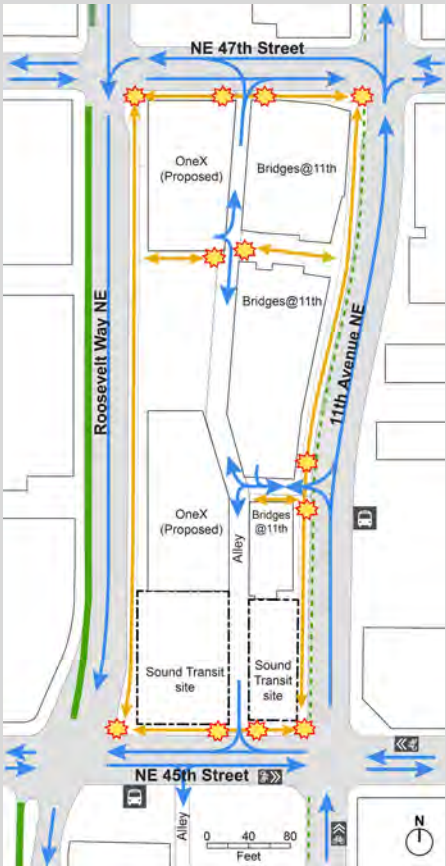
- **Circulation:**
Maintains circulation and improves pedestrian movement on NE 45th
- **Access:**
Retains adequate access from streets and alley and consolidates loading
- **Land use and urban form:**
Allows a larger development floorplate along NE 45th
- **Views, light and air:**
Separates building from NE neighbor and view impacts are limited in urban environment
- **Free speech, public assembly, open space:**
NE 45th frontage is more usable; retains same number of alley access points
- **Utilities:**
Utility relocation needed and conceptually feasible

Public trust: Circulation & access

No vacation

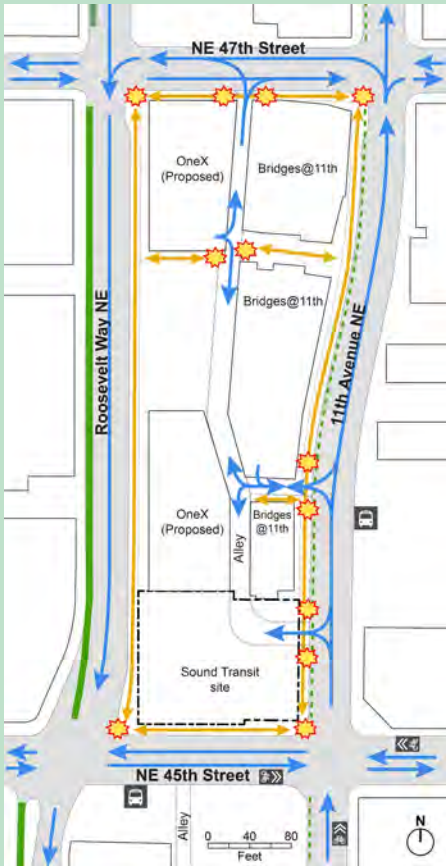
- Alley widened to 20'
- Expect increased traffic volume at NE 45th exit
- Greater vehicle & pedestrian conflict at NE 45th
- Multiple resident access points on site
- Multiple loading access points on site
- Mid-block pedestrian connection proposed to the north

- Vehicle circulation
- Pedestrian circulation
- Bicycle circulation
- - - Planned bicycle circulation
- ☀ Conflict point



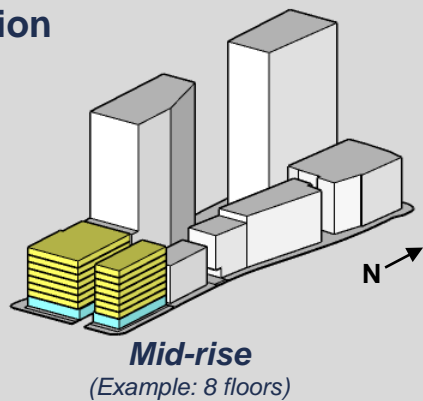
Vacation & realignment

- Eliminates NE 45th vehicle/pedestrian conflict
- Realignment slows traffic & uses existing curb cut
- Multimodal interaction on 11th to be addressed in future design process
- Sized for SPU roll-off vehicle
- Properties retain adequate access
- Potential single resident access point on site
- Single loading access point on site



Public trust: Land use, urban form, views, light and air

No vacation



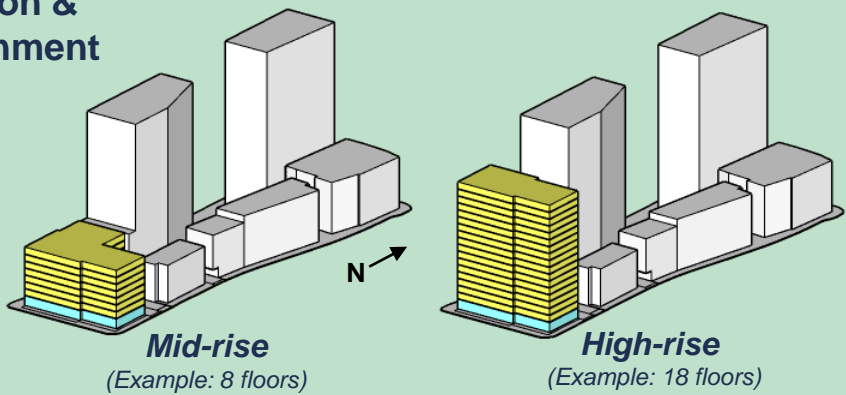
Land use & urban form

- Two buildings split by alley
- High-rise not feasible due to tower separation requirements and small floorplates

Views, light and air

- Possible near-continuous building frontage with buildings to the north
- Views to south from alley limited by proposed high-rise building south across NE 45th St

Vacation & realignment



Land use & urban form

- Single building mass and continuous frontage on 45th
- High-rise development consistent with neighborhood vision
- Tower separation distance affects high-rise floor plate

Views, light and air

- Realigned alley separates building from northeast neighbor
- Views to south from alley would be blocked by new building
- No additional shadowing to parks or other public open spaces

Massing models for illustration purposes only

Public trust: Free speech, public assembly, and open space


No vacation

Free speech and public assembly

- While publicly accessible, alley does not serve a significant public assembly function

Open space

- Alley does not provide a significant open space function
- Alley is urban hardscape and has no sidewalks or protected pedestrian paths



Vacation & realignment

Free speech and public assembly

- Creates an uninterrupted pedestrian environment on NE 45th, improving opportunity for public use and expression
- No change to number of access points to alley from the street network

Open space

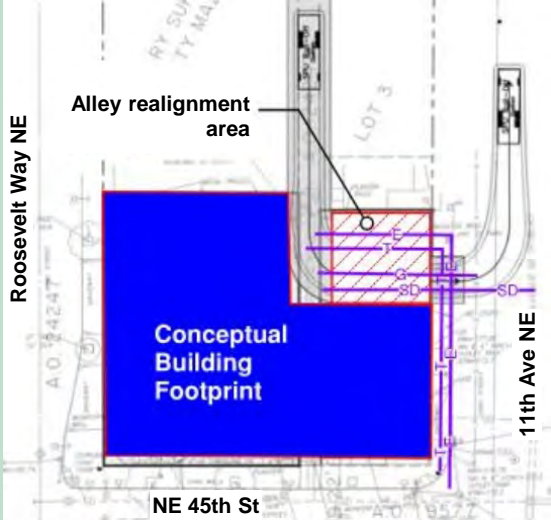
- Realignment of alley to 11th provides for a similar amount of publicly-accessible space

No vacation

- Existing utilities in alley include electric, natural gas, and telecommunications
- Stormwater catch basin located at NE 45th
- No mapped water or sanitary sewer exist in alley

Vacation & realignment

- Future developer will be responsible for relocating utilities
- Relocation of electric, telecom, gas, and storm drainage to 11th/NE 45th appears conceptually feasible
- Preliminary consultation with SCL has taken place



"E"=Electric
"T"=Telecom
"G"=Natural gas
"SD"=Storm drainage

Public benefit

RFP will establish expectations of a future development partner:

- **Public benefits to be determined** and delivered by a developer
- **Developer will conduct further community engagement**, including public benefits
- **Developer will realign alley to 11th** within property, retaining a similar area for circulation as existing alley

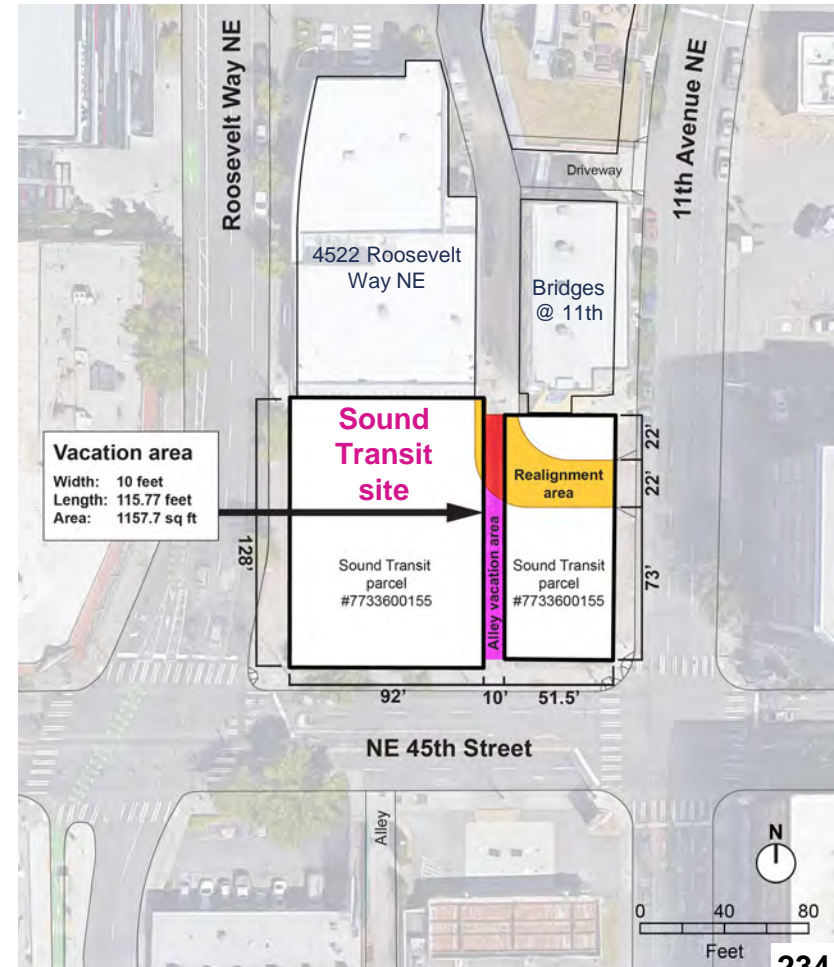
Community interests from ST engagement:

- Pleasant and safe pedestrian realm
- Mid-block pedestrian passthrough
- Commercial/community-serving uses on ground floor

Summary

Vacation improves affordable housing opportunity

- Single, more efficient building site
- Improves feasibility of high-rise building
- Maintains access
- Improves NE 45th St pedestrian corridor
- Future development partner will:
 - Conduct community engagement
 - Develop public benefits
 - Deliver realigned alley





 [*soundtransit.org*](https://soundtransit.org)



From: [Barnett, Beverly](#)
To: [DuBois, Jeanette](#)
Subject: FW: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf
Date: Friday, July 7, 2023 12:37:22 PM
Attachments: [image003.png](#)
[image005.png](#)
[image002.png](#)

More clarification from SDCI

From: Buker, Gerald <Gerald.Buker@seattle.gov>
Sent: Friday, July 7, 2023 12:35 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>
Subject: RE: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf

Along those lines, the other detail I noticed but wasn't explicitly stated is that a vacation is necessary in order to exceed the midrise limit. Otherwise, any proposal is limited to 95'.

Gerald Buker "Eddie"

Land Use Planner

City of Seattle [Department of Construction and Inspections](#)

P: (206) 386-1246 | Gerald.Buker@Seattle.gov

"Helping people build a safe, livable, and inclusive Seattle."

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Sent: Friday, July 7, 2023 12:11 PM
To: Hurley, Joseph <Joseph.Hurley@seattle.gov>
Cc: Buker, Gerald <Gerald.Buker@seattle.gov>
Subject: RE: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf

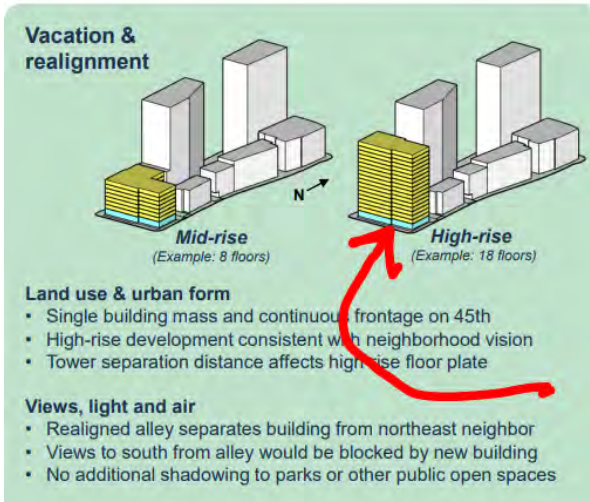
Excellent!! Yes, I will ask ST to update the graphic for the council. Thanks so much

From: Hurley, Joseph <Joseph.Hurley@seattle.gov>
Sent: Friday, July 7, 2023 12:05 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Cc: Buker, Gerald <Gerald.Buker@seattle.gov>
Subject: Re: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf

Hello Beverly,

Good meeting yesterday, and great outcome! As the document was being presented by ST, Eddie and I noticed that the Vacation/highrise graphic (p.13 in PDF and cut/pasted by me below) did not show the at-grade neighborhood open space that would be 'required' to exceed the sites maximum FAR (which a highrise would require, per Eddie's notes, also pasted by me below). In the interest of not complicating the SDC's process (this info would likely only make the Vacation proposal better/more attractive), Eddie and I decided not to bring this up at the meeting, but perhaps it would be good to revise/include this info for the presentation

to Council?



Eddie's notes:

Floor area ratio and Incentive Zoning (SMC 23.48.620, 23.48.622, 23.58A.040)

- FAR: Base 4.75, max 12 (for residential and mixed use buildings)
- If development exceeds base FAR, IZ provisions found in SMC 23.48.622 and 23.58A.040 apply.
- Within SMC 23.58A.040, applicants may propose Neighborhood Green Street in conjunction with SDOT, Neighborhood Open Space, Midblock connector. **Most development in this area opts for Neighborhood Open Space.**

PS - if you would like us to touch base with ST on this we would be happy to.

Take care,

Joe

cc: GB (Eddie)

Joe Hurley

Senior Land Use Planner

Seattle Department of Construction and Inspections

(206)561-3432 | Joseph.Hurley@seattle.gov

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>

Sent: Friday, June 30, 2023 2:24 PM

To: Keenan-Koch, Jackson <Jackson.Keenan-Koch@seattle.gov>; Timmer, Kelsey <Kelsey.Timmer@seattle.gov>; Marek, John <John.Marek@seattle.gov>; Wilburn, Bradley <Bradley.Wilburn@seattle.gov>; Hurley, Joseph <Joseph.Hurley@seattle.gov>; Shaw, John <John.Shaw@seattle.gov>; LaBorde, Bill <Bill.LaBorde@seattle.gov>

Cc: DuBois, Jeanette <Jeanette.DuBois@seattle.gov>; Gray, Amy <Amy.Gray@seattle.gov>

Subject: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf

Happy Friday everyone! I hope you have something great planned for the holiday weekend (that doesn't involve fireworks!). I am forwarding on the presentation that Tim Bates will be presenting at the Design Commission next Thursday. The presentation is scheduled for 1 to 2:30. The SDC is doing hybrid meetings so you may attend in person or dial in to the meeting. If you want to speak please ask Valerie to get you on the presenter list.

If you haven't been in awhile the meeting still follow the same format. The developer goes over the presentation and then the commission members ask clarifying questions. The SDC has asked that kpff send a rep if possible. Then they ask for agency comments and usually start with me since I hang out there so much. I know they want to hear from SDOT on the alley configuration so I believe Jackson will make very general comments about that. I also know they have questions about the review/regulatory process on the site after a developer is selected. It would be great if SDCI was ready for that.

My understanding is that Council will consider granting the vacation based on the concept for the site. We do need to address the alley function since there are other users of the alley and we need to make sure alley functions such as services can still be provided. The Council will defer the Community Engagement Plan and the public benefit proposal. Assuming the vacation is granted, the conditions would provide guidance that should be included in the RFP. Once the selected developer is ready to proceed they would need to develop a Community Engagement Plan and propose public benefit. They would need to provide this to me and it would be introduced in a new Clerk File for review and SDC review. Council would approve the 2nd CF containing the elements that support the approval in the first CF. Then they build the project. Then we do the final vacation ordinance.

I have shared with SDC that we do need to get a vote if we are to stay on schedule. We have a hold on a public hearing date of August 15. Thanks, see you all next week. I plan to attend in person.

From: [Hurley, Joseph](#)
To: [Barnett, Beverly](#); [Keenan-Koch, Jackson](#); [Timmer, Kelsey](#); [Marek, John](#); [Wilburn, Bradley](#); [Shaw, John](#); [LaBorde, Bill](#)
Cc: [DuBois, Jeanette](#); [Gray, Amy](#); [Buker, Gerald](#)
Subject: Re: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf
Date: Friday, June 30, 2023 3:39:35 PM
Attachments: [Outlook-3gpi2dm1](#)

Hello Beverly,

The presentation looks good, and I will attend the SDC meeting and be available for any questions. I think it would be good to have Eddie attend also (for any Zoning questions) and will cc. him here (and follow up with him).

One question, in the third paragraph of your email "*Assuming the vacation is granted, the conditions would provide guidance that should be included in the RFP.*" Are these conditions the design related ones we have discussed? If so, I put some Strunk-and-White on the original list and whittled it down to the following:

1. **Design Issues:**

- a. The site is large and will be highly visible due to topography, the large rights-of-way and its central location.
- b. Vacating the alley and creating a single site will eliminate the 'break' in massing, effectively making the site larger.
- c. The site currently feels overwhelmed by cars and paving and is unpleasant for pedestrians.

2. **Design Responses**

- a. **Open Space:** If open space is provided on site, it should be welcoming, usable, physically and visually engage the public realm, provide relief and respite to pedestrians on 45th, and support community interaction.
- b. **Street Edges and Pedestrian Experience:** Given the size and auto-centric character of the site, the street edges should be developed with setbacks that provide relief to pedestrians, create usable space, and have a porous and engaging edge at street-level.
- c. **Architectural Composition and Character:** The size and prominence of the site make the architectural concept and expression critically important.
 - i. The design should be a harmonious arrangement of legible and well-proportioned elements that help mitigate scale, employing principles of spatial composition that include hierarchy, balance, scale order, rhythm, repetition, and local symmetry.
 - ii. The design should use plane changes, depth, shadow, and texture to strengthen the design concept, provide scale and visual interest, and break up larger facade areas.

If this is helpful that's great, if I'm not tracking the process very well and it not, also fine : -) take care,

Joe

<!--[if !vml]--><!--[endif]-->**Joe Hurley**
Senior Land Use Planner

From: [Barnett, Beverly](#)
To: [DuBois, Jeanette](#); [Jenkins, Michael](#)
Subject: FW: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf
Date: Monday, August 7, 2023 10:10:10 AM
Attachments: [Outlook-h5fyujdh](#)
[Outlook-todyo3cf](#)
[Outlook-x1z42rzm](#)
[Outlook-uskasiin](#)
[Outlook-gtvqdxz5](#)
[Outlook-mzzm3fji](#)
[Outlook-n4bxg41k](#)
[Outlook-ltsjl5d5](#)
[Outlook-ne4cxejx](#)
[Outlook-ief4tkjp](#)
[Outlook-kbjudowj](#)

fyi

From: Hurley, Joseph <Joseph.Hurley@seattle.gov>
Sent: Monday, August 7, 2023 10:08 AM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Bates, Tim <tim.bates@soundtransit.org>
Cc: Buker, Gerald <Gerald.Buker@seattle.gov>
Subject: Re: 1000 NE 45th St Alley vacation SDC meeting 2023-07-06.pdf

Hello Tim and Beverly,

During the presentation to SDC, Eddie and I noticed that the Vacation/high-rise graphic (p.13 in that PDF and cut/pasted by me below) did not show the at-grade neighborhood open space that would be required to exceed the sites maximum FAR (which a high-rise would require, per Eddie's notes, also pasted by me below). In the interest of not complicating the SDC's process, Eddie and I did not bring this up at the meeting, but perhaps it would be good to revise/include this info for the presentation to Council? If you want to change it, let us know if we can help and no worries if it makes sense to carry on with current graphics.

Take care,

Joe Hurley

Cc: GB



Eddie's notes:

Floor area ratio and Incentive Zoning (SMC 23.48.620, 23.48.622, 23.58A.040)

- FAR: Base 4.75, max 12 (for residential and mixed use buildings)
- If development exceeds base FAR, IZ provisions found in SMC 23.48.622 and 23.58A.040 apply.
- Within SMC 23.58A.040, applicants may propose Neighborhood Green Street in conjunction with SDOT, Neighborhood Open Space, Midblock connector. **Most development in this area opts for Neighborhood Open Space.**

Joe Hurley

Senior Land Use Planner

Seattle Department of Construction and Inspections

(206)561-3432 | Joseph.Hurley@seattle.gov

Bruce A. Harrell
Mayor

Rico Quirindongo
Director, OPCD

Jill Crary, Chair

Adam Amrhein, Vice Chair

Matt Aalfs

Erica Bush

Elizabeth Conner

Puja Shaw

Molly Spetalnick

Phoebe Bogert

Kevin O'Neill

Ben Gist

Michael Jenkins
Director

Valerie Kinast
Strategic Advisor

Windy Bandekar
Planner

Juliet Acevedo
Administrative Staff

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MEETING MINUTES

1000 NE 45th Street partial alley vacation

July 6, 2023

Convened 8:30 am

Adjourned 3:00 pm

Projects Reviewed

1000 NE 45th partial alley vacation

WSBLE Update by Sound Transit

WSBLE update by City of Seattle staff

Commissioners Present

Matt Aalfs

Adam Amrhein

Elizabeth Conner

Jill Crary

Kevin O'Neill

Ben Gist

Commissioners Excused

Puja Shaw

Erica Bush

Molly Spetalnick

Phoebe Bogert

Staff Present

Valerie Kinast

Juliet Acevedo

July 6, 2023

1:30 pm – 3:00 pm

Project: 1000 NE 45th

Type: Partial alley vacation

Phase: Public Trust Review

Previous Reviews: Pre-petition review – 6/9/2022

Presenters: Tim Bates, Sound Transit; Abel Pacheco, Sound Transit; Jeremy Febus, KPFF Engineers; Beverly Barnett, Seattle Department of Transportation (SDOT)

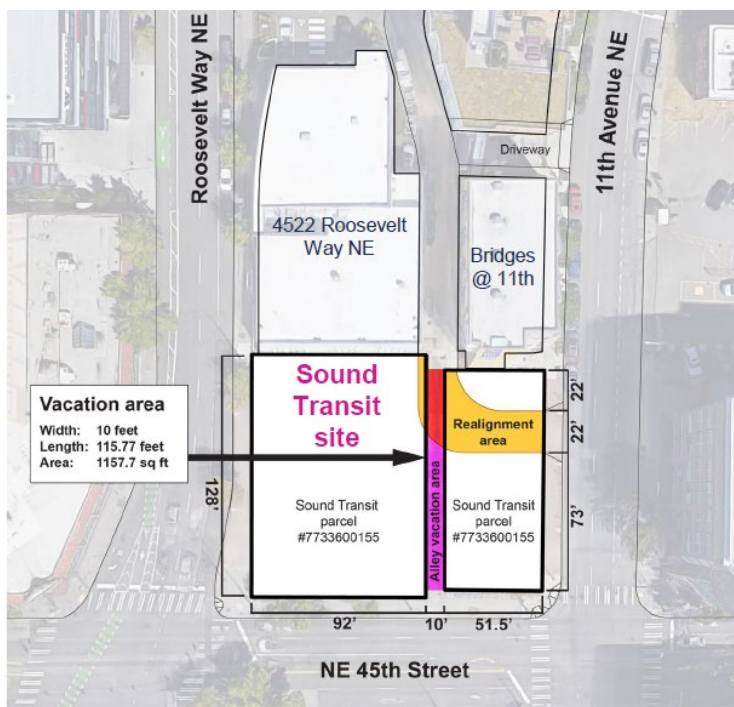
Attendees: Jeanette DuBois, SDOT; Lish Whitson, Seattle City Council – Central Staff. Jackson-Kennan-Koch, SDOT, Hannah Thorsen, Office of Councilmember Pedersen; Gerard Buker and Joe Hurley, Seattle Department of Construction and Inspection; Mara D’Angelo, Sound Transit (by WebEx); Charles Mason, City of Seattle Office of Housing (by WebEx)

Recusals and Disclosures

Puja Shaw was recused as her firm KPFF was the transportation consultant that analyzed how the vacation and development potential would affect transportation circulation and access at the site and the surrounding properties. Molly Spetalnick was recused, as she worked as a consultant for Sound Transit on the site from 2019-2020.

Project Description

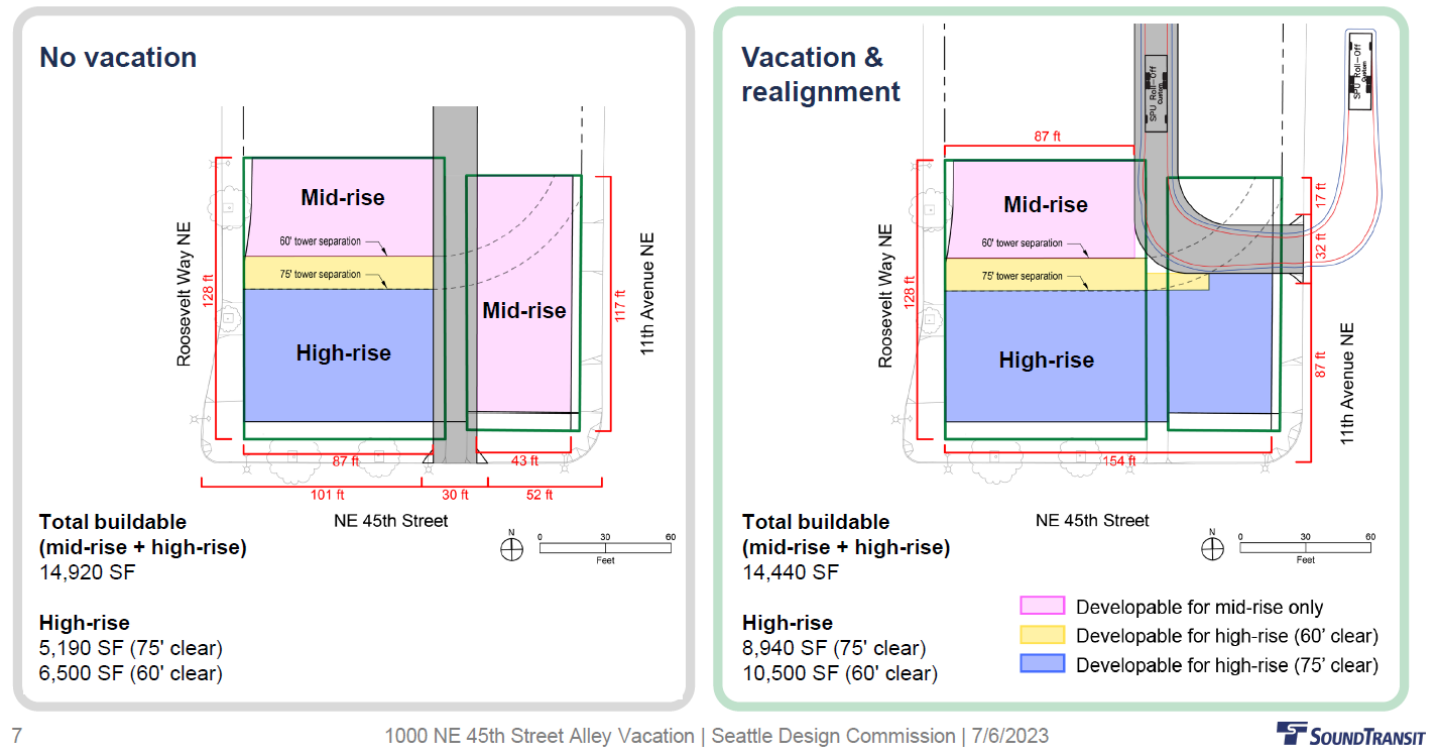
Sound Transit (ST) has proposed a partial vacation of an alley segment that terminates at NE 45th between Roosevelt Way NE and 11th Avenue NE. The northern terminus of the alley is at NE 47th Street. The partial alley vacation would affect a 10-foot-wide alley segment that extends from the southern alley terminus at NE 45th north approximately 115 feet north towards NE 47th Street.



The site is currently used for temporary housing for individuals experiencing homelessness. ST has not proposed a specific development that would be constructed following the partial alley vacation. In lieu of a specific development proposal, ST created a series of development scenarios for the site that are allowed under the land use code, all of which assume mixed use development (ground floor commercial with dwelling units above) and building heights of between 85 and 320 feet. None of the development options that were analyzed assume onsite parking due to proximity to transit options. Access to the site and through the alley would be retained through a new connection to 11th Ave NE.

The following image illustrates buildable area on the site, for either midrise or high-rise development, along with the location of a future connection to 11th Ave NE

Alley vacation impact: Buildable area



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1000 NE 45th Street Alley Vacation | Seattle Design Commission | 7/6/2023

SOUNDTRANSIT

Summary of previous Commission Meeting – 6/9/2022

As required by Council vacation policies, the Commission convened a subcommittee to provide an initial review of the vacation proposal. This meeting is an opportunity for Commissioners to provide input on the proposal prior to submitting a petition to vacate.

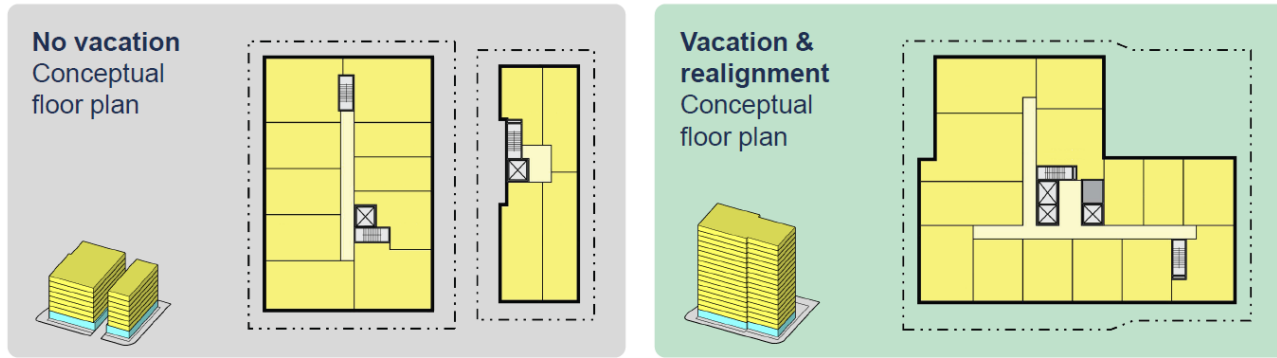
At that meeting, it was disclosed that no specific development was being developed for the vacated alley segment. ST staff indicated they would be requesting Council approval to proceed through the alley vacation process without a specific development proposal. Following the Council's July 19, 2022 Transportation and Seattle Public Utilities' meeting, the Council did authorize City staff to accept a petition to vacate the alley segment without a development proposal. Council's approval to proceed was predicated on ST commitment that 100% of the site would be developed with affordable housing.

The notes from that meeting are attached to these minutes.

July 6 Commission meeting – Commission Review of Public Trust

ST provided the Commission with an overview of their proposal and how their assumptions about future development have been refined since their June 2022 subcommittee review. The following slide shows ST's assumptions about development potential on the site with or without the vacation:

Alley vacation impact: Potential development yield



Floor plans for illustration purposes only

	No vacation	Vacation & realignment	Result of vacation
Buildings	2	1	Improved efficiency in design and operations, fewer loading/access points
Units (conceptual)	90 - 110	195 – 215+	Potential for 100% or greater increase in unit yield, depending on height
Buildable area	14,920 SF	14,440 SF	Small reduction in buildable area due to alley realignment
High-rise floorplate	5,190 - 6,500 SF	8,940 - 10,500 SF	Significant increase in potential high-rise building floorplate
Potential for high-rise	No	Yes	Efficient high-rise floorplate possible due to greater leasable area efficiency and less impact from tower separation

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1000 NE 45th Street Alley Vacation | Seattle Design Commission | 7/6/2023



ST's presentation also highlighted their goals and assumptions for future development on the site including:

- The commitment to make the housing developed for the site 100% affordable at levels to be determined, in conjunction with City of Seattle's Office of Housing.
- Assumption of no underground parking based on affordable housing development model.
- The relationship of the site with abutting and surrounding existing and future development.
- The alley segment to be vacated and its relationship to abutting properties.
- Development capacity studies that reflect current zoning.
- How future development will integrate with the public realm.
- Implications of the vacation on traffic options at and near the site, including its impact on other properties using the remaining alley segments.
- How service vehicles will access the site following the vacation.

ST's presentation included an analysis of how the proposed alley vacation meets Council Public Trust policies concerning the role of the right of way and the implications of a vacation on the functions of the right of way.

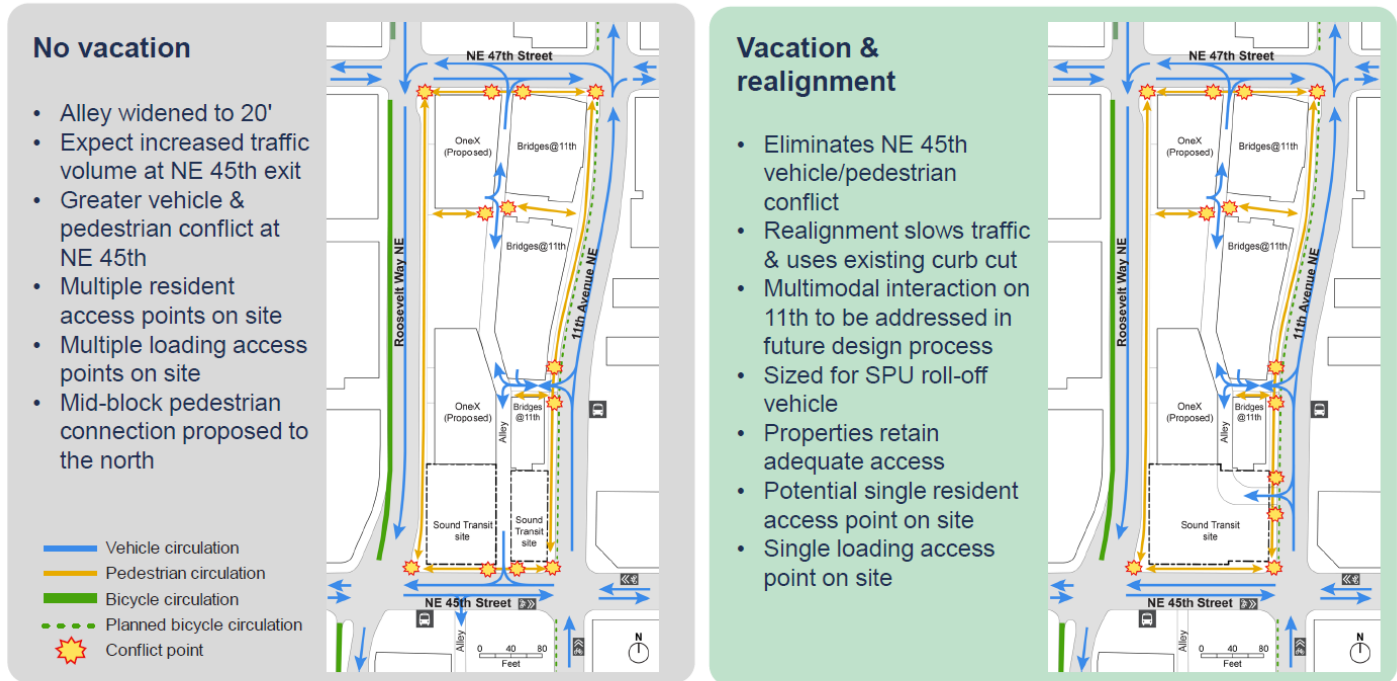
There are 8 policies that govern Public Trust functions of the right of way:

- Circulation
- Access
- Utilities
- Free Speech
- Public Assembly
- Open Space
- Light and Air

- Views
- Land Use and Urban Form

ST provided the following slide to document the circulation and access impacts of the vacation at and near the site:

Public trust: Circulation & access



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1000 NE 45th Street Alley Vacation | Seattle Design Commission | 7/6/2023



The following is the summary ST provided concerning the remaining public trust policies:

Land Use and Urban Form

- Single building mass and continuous frontage provided on NE 45th.
- High-rise development consistent with neighborhood vision.
- Tower separation requirements will affect high-rise floor plate size and configuration.

Light, Air and Views

- The realigned alley separates building from the northeast property along 11th Ave NE.
- Views to the south from alley would be blocked by new building.
- No known shadowing to parks or other public open spaces

Free speech, public assembly, and open space

- A new structure would create an uninterrupted pedestrian environment on NE 45th, improving opportunity for public use and expression.
- No change to number of access points to alley from the street network
- Realignment of alley to 11th Ave NE provides for a similar amount of publicly accessible space.

Utilities

- Future developers will be responsible for relocating utilities.
- Relocation of electric, telecom, gas, and storm drainage to 11th/NE 45th appears conceptually feasible.
- Preliminary consultation with SCL has taken place.

As the City Council allowed the vacation petition to proceed without a specific development, ST has not developed concepts for a public benefit package. ST intends that any future developer that is selected through an anticipated Request for Proposal (RFP) and subsequent procurement will be responsible for creating a public benefit package. ST expects any future developer to work with the community to create a public benefit package.

Agency Comments

- Beverly Barnett of Seattle Department of Transportation (SDOT) provided the commission with an overview of the process and underscored the unusual nature of this proposal, in that no development is currently proposed.
- Jackson Kennan-Koch of SDOT provided an overview of the internal traffic operations review that was conducted with Sound Transit, including negotiations over the location and attributes of options to connect the alley to a right of way. The 11th Ave N option was deemed the preferred option for traffic operations. SDOT emphasized need to study safety improvements at the future connection of the alley onto 11th to mitigate any impacts of vehicles crossing the sidewalk and entering the roadway at this new mid-block location.

Public Comments

None

Summary of Commissioners questions

Commissioners' questions focused on the attributes of future development and potential options, access to 11th Ave NE, integration with the public realm, changes in traffic operations due to the vacation, and the RFP/procurement process. Questions from commissioners included:

- Will high-rise development be required?
- How does the height limit affect potential development options?
- Whether future development is intended for students.
- The range of housing affordability that will be sought and Office of Housing support.
- How the alley vacation and future connection will impact traffic operations on 11th Ave NE and within the alley, including for service vehicles.
- How ST is coordinating with Office of Housing in the future RFP/procurement process
- The relationship of future development with the NE 45th Avenue streetscape
- Sound Transit's analysis concerning development capacity and ability to maximize affordable housing.

Summary of Commission discussion and deliberation:

The commission focused their discussions and deliberations following categories outlined in Council policies for Public Trust analysis. Public Trust policies address the implications of the alley vacation proposal on the role and purpose of rights of way and how the project proponent has addressed the loss of the street or alley on the remaining functions of right of way abutting or near the site.

The Commission organized their discussion in three groups:

- Circulation and Access, Utilities
- Free Speech, Public Assembly
- Open Space, Light and Air, Views, land use, and Urban Form

As ST has not developed a public benefit package, the Commission did not provide any analysis or direction on that part of the vacation process.

Circulation, Access, and Utilities

Commissioners focused their comments on how vehicles and pedestrian circulation will occur in a safe manner from the new alley configuration. Commissioners also focused their comments on where the location of “back of house” functions (trash, drop offs, deliveries, move-ins) from the vacation. Commissioners raised concerns about the potential impact to Protected Bike Lanes (PBL) planned for west side of 11th Ave NE and how those conflicts will be mitigated when a development is selected in the RFP process.

Free Speech and Public Assembly

Commissioners had no specific comments on these policies.

Open Space, Light and Air, Views, Land Use and Urban Form

Commissioners focused their deliberations on how the loss of the alley segment and consolidation of the two parcels affect urban form. Commissioners also discussed the benefits of the vacation in consolidating two parcels that are relatively small. Commissioners also discussed whether a high-rise development appeared feasible due to the site and its constraints. Commissioners also discussed the benefits of having a continuous structure along NE 45th due to the vacation. Commissioners expressed concern about the residual space at the NE corner of the site abutting 11th Ave NE and its role in providing open space.

Commissioners also discussed and expressed concern about ST stated goals for the project. ST has indicated that the project was intended to have 100% affordable units. However, there is no explicit goal (number of units, levels of affordability, etc.) and how that goal can be realized if a structure up to or meeting the base height limit is the only feasible option due to site constraints.

Commissioners also expressed concern about the nature of this vacation. The lack of a concurrent development proposal with the vacation petition raises many unanswered questions about its implications on the public realm and abutting development. Commissioners understood that the shared Council and ST commitment to affordable housing was the basis for this abbreviated process, as both City and ST believe the RFP process will be strengthened with the vacation in place. Commissioners expressed that any allowance for future vacations without a concurrent development should be highly selective and based on similar strong City priorities. They did understand that future development was intended to meet ST policies on transit supportive development.

Action

The Commission recommends that the City Council approve the proposed partial alley vacation. The Commission also recommends that the Council require Sound Transit to embed the following conditions in their Request for Proposal for future development at this site:

CONDITION 1 - Public Benefit

Prior to applying for a Master Use Permit 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 Seattle Design Commission 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 issuing a Certificate of Occupancy.

CONDITION 2 – Public Trust – Circulation and Access

Prior to applying for a Master Use Permit, present to the SDC the design of the access point of the alley to 11th Ave 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 Ave NE are addressed through planning and design solutions that improve safety such as:

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

CONDITION 3 – 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:

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

CONDITION 4 – 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:

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

From: [Barnett, Beverly](#)
To: [Belz, Sara](#); [Hohlfeld, Amanda \(DON\)](#); [Pesigan, Nelson](#); [Bates, Tim](#); [Whitson, Lish](#)
Cc: [Gray, Moira](#)
Subject: Community Engagement Plan for Sound Transit proposal at 1000 45th
Date: Friday, March 25, 2022 1:09:40 PM

Happy Friday DON! I would like to introduce Tim Bates with Sound Transit. I think some of you were at the kick off meeting on March 21 that introduced the proposal from Sound Transit and the Ofc of Housing to vacate the alley and convey the Sound Transit property for affordable housing. At the meeting we talked about the council goal to streamline the vacation review both in terms of time and level of information required. We are looking at more of a concept than a specific development proposal and working to figure out what we need to know condition the proposal and the RFP.

Sound Transit does pretty extensive work in the community and has raised the idea of housing development on the site now that Sound Transit does not need it for staging for the University station. We would like to meet with you and see if the work that has been done would cover their obligations under the Director's Rule.

I am out most of next week and then Tim will be out but we could meet the middle of April. I am sending this now so I don't forget. We can ask Sound Transit to share more about their community work and then see if there is anything you think they should do. Thank you!

From: [Barnett, Beverly](#)
To: [Pesigan, Nelson](#); [Bates, Tim](#)
Cc: [Whitson, Lish](#); [Pacheco, Abel](#); [DuBois, Jeanette](#)
Subject: FW: U District TOD: alley vacation supplemental engagement
Date: Monday, September 12, 2022 11:18:43 AM

Good morning! It was great to meet with you on Friday and talk about Sound Transit's proposal to supplement their Community Engagement Plan to more specifically address the vacation process and the public benefit obligation. Nelson, thank you for your input. It is my understanding that DON can support the ideas from Sound Transit which are attached below. In addition, Nelson will forward the Community Engagement Plan for Grand Street Commons, an affordable housing project and also for Taylor & 6th and a recent example. Nelson has also indicated that he can suggest community groups and review language proposals if that is needed.

This was very helpful and I believe we have a good plan to move forward. Thank you all!

CAUTION: External Email

Proposal from Sound Transit to supplement the Community Engagement Plan specific to the alley vacation process.

Our current thinking for the engagement content is as follows:

- Provide an update on how we're acting on feedback from engagement last year (e.g., alley vacation petition)
- Introduce the idea of public benefits related to street vacations (the intent, what types of things qualify)
- Offer some ideas that ST & OH have come up with thus far (east-west pedestrian connection; Cultural Space Agency)
- Ask several (1-3) survey questions to gauge community feedback on these ideas, and allowing additional suggestions

From: [Barnett, Beverly](#)
To: [Nelson, Alyse](#)
Cc: [DuBois, Jeanette](#); [Gray, Amy](#)
Subject: FW: Public benefit Engagement
Date: Tuesday, September 27, 2022 8:55:39 AM
Attachments: [image001.png](#)
[image002.png](#)

This poses a challenge. I will meet with them next week and hear the concern but I think this will ultimately be a council decision. The idea of the nonstandard process was to reduce uncertainty in order to secure bids on the property and leaving open questions on the public benefit could concern bidders. More to come.

From: Olson, Laurie <Laurie.Olson@seattle.gov>
Sent: Monday, September 26, 2022 5:12 PM
To: Barnett, Beverly <Beverly.Barnett@seattle.gov>
Cc: Bates, Tim <Tim.Bates@soundtransit.org>; D'Angelo, Mara <mara.dangelo@soundtransit.org>
Subject: Public benefit Engagement

Greetings Beverly! Hoping to catch you on the request for more public engagement specifically related to the public benefit portion of the project.

Similar to the alley vacation, we are not 100% sure what is going to be built here, so engaging the public about the public benefit now, would be a bit of a cart before the horse scenario. Wondering if we could include this requirement in the RFP to ensure it occurs, but not wanting to preempt the developer from what they can build.

I am booked solid this week, but hoping we can touch base next week.

Thanks in advance!
Laurie

Laurie Olson
Capital Investments Manager
City of Seattle, [Office of Housing](#)
206.615.0995
[Facebook](#) | [Twitter](#)

From: [Thoreson, Hannah](#)
To: [Olson, Laurie](#)
Cc: [Whitson, Lish](#); Tim.Bates@soundtransit.org; [Pacheco, Abel](#); [DuBois, Jeanette](#); [Barnett, Beverly](#); [LaBorde, Bill](#)
Subject: Re: ST vacation and public benefit/community engagement
Date: Tuesday, December 13, 2022 2:08:24 PM

Hi Team,

Thank you for reaching out regarding the timeline of Community engagement and the RFP Process. We remain upbeat that vacating the alley would enable optimal use of the land for affordable housing units. I have spoken with the Chair and Council Central Staff and the request could be accommodated with the following stipulations:

1. Before starting the RFP Process, one of the public benefit conditions should be that the new project will reserve at least 35 units for at or below 30% AMI, to replace the number of units at Rosie's Village.
2. Conditional alley vacation approval will require that after a developer is selected through the RFP process and community engagement has occurred, this will need to come back to committee for additional Seattle City Council review once all the public benefits are crafted.

We're happy to meet and discuss if you have questions or concerns!

Thanks,

Hannah

Hannah Thoreson

Legislative Assistant
District 4, Seattle, WA
Office: 206-818-7536
hannah.thoreson@seattle.gov
www.seattle.gov/council/Pedersen

From: Whitson, Lish <Lish.Whitson@seattle.gov>
Sent: Thursday, December 8, 2022 9:34 AM
To: Pedersen, Alex <Alex.Pedersen@seattle.gov>
Cc: Thoreson, Hannah <Hannah.Thoreson@seattle.gov>
Subject: FW: ST vacation and public benefit/community engagement

Good morning Councilmember Pedersen,

Beverly and I are continuing to work with Sound Transit and OH on the alley vacation at 45th and

Roosevelt.

We have received a request from OH and Sound Transit to delay further outreach and engagement on the street vacation until after a developer is selected.

As you remember, there was early outreach and engagement that led Sound Transit to feel comfortable with moving forward with an affordable housing project on the site and with pursuing an alley vacation. However, there has not been any outreach regarding what public benefit features would be appropriate for this project.

The street vacation policies state that outreach and engagement should inform the public benefit package for a street vacation project.

OH's argument, as described below, is that a future developer needs to be part of the discussion of what public benefit features are part of the project. There is some merit to that – we would typically require more modest public benefits as part of an alley vacation project that supports the development of a supportive housing project compared to a vacation that supports a mixed-income residential tower.

However, this would require the Council to approve a vacation without a good sense of what the public benefit package would encompass.

I'm happy to talk through options with you, if that would be helpful.

From: Olson, Laurie <Laurie.Olson@seattle.gov>

Sent: Wednesday, December 7, 2022 4:32 PM

To: Barnett, Beverly <Beverly.Barnett@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>

Cc: Bates, Tim <Tim.Bates@soundtransit.org>; Pacheco, Abel <abel.pacheco@soundtransit.org>; DuBois, Jeanette <Jeanette.DuBois@seattle.gov>

Subject: RE: ST vacation and public benefit/community engagement

Greetings Beverly, my apologies for the delay.

The Office of Housing is seeking consideration of Council to delay a requirement of Community Engagement until after a developer is selected through a joint RFP process for the disposition of the site at 45th. The Office of Housing has a robust policy related to community engagement as part of requirements for funding. Delaying the requirement until a sponsor is identified will provide a much more fruitful and effective outcome related to community engagement, as the developer and program proposal will be known. The Office of Housing worked with SDCI and the Department of Neighborhoods in drafting of this policy and both departments feel that it goes well beyond their own requirements for EDG submittal.

<https://www.seattle.gov/documents/Departments/Housing/HousingDevelopers/ProjectFunding/Community%20Relations%20Plan.pdf>

Below is the Office of Housing, Council approved, policy requirements that will be incorporated into

the RFP for receiving OH resources related to the site:

II. Community Relations

The City of Seattle supports affordable housing production and preservation in neighborhoods throughout the city. Organizations seeking OH funding for a housing development must give neighbors and local community members opportunities to learn about the project and to provide input, and maintain communication during construction and operations. The policy applies to all rental housing projects and to homeownership developments with four or more for-sale homes. It applies to applications for permanent and bridge financing for new construction and acquisition/rehabilitation projects. Applications for projects that will renovate an existing building without a change in ownership must conduct only Neighborhood Notification and any community engagement required for Design Review.

A. Objectives

- Promote open, ongoing communication between developers and neighbors. This requires cooperation by developers, the City, and neighborhood residents. A positive, open relationship between housing developers and neighbors can prevent misunderstandings, facilitate prompt resolution of any inadvertent misunderstandings, and provide a fair, thoughtful, dependable means of ironing out differences.
- Provide information about the proposed project including the design, permitting and construction schedule, opportunities to provide input and submit comments, and eligibility requirements and application process for those interested in renting or purchasing the affordable housing.
- Give neighbors and community members an opportunity to communicate any concerns about design, construction, operation and management of a project and to work collaboratively with housing developers and/or residents to identify ways to address those concerns.

The City supports affordable housing projects that will preserve and enhance the strengths of Seattle's neighborhoods. Housing developers and neighbors should keep OH informed of any issues or concerns throughout the development and operation of the project. It is the policy of The City of Seattle that OH funding of affordable housing not be refused solely on the basis of concerns expressed by neighbors and other community members. The City supports and is committed to promoting diversity in Seattle neighborhoods. Consistent with local, state and federal fair housing law, housing may not be excluded from a neighborhood based on characteristics of the persons who will live there.

B. Notification and community relations requirements The steps outlined below describe minimum notification and community relations requirements. Project sponsors should tailor community relations efforts to best serve each individual project and neighborhood. OH may make exceptions to these requirements due to the unique circumstances of a proposed project (e.g., housing for victims of domestic violence with confidential location).

1. Consultation. Prior to releasing purchase and sale agreement contingencies for site acquisition:

- Consultation with OH: OH will help identify developers of other affordable housing in the neighborhood(s) being considered and suggest organizations to contact, which will include

both neighborhood-based organizations and other community groups who may be interested in the project.

- Contacts with other affordable housing owners. Housing owners in or near the neighborhood can provide information about a neighborhood's historical and current housing- and development-related concerns. Neighborhood notification. Prior to submitting a funding application:

- Neighborhood notification: Notify neighbors (including all residential and commercial property owners, and tenants as feasible) within at least 500 feet of the site using a written notice, letter or flyer ("notification letter"). Include basic information about the sponsor organization and proposed project (e.g., estimated schedule, contact person, and neighborhood organizations that have also been notified about the project). The neighborhood notification letter must be sent within one year before the application is submitted.

3. Draft Community Relations Plan. Included in the application for funding, a summary of completed activities and a plan for actions to be undertaken following a funding award:

- Documentation of completed notification: include a copy of the neighborhood notification letter and a list of recipients.

- Community outreach: Completed outreach and planned future activities for maintaining ongoing communication with immediate neighbors and community organizations throughout the project's pre-development, design, construction, and operation phases.

- Inclusive community engagement: strategies for engaging historically underrepresented communities, including communities of color and communities for which English is a second language. This community engagement can be designed to meet affirmative marketing requirements in Section IV below, particularly when a project is in an area at high risk of displacement.

- Outreach for Design Review: community outreach prior to early design guidance, including outreach to historically underrepresented communities for projects located in Equity Areas. Requirements can be found at SDCI Director's Rule and DON website.

4. Strategies for communications with neighbors and community organizations. The community relations plan may include presentations at regularly scheduled neighborhood organization meetings, invitation to a meeting hosted by the housing developer, formation of an advisory committee, and/or regular project updates in neighborhood organization publications or posted at local libraries, community centers, etc. Information the housing developer should provide at meetings includes the following, to the extent that it does not compromise the safety, confidentiality, or well-being of the residents:

- Project design and intended resident population, and planned supportive services for residents if applicable

- Estimated schedule for construction and completion

- Experience of the project team in developing and operating affordable housing

- Information about eligibility, affirmative marketing and how to apply for housing

- Opportunities to provide input on the project

- Mechanisms for ongoing communication once the housing is operational

5. Communication during construction and after opening.

During development and, for rental housing developments, once the housing is operational, applicants must implement the Community Relations Plan and maintain communication with neighborhood organizations and neighboring residents and businesses. This may include updates on any changes to design or construction timing and invitations to any project open houses or other events. Rental housing owners should also keep OH apprised of any issues related to the building, promptly address emerging issues, and share stories of success during the operation of the building.

From: Barnett, Beverly <Beverly.Barnett@seattle.gov>

Sent: Tuesday, November 1, 2022 10:14 AM

To: Olson, Laurie <Laurie.Olson@seattle.gov>; Whitson, Lish <Lish.Whitson@seattle.gov>

Cc: Bates, Tim <Tim.Bates@soundtransit.org>; Pacheco, Abel <abel.pacheco@soundtransit.org>;

DuBois, Jeanette <Jeanette.DuBois@seattle.gov>

Subject: ST vacation and public benefit/community engagement

Good morning! Laurie and Lish, I wanted to follow up on our October 5th meeting. The subject of the meeting was the proposal from OH and ST that further Community Engagement and refinement of the public benefit obligation be deferred and addressed as conditions on the RFP. SDOT had asked that the work be done as part of the vacation review process but OH and ST proposed the work for later as it could be more detailed and specific when done by the future developer related to a specific project. As I understand it, CM Pedersen was inclined to be supportive of this idea but had requested that OH and ST provide some justification and a rationale for the change in the process. I believe that Laurie said she could provide something in about 2 weeks?

I haven't seen anything and I don't know if I missed something or if this is still being developed. I do think it is important that OH and ST provide something to CM Pedersen. It is also important for me to have something in the record that provides for a different process for this vacation and the rationale for it.

Can you provide an update on this? Thanks!

August 11, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Clerk File 314496: Petition of the Central Puget Sound Regional Transit Authority [Sound Transit], for the vacation of a portion of the alley in block bounded by NE 45th Street, Roosevelt Way NE, NE 47th Street, and 11th Avenue North, at 1000 NE 45th Street.

On Tuesday, August 15, the Transportation and Seattle Public Utilities Committee (Committee) will receive a briefing and hold a public hearing on [Clerk File \(CF\) 314496](#), which contains a petition from Sound Transit (aka the Central Puget Sound Regional Transit Authority) to vacate the southern end of the alley on the north side of NE 45th Street between Roosevelt Way NE and 11th Avenue NE in the University District (Council District 4). Sound Transit acquired a parcel that includes property on each side of the alley as part of its work to build light rail through the University District, and now has an agreement with the City of Seattle's Office of Housing (OH) to dispose of the property for affordable housing uses. Vacation and realignment of the alley would facilitate the development of affordable housing on the property.

Unlike most alley vacation petitions, there is currently not a developer or a specific development proposal tied to this vacation. As discussed at the [July 19, 2022](#), Committee meeting, Sound Transit and OH are seeking approval for the vacation prior to issuing a Request for Proposal (RFP) for a developer to acquire the site with a commitment to build affordable housing. The agencies intend that the successful respondent will prepare a public benefit proposal and return to the Council for approval of the public benefit package prior to development on the site. A summary of key provisions in the RFP is included as Attachment 1 to this memo.

The Seattle Design Commission (SDC) and the Seattle Department of Transportation (SDOT) have recommended approval of the vacation. The SDOT recommendation, which is included as Attachment 2 to this memorandum, incorporates the recommendations of the SDC.

This memorandum describes:

1. The street vacation review policies that guide the Council's decision;
2. The proposed vacation of the alley at 1000 NE 45th Street;
3. Conditions proposed to be placed on the vacation by SDOT and the SDC; and
4. Council actions to approve the vacation.

Street Vacation Policies

Property owners may seek to permanently acquire the street or alley next to their property from the City. The process to do so is laid out in the Revised Code of Washington (RCW) [Chapter 35.79](#), Seattle Municipal Code (SMC) [Chapter 15.62](#), and the Council's [Street Vacation Policies](#). Those policies identify two related but independent questions that the Council must consider in reviewing a street vacation petition:

1. Are the “public trust functions” of the right-of-way protected?; and
2. Will the public benefit from the vacation?

Public trust functions are the uses of right-of-way. The policies describe the public trust functions as follows:

Streets are dedicated in perpetuity for use by the public for travel, transportation of goods, and locating utilities. The dedication carries with it public rights to circulation, access, utilities, light, air, open space, views, free speech, and assembly, and contributes significantly to the form and function of the city. The primary concern of the City in vacation decisions is to safeguard the public's present and future needs and to act in the public's best interest. (Page 7)

Public benefits are a required component of street vacations, and are intended to offset the loss of public space. The policies describe public benefits as follows:

The City acts as a trustee for the public in its administration of rights-of-way. Courts have required that in each vacation there shall be an element of public use or benefit, and a vacation cannot be granted solely for a private use or benefit. Therefore, before this public asset can be vacated to a private party, there shall be a permanent or long-term benefit to the public.

The fact that these benefits are provided equally to all members of the public may be most important to those who have the least. 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 part of a street vacation petition.

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 following are not considered public benefits:

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

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.

After a petitioner files a complete vacation petition, it is sent to SDOT and the SDC for review. SDOT collects comments from City Departments, private utilities, transit agencies, and others with an interest in the City's rights-of-way. After review and recommendation by these parties, the petition is returned and considered by the City Council. The Council is required to hold a public hearing on the petition, and then must act on the petition. State law states that approval of vacations is solely a legislative act.

If the Council decides it is appropriate to vacate the right-of-way, it will typically grant conditional approval. That approval is placed in the CF alongside the vacation petition. That conditional approval allows the petitioner to begin using the right-of-way. After all conditions have been met and all fees have been paid, SDOT will draft an ordinance for Council consideration that authorizes the transfer of ownership of the right-of-way to the petitioner.

1000 NE 45th Alley Vacation

Sound Transit owns the property on the south end of the block bounded by Roosevelt Way NE on the west, NE 45th Street on the south, 11th Avenue NE on the east and NE 47th Street on the west. These two parcels are separated by a ten-foot-wide alley that is off-center. West of the alley, Sound Transit's property is 92 feet wide. East of the alley, the parcel is 51.5 feet wide. The eastern parcel is too narrow to accommodate a typical multifamily project.

There are two other developments on the block. On the west side of the block, where a car dealership currently stands, Onelin Capital Corporation is developing the OneX towers, a 593-unit mixed-use project, including two 22-story towers. On the east side of the block is the Bridges @ 11th, a 184-unit multifamily project, built on land owned by the University of Washington.

Sound Transit proposes to vacate the portion of the alley that bisects their property and exits onto NE 45th Street. Future development on the site would build a new alley entrance off of 11th Avenue NE, at the north end of their property. This would consolidate the two parcels and provide for a development site that can better accommodate a multifamily project.

If the Council approves the vacation, Sound Transit and OH would issue an RFP for a developer to build a project that includes:

- At least 80 percent of units affordable to households earning no more than 80% of the Area Median Income (AMI);
- Exceeding the minimum required affordable housing through:
 - Restricting all housing units to be affordable to households earning no more than 80 percent AMI.

- 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 percent AMI.
- Including at least 15 percent of housing units affordable to households earning 0-30 percent of AMI. OH and Sound Transit will explore the potential for including up to 30 percent of housing units affordable to households earning 0-30 percent of AMI, through discussion with other capital and operating/service funders.
- Serving populations with greater needs, including but not limited to: families, people with developmental disabilities, households at risk of homelessness, and seniors.
- Meeting or exceeding the Evergreen Sustainable Development Standard;
- Maximizing the development and number of units on the site;
- Providing a significant number of family-sized units;
- Providing active ground-floor uses; and
- Improving the pedestrian realm around the site.

Because the RFP has not been issued, and no developer who can commit to a public benefit package has been chosen, future development of the site is unclear. Consequently, it is not possible to judge whether a public benefit package is appropriate, which would occur during the typical vacation petition process. Sound Transit has asked that the Council consider a vacation petition without a specific public benefit proposal. To address this unusual circumstance, SDOT's proposed conditions (if the Council approves the petition) would require that any future developer of the site would need to return to the Council with a public benefit proposal and receive the Council's approval prior to submitting an application for development permits.

Proposed Conditions

SDOT has proposed a set of conditions to be placed on this vacation. Many of these conditions are standard requirements of all projects that receive vacation approval from the Council. Measures unique to this petition include the following:

- The vacation would be granted solely for the development of affordable housing as described in Committee meetings and materials;
- The future affordable housing developer would need to return to the SDC and City Council for review of a public benefits package consistent with the Street Vacation Policies (typically the Council will review the public benefits package at the time it grants conditional approval of the vacation); and
- The conditions incorporate guidance from the SDC, which are all intended to guide development of a public benefit package and design of a future project on the site.

Committee Actions

If the Committee agrees to approve the alley vacation, it should take three actions: (1) correct the title of the CF to fix a typo, (2) add conditions of approval to the CF, and (3) vote to recommend approval of the CF. Proposed conditions are included as attachment 3 to the memo.

1. The title of CF 314496 incorrectly refers to “11th Avenue North.” The Committee should amend the title to correct the street name as follows:

Petition of the Central Puget Sound Regional Transit Authority, for the vacation of a portion of the alley in block bounded by NE 45th Street, Roosevelt Way NE, NE 47th Street, and 11th Avenue ~~North~~NE, at 1000 NE 45th Street.

2. As discussed above, SDOT has recommended conditions of approval. A proposed set of conditions based on the SDOT recommended conditions and reflecting ST and OH’s affordable housing commitments are included as Attachment 3 to the memo.

If the Committee agrees with those conditions, it should vote to add the conditions to the Clerk File as shown on Attachment 3 to this memorandum.

3. If the Committee supports approval of the petition, the Committee should vote to recommend approval of the Clerk File as conditioned.

Next Steps

The meeting on August 15 will include a public hearing on the petition. If the Committee wants to vote on the 15th, it should waive the Council rules that limit Committee votes during a meeting with a public hearing. If the Committee does not waive those rules, it may vote on the vacation petition as early as September 5. The City Council vote would occur either on September 5 or September 12.

Once approval has been granted, Sound Transit and OH intend to issue an RFP to find a housing developer for the site. Under the conditions recommended by SDOT, that developer would be required to return to the SDC and the City Council for approval of their public benefit proposal, prior to seeking development approval.

Attachments:

1. Memo regarding affordable housing development on Sound Transit site at 45th Street
2. SDOT Director’s Recommendation
3. Draft conditions of approval

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Supervising Analyst



Memo

Date: July 20, 2023
To: Alex Pedersen, Chair, Transportation and Public Utilities Committee
From: Maiko Winkler-Chin, Director, Seattle Office of Housing
Brooke Belman, Deputy Chief Executive Officer, Sound Transit
Subject: Affordable housing development on Sound Transit site at 45th Street

Sound Transit (ST) and the Office of Housing (OH) are working in close partnership to redevelop Sound Transit's property at 1000 NE 45th Street as affordable housing as directed by Sound Transit Board Resolution No. R2022-31 and under the requirements established by RCW 81.112.350. The property is approximately 18,000 square feet and located several blocks from the U District light rail station. OH collaborated with ST to create a joint Request for Proposals to develop the site. ST and OH have worked to define the scope of the project, process for developer selection, and joint goals for the project. OH and ST will issue the RFP together with the expectation of culminating the process in an award of OH funding and ST offering the property at a significant discount. ST will lead the Request for Proposals (RFP) process, as well as the evaluation of submissions, and OH will participate on the evaluation panel.

ST and OH have identified the following requirements and desired components for the RFP (this is not an exhaustive list of desired site components):

1. On property transferred to a Qualified Entity, at least 80% of housing units must be income-restricted to households earning no greater than 80% of area median income (AMI), in accordance with RCW 81.112.350.
2. Meet or exceed sustainability standards of Evergreen Sustainable Development Standard v4.0 (2018 update).
3. Maximize the total number of affordable housing units created, while also including a range of unit sizes.
4. Exceed the minimum required affordable housing through the following:
 - a. Restrict all housing units to be affordable to households earning no more than 80% AMI.
 - b. Include 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. Include 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. Serve populations with greater needs, including but not limited to: families, people with developmental disabilities, households at risk of homelessness, and seniors.
5. Include a significant number of family-size affordable housing units (two, three, or greater bedrooms).

6. Maximize the feasible site density, as measured by gross FAR, residential square footage and commercial square footage.
7. Provide active ground-floor uses, such as commercial and/or community-serving uses.
8. Provide pedestrian-realm improvements on NE 45th Street, Roosevelt Way NE, and 11th Ave NE that contribute to a safe and comfortable pedestrian environment (such as street trees/landscaping, safety buffers, street furniture).

ST plans to publish the RFP September 2023, with submissions due at late 2023. Proposals will be evaluated during the first quarter of 2024, with the expectation that a developer will be selected by the end of March 2024. Predevelopment and financing will require 12-18 months, with a goal for construction to begin before the end of 2025.

ST and OH have engaged in thorough discussion about process and project details and agree to this initial set of site components.



August 15, 2023

Honorable Alex Pedersen, Chair
Transportation & Seattle Public Utilities Committee
Seattle City Council
600 Fourth Avenue
Seattle, Washington 98104

**Subject: Petition of 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**

Dear Chair Pedersen and Honorable Members of the Committee:

We are returning the petition from the Central Puget Sound Regional Transit Authority ("Sound Transit" or "ST") for the vacation of the southern 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 (“ROW”) to be vacated has a slightly different measurement on the east and the west side the general description is approximated.

Seattle Department of Transportation (SDOT) recommends the vacation be granted subject to conditions and procedural obligations included in this recommendation.

I. CITY COUNCIL DISTRICT

The proposed street vacation is in City Council District 4.

II. BACKGROUND

Sound Transit owns a parcel at the southern edge of the block bounded by Roosevelt Way NE on the west, NE 47th Street to the north, 11th Avenue NE on the east and NE 45th Street on the south. The block has an alley running north/south between NE 47th Street and NE 45th Street that is opened for the full length and improved at the northern portion. The Sound Transit parcel is on NE 45th Street and is split by the existing alley. Other property owners occupy the rest of the block north of the Sound Transit property. The eastern side of the block is developed with a mixed-use apartment building that uses the alley for access and services and has a private driveway connecting to 11th Avenue NE. The western side of the block is currently in use by an auto dealership but will be developed with two high-rise mixed-use buildings of approximately 400 units in total which will use the alley for services and access.

The block is in the University District neighborhood and within the University Community neighborhood planning area. The site is zoned Seattle Mixed-University 95-320 with an M1 Mandatory Housing Affordability designation (SM-U 95-320 (M1)). This zone allows a range of uses and has a mandatory affordable housing requirement. Projects on sites larger than 12,000 square feet in this zone may build up 320 feet, depending on tower spacing rules. Smaller parcels are limited to 95 feet.

The Sound Transit property is split into two parcels that are each less than 12,000 square feet in size that limits the development potential of the sites. With an alley vacation the combined parcel would be over 19,000 square feet and it may be possible to develop a high-rise residential tower on the combined site.

Sound Transit acquired the property to support the Link Light Rail project and the expansion to Northgate. This site was used for construction offices for the University District Station, which is just to the south of NE 45th Street. After the University District Station opened Sound Transit agreed to lease the property to the City at no cost to establish a temporary Tiny House Village. Sound Transit has been considering options for disposing the surplus property and plans to offer the

site for developing permanent affordable housing. Sound Transit is working with the City's Office of Housing ("OH") to open a Request for Proposals ("RFP") to solicit bids for acquiring the property for the purpose of developing affordable housing. Sound Transit will not develop the site but will select a developer for the housing based on the RFP criteria in development with OH. Sound Transit is working in partnership with OH who will guide the process and will provide funding for the affordable housing.

The Sound Transit Board has established policies to support equitable transit-oriented development ("TOD") and guide the use of property that remains as surplus after completing a Sound Transit transportation project. In 2015, the state legislature adopted legislation directing the agency to advance equitable TOD goals through prioritizing affordable housing when Sound Transit is proceeding with a surplus property disposition. In November 2022, the Sound Transit Board adopted a resolution supporting disposing the University district property for affordable housing.

The policy supports larger regional plans as well, including the Puget Sound Regional Council Growing Transit Communities Strategy, adopted in 2013. Sound Transit is a part of that agreement.

Sound Transit is proceeding to implement those goals and has asked the City Council to consider the vacation petition in advance of the RFP process to support the greatest interest in the site.

III. NONSTANDARD REVIEW PROCESS

The Street Vacation review is intended to be a rigorous examination of the impacts from the loss of a portion of public right-of-way ("ROW") and the impacts from the development that occurs following the vacation. The review process follows the guidance provided in the adopted Street Vacation Policies and in state law. It is also shaped by previous City Council vacation decisions and conditions and guidance from the Early Council Review. The depth of the review necessitates a specific development proposal to understand all the impacts from the proposed vacation and how the public interest is served by the vacation. Historically, the proposal must be for a current project that is ready to secure permits and begin construction immediately should the City Council grant the vacation.

Sound Transit has asked the City Council to consider the petition to vacate the southern portion of the alley absent a specific development proposal. Sound Transit intends to offer the property for developing affordable housing and the purpose of the request for an early vacation approval is to reduce uncertainty about the ability of a purchaser to secure a vacation. Sound Transit and its partner on the site, the Office of Housing, believe that an early vacation approval could facilitate the RFP process and encourage the greatest number of bids.

The City Council has expressed its willingness to consider the vacation absent a development and this leads to some changes in the review steps. The Council will initially review the proposed alley vacation without a developer or a project and may act to grant the vacation with conditions to address defined impacts from the loss of the alley segment and guidance and conditions around the

future public benefit and community engagement work. The community engagement supplemental work and the public benefit proposal are to be deferred until a developer has been selected by Sound Transit and OH. The Sound Transit RFP process shall contain the conditions, recommendations, and procedural obligations included in this recommendation.

Once Sound Transit and OH select an affordable housing provider, the work on the design and development of the site may proceed. As this work moves forward the purchaser will need to conduct additional community engagement and develop a public benefit proposal and provide this information to SDOT. Because the City Council will have already acted on Clerk File 314496, SDOT will create a new Clerk File to contain the additional information. SDOT, the Seattle Design Commission (“SDC”), and other City staff will review the material and provide a recommendation to the City Council.

The City Council will then review and act on this second Clerk File containing the public benefit proposal and the supplemental community work. Constructing housing on the site may then proceed. In the usual fashion, the final Vacation Ordinance will be forwarded to the City Council only when the project has completed all the obligations contained in the two Clerk Files.

IV. ACTIVITIES PRIOR TO FORMAL VACATION APPLICATION

The Street Vacation Policies outline several procedural obligations that a developer must address before SDOT may accept a vacation petition. This includes meeting with SDOT about the vacation process, policies, and obligations; submitting a 0 to 30% Street Improvement Plan (“SIP”); meeting with SDOT and SDCI staff about regulatory and code requirements, completing Seattle Department of Construction and Inspections (“SDCI”) Early Design Guidance (“EDG”) for projects subject to design review; working with Department of Neighborhoods (“DON”) on a Community Engagement Plan; and having an early briefing at the SDC.

Since this proposal does not include a specific project, the activities were more limited and involved a number of meetings. Sound Transit has met and worked with City staff at SDCI, SDOT, Seattle Public Utilities (“SPU”), Seattle City Light (“SCL”), SDC, and DON. Sound Transit also had an early meeting with the SDC before submitting a vacation petition. These multiple meetings helped to shape the vacation petition submitted to the City Council and outlined information needed by City agencies to review the concept of the partial alley vacation.

V. COMMUNITY ENGAGEMENT PLAN

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”) Chapter 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 4-2018 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 so the Community Engagement Plan may be accepted by SDCI and SDOT.

Since Sound Transit will seek an affordable housing developer for the site under current regulations, the development will not require any level of review SDCI's Design Review program. Because of the alley vacation, future development will still be subject to review by the Seattle Design Commission and to the obligation to work with DON to develop a Community Engagement Plan.

Sound Transit did conduct community engagement work in 2021 to explore the community's preference for the future development of the site and provided this work to DON. Sound Transit met with community stakeholders, conducted surveys in four languages, mailed over 10,500 postcards to residents, visited over 70 businesses in the area and distributed information at the University District Farmer's Market.

Through this work Sound Transit found that affordable housing was the top priority for the site. The community work also identified an interest in maximizing the housing units and accommodating a range of household sizes. Respondents also supported "reconfiguring" the alley to further enhance the development potential of the site.

While Sound Transit did a lot of work to provide information to the community and solicit input in a variety of ways, the work did not make a clear statement that the alley was proposed for a partial vacation. Nor was there a specific request for public benefit ideas related to the alley vacation. The City has asked that Sound Transit follow up on the community work previously done to specifically address the alley vacation and provide the opportunity for input on the public benefit proposal.

Sound Transit proposes to defer the additional community engagement and the work to develop a public benefit proposal. This work would be completed after the initial approval of the partial alley vacation and would be done by the purchaser of the site as the specific development is planned. Deferring this supplemental community engagement will provide an opportunity for community input on the public benefit proposal.

VI. 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 (“DRB”) meetings, Street Improvement Permit (“SIP”) review, or other City procedures have begun to identify issues and refine the proposal.

An early Council briefing was held on July 19, 2022, at the Sustainability & Transportation Committee. During that briefing, the Committee expressed support for the nonstandard review process to support developing affordable housing on the Sound Transit property.

VII. REASON FOR VACATION

The vacation is sought to support developing affordable housing on two Sound Transit’s surplus property. The alley vacation allows for consolidating the site so that one building can be developed. This consolidation eliminates the duplication of service and access points and supports a more efficient development. Developing two buildings on the site could require redundant services in each building such as elevators and stairs, lobbies and building entries, mail and package pickup, and trash/recycling service.

In addition, the consolidated site can accommodate more units of housing. Sound Transit has estimated that it is possible that two to three times the number of units could be developed on a consolidated site. The reduction in development costs of the single building plan may reduce the cost per unit of each unit of housing. Without redundant services such as elevators and loading or service bays a consolidated site will likely support constructing the maximum number of units on the site.

VIII. NO-VACATION ALTERNATIVE

Without a vacation of the alley splitting the Sound Transit property it would be possible to develop the property individually for affordable housing. While an alley vacation would consolidate the property into a larger contiguous site, the two individual parcels do have the potential to be developed for housing. However, retaining the alley and developing the two smaller sites would likely yield far fewer affordable units than would the vacation alternative. The height of the buildings would likely be limited as the lot size is too small to maximize the height provided for in the zoning code. The alley would require widening through a dedication of five feet on each side to meet current development standards.

Because of the small lot size and the need for redundant services it is not clear that a project would be financially feasible for affordable housing without the alley vacation, or the project might require a greater subsidy to be viable.

The feasibility assessment provided by Sound Transit suggests a reasonable development scenario of the site without an alley vacation would be a mid-rise building on each side of the alley with 6 to 7 stories and a potential of 77 units of housing and approximately 6,000 square feet of retail in total.

The no-vacation alternative would not require any public benefits or any additional Community Engagement work.

IX. PROJECT DESCRIPTION

Sound Transit does not have a purchaser or developer for the site, so no project description is available. A speculative look at the development potential of the site is based on a feasibility assessment provided by Sound Transit. SDCI has been very engaged in looking at the regulatory obligations at this location and in reviewing the feasibility assessment provided by Sound Transit. It is not anticipated that parking would be required or provided by the housing development, but any scale of development would need to include the space for a reconfigured alley and provide for services and access to the new building.

Sound Transit has presented three possible outcomes for development of the consolidated site. One possibility is a mid-rise project of 7 stories with about 94 units and approximately 6,000 square feet of retail. A second outcome could be a high-rise building of 18 stories with 218 units and 6,000 square feet of retail. A third outcome could be a high-rise building of 28 stories with 260 units and 6,000 square feet of retail.

SDCI has looked at the complexity of the development site and tower spacing requirements with a planned adjacent building. The SMC requires an 8-foot setback from property lines abutting on NE 45th Street and a 4-foot setback is required on Roosevelt Way NE and 11th Avenue NE. In addition, the project would need to dedicate the space needed for a new alley segment to replace the vacated portion. SDCI has also considered requirements that might affect the cost of development if the project were to be developed as a high-rise. A taller tower may require additional elevator banks which are costly and may not be feasible for an affordable housing proposal. High-rise towers have increased costs related to construction methods and materials.

SDCI also noted that at-grade neighborhood open space would be required to exceed the site's maximum Floor Area Ratio ("FAR") which would be required for high-rise development.

A high-rise building with more units could be developed but the costs and complexities of the site make this a more challenging direction.

A realistic outcome on this site is a project that provides somewhere around 200 units of housing and is probably not higher than 16 to 18 stories with ground floor retail of 6,000 square feet. While there is no certainty as to the number of units that might be provided it is likely possible to obtain around 200 units of housing. This scale of project could also accommodate the space

needed to dedicate the new alley segment to 11th Avenue NE. The development of a new alley segment is a mandatory element of the proposal. The development of around 200 units of housing seems realistic but the number of units should be considered as possible and not assumed as an outcome or required as a condition.

What cannot be known now is whether a provider might be selected who proposes larger units or proposes a lower affordability level, which means a greater subsidy to develop the units both of which could result in fewer units. There could be other factors that may be considered in selecting a winning bid on the site that might impact the number of units that are ultimately built.

X. CIRCULATION/REGULATORY REVIEW/ISSUE IDENTIFICATION

In the absence of a specific development proposal the review was limited, and the information reviewed by city staff was based on regulatory obligations and feasibility analysis by Sound Transit. SDOT, SPU, SCL, and SDCI reviewed the concept of the alley vacation. The SDC held a regular Commission meeting to formally review the vacation and provide comments and a recommendation.

XI. DESIGN COMMISSION REVIEW

The SDC reviews all vacation proposals and provides advice to the City Council and City departments on specific elements of the proposal. The SDC focuses their review on two areas established by the City Council in Resolution 31809: how the loss of the right-of-way impacts the functions of the remaining rights-of-way near the project, the public trust functions and how improvements to the public realm offset the loss of the right-of-way, and the public benefit obligation. To evaluate the implications of the loss of the right-of-way, the SDC considers elements such as the community context, how project features such as building orientation and scale are affected, how utilities are modified as a result of the loss of the right-of-way, and how the project engages with the public realm around the development site. The SDC is particularly interested in the community engagement plan and how the goals of the community are reflected in the development and public benefit features.

Following the review of how the elements of the right-of-way are modified as a result of the vacation, the SDC then considers the proposed public benefit package. This includes a review of whether the proposed features are of value to the public and rise to the level of a public benefit. The review considers whether the public benefit elements are public in nature and how the elements exceed any project-related improvements that benefit the project more than the public. Finally, the SDC review considers whether the public benefit proposal is adequate considering the scale of the project, the loss of the public right-of-way, and the impacts of the vacation.

The SDC reviewed the Sound Transit proposal at a subcommittee prior to the vacation petition submittal on June 9, 2022, and at its regular Commission meeting on July 6, 2023, and made the following comments and recommendations.

At the June 9, 2022, meeting, the Commissioners focused their comments on 5 topics:

1. Alley access for city service vehicles, circulation of pedestrian and vehicular traffic
2. Public benefit – goals and restrictions
3. Pedestrian experience of NE 45th Street – massing and setback
4. RFP-embedded expectations for developers
5. Transportation – all modes of access around the site

At the July 6, 2023, Commission meeting the Commission focused their discussions and deliberations following categories outlined in the Council policies for Public Trust analysis. Public Trust policies address the implications of the alley vacation proposal on the role and purpose of rights-of-way and how the project proponent has addressed the loss of the street or alley on the remaining functions of right-of-way abutting or near the site.

The Commission organized their discussion in three groups:

- Circulation and Access, Utilities
- Free Speech, Public Assembly
- Open Space, Light and Air, Views, Land Use, and Urban Form

As Sound Transit has not developed a public benefit package, the Commission did not provide any analysis or direction on that part of the vacation process.

Circulation, Access, and Utilities

Commissioners focused their comments on how vehicles and pedestrian circulation will occur in a safe manner from the new alley configuration. Commissioners also focused their comments on where the location of “back of house” functions (trash, drop offs, deliveries, move-ins) from the vacation. Commissioners raised concerns about the potential impact to Protected Bike Lanes (“PBL”) planned for the west side of 11th Avenue NE and how those conflicts will be mitigated when a development is selected in the RFP process.

Free Speech and Public Assembly

Commissioners had no specific comments on these policies.

Open Space, Light and Air, Views, Land Use, and Urban Form

Commissioners focused their deliberations on how the loss of the alley segment and consolidation of the two parcels affect urban form. Commissioners also discussed the benefits of the vacation in consolidating two parcels that are relatively small. Commissioners also discussed whether a high-rise development appeared feasible due to the site and its constraints. Commissioners also discussed the benefits of having a continuous structure along NE 45th Street due to the vacation. Commissioners expressed concern about the residual space at the NE corner of the site abutting 11th Avenue NE and its role in providing open space.

Commissioners also discussed and expressed concern about Sound Transit stated goals for the project. Sound Transit has indicated that the project was intended to have 100% affordable units. However, there is no explicit goal (number of units, levels of affordability, etc.) and how that goal can be realized if a structure up to or meeting the base height limit is the only feasible option due to site constraints.

Commissioners also expressed concern about the nature of this vacation. The lack of a concurrent development proposal with the vacation petition raises many unanswered questions about its implications on the public realm and abutting development. Commissioners understood that the shared Council and Sound Transit commitment to affordable housing was the basis for this abbreviated process, as both City and Sound Transit believe the RFP process will be strengthened with the vacation in place. Commissioners expressed that any allowance for future vacations without a concurrent development should be highly selective and based on similar strong City priorities. They did understand that future development was intended to meet Sound Transit policies on transit supportive development.

Commission Action

The Commission recommends that the City Council approve the proposed partial alley vacation. The Commission also recommends that the Council require Sound Transit to embed the following conditions in their RFP for future development at this site:

Condition 1 - Public Benefit

Prior to applying for a Master Use Permit 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 Seattle Design Commission 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 issuing a Certificate of Occupancy.

Condition 2 – Public Trust – Circulation and Access

Prior to applying for a Master Use Permit, present to the SDC the design of the access point of the alley to 11th Ave 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.

Condition 3 – 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.

Condition 4 – 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.

The conditions recommended by the SDC are included as conditions in this recommendation with an edit related to the timing. As the project may not need a Master Use Permit (“MUP”) the timing obligation to provide information prior to a MUP application may not work. The edit provides that the additional work shall be provided to the City prior to the MUP or according to a schedule established with SDOT.

XII. 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 general 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 to the extent possible without a specific development proposal, a public benefit proposal, and an updated Community Engagement Plan.

XIII. 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.

The main purpose of alleys is to provide for access to the individual parcels on a block and to provide for services and utilities. Alleys generally are not considered part of the larger circulation system and do not provide for the circulation of vehicles around a site or a community. Since the alley segment proposed for vacation will be replaced with a new alley segment the use and function of the alley remains in a different form.

Alleys connecting to major arterials can pose some challenges for merging traffic. Both the existing alley access to NE 45th Street and the proposed new alley alignment to 11th Avenue NE would have alley traffic entering the street system on an arterial. This area is busy with buses and vehicles and has high volumes of traffic heading towards Interstate 5. The new access proposed on 11th Avenue NE has the additional complication of heavy use by pedestrians and bicycles which can increase conflicts.

The new alley segment connecting to 11th Avenue NE can adequately provide for continued access and services on the block. Through a Street Improvement Permit ("SIP") or other permit, SDOT will work with the developer on the design of the new alley segment and will require design strategies to mitigate any conflicts with pedestrians and bicycles.

Access: Streets and alleys provide access to individual parcels and provide access around and through the surrounding and larger 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 main function of alleys is to provide for access to individual parcels and to provide for utility vehicles and services such as solid waste pickup and utility infrastructure such as SCL poles or SPU catch basins. When the vacation or partial vacation of an alley is proposed the review looks at the impact to the surrounding parcels and whether the service and access uses that should be contained within the parcel are pushed out to the surrounding streets.

This block is long, over 600 linear feet, extending from NE 47th Street to NE 45th Street; the alley in the block is open and has been improved north of the Sound Transit parcels. The alley is currently used by the other property owners for typical alley functions such as access to garages, and for service use such as SPU garbage/recycling pick-ups. These alley functions need to continue on the block, so before a vacation can be approved there must be a replacement of the alley functions.

SDOT, SDCI, and Sound Transit discussed the options for continuing alley functions on the block. The options considered:

- 11th Avenue NE alley connection: this concept eliminates the existing alley connection at NE 45th Street and provides reconfigured alley access through a dogleg to 11th Avenue NE;
- Roosevelt Avenue NE alley connection: this concept eliminates the existing alley access and provides reconfigured alley access through a dogleg to Roosevelt; and
- Hammer head and cul-de-sac alternatives: this concept eliminates the existing alley access and considered various concepts that confined the vehicle movement to the interior of the alley with vehicles entering, turning within the interior of the site and then exiting at the alley entrance on NE 47th Street.

An alley exit on Roosevelt Avenue NE was eliminated as a viable alternative because of its proximity to the I-5 freeway. The high volume of traffic there would mean that alley traffic would need to wind through heavy traffic near a major intersection.

SDOT and SDCI initially identified an interior hammer head or turnaround as a preferred alternative. This alternative was preferred by the City as a way to minimize impacts to Roosevelt Way NE which contends with traffic heading to I-5 or 11th Avenue NE which has high pedestrian and bicycle use currently which is expected to increase in the future. The City requested that Sound Transit provide additional analysis of the alternatives.

Sound Transit had KPFF review the alley alternatives and it provided its analysis to the City on May 16, 2023. KPFF identified that the City's preferred alternative would likely have the greatest impact on development of the site for affordable housing. The creation of a turnaround in the center of the site would take considerably more space than accommodating a dogleg alternative. This would limit the property available for housing

and creates an awkward development site around the alley hammer head. Both the reduction in parcel size and the need to develop around a turnaround would limit the development potential of the site.

KPFF estimated that the interior turnaround could reduce the housing development by perhaps 30 to 35 units.

After a review of the additional analysis provided by KPFF, SDOT can move forward with the “L” shaped alley dogleg configuration proposed by KPFF with an alley connection to 11th Avenue NE. The alley connection needs to be consistent with the Streets Illustrated Street Improvement Manual and the proposal provided to SDOT. The design details shall be established through the SIP review.

In addition, since the alley will connect onto a busy pedestrian and bicycle route, SDOT will require that the proposed alley reconfiguration include design features such as signage and clear sight lines consistent with best practices to minimize potential conflicts between exiting vehicles and the bikes and pedestrians on 11th Avenue NE.

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 alley will be realigned following the vacation and shall be designed to accommodate SPU service vehicles where its large-scale vehicles will be needed to provide services to the multi-family buildings on the block and the new affordable housing.

The alley also has Puget Sound Energy, SCL, SPU storm/sewer lines, and some telecommunication facilities. These facilities will need to be accommodated or relocated as determined by the impacted utility.

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.

Alleys traditionally provide for access to the adjacent parcels, parking access, service access such as deliveries and solid waste pickup. Alleys also provide space for utility infrastructure such as City Light vaults and drainage catch basins. The alley proposed for the partial vacation is open and available for public use and provides for the service and access needs for the other parcels on the block.

While it is possible for the public to use the alley and to exercise free speech rights in the alley it does not appear to have much value for those purposes absent some adjacent buildings with public access or public purpose. The alley does not appear to be a neighborhood short cut or a route to public space although it should be noted that the University neighborhood is always busy with pedestrian and bicycle activity.

The vacation is only for the southern portion of the alley. The northern segment of the alley would remain, and the development would create a new alley segment connecting to 11th Avenue NE. The block will continue to have a public alley even after the vacation and new alley segment. While it seems unlikely that the alley will become a place used by the public for the exercise of free speech rights the free speech opportunities are similar before and after a vacation.

Without a proposal for the development of the site it is unknown whether new public space might be included with the new 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 or alley as a place for community activity in considering any vacation.

As noted, alleys generally function as the back door of a block and provide important space for services and access to property but generally don't provide adequate space for the public to gather. This alley extends from NE 47th Street to NE 45th Street and the southern portion of the approximately 116 linear feet is proposed for vacation. While the alley is long it is narrow and will remain in regular use for services and garage access for the other properties along the alley.

After the vacation, the alley functions will all remain with the new proposed connection to 11th Avenue NE. The width of the alley would make it an awkward and likely insufficient space for a community event or public gathering especially with ongoing service and access uses. The alley does not currently serve as a place of public assembly nor is it adjacent to a public or community space. The narrow width of this alley and its continued need for access to loading, parking, and services make it an unlikely space for public assembly.

Without a development proposal it is unknown whether any new space would be provided on site that might be suitable as public gathering space.

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.

This proposed vacation is for the southern portion of the alley and includes about 1,160 square feet of right-of-way that is approximately 10 feet in width and 116 feet in length. While the alley is open and available to the public. However, the continued use of the vacated and reconfigured alley for traditional alley purposes, such as utility services, limits its value as public open space. As noted, this alley space functions to provide for property access and services and does not appear to have value for valuable public open space.

Without a specific development proposal, it is unknown whether any public open space will be provided with the new housing.

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 alley proposed for vacation is the southern portion of the alley and the service and access functions of the alley will be realigned with a new alley segment proposed to connect to 11th Avenue NE. The functions of the alley will remain in the reconfigured version but there will not be continuous visual access north and south through the alley. The development of a building over the vacation portion of the alley will create a longer continuous building frontage not relieved by the intervening alley.

There are not any public spaces that will be shadowed by development at this location. There will be a modest diminution in light and air, but the vacation supports the development of an affordable housing project reflecting one of the highest goals for the City.

Without a specific proposal it is not possible to know the height and how the block might be utilized but 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 views 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 alley right-of-way proposed for vacation does not provide views of any natural feature or community landmark. Should the vacation be approved, the alley will be developed but there is not a loss or diminution of any public views. While the alley is open and does provide the ability to look up and down the alley the scale of development around

the site does not provide for any significant views. There are no views of importance that will be lost by vacating this alley.

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 project is consistent with the zoning for the area and would be consistent with the scale of a number of planned and permitted future developments. The scale of any building likely to be developed on the consolidated site would be consistent with the zoning and with the goals to support housing and particularly affordable housing in the area. Given the size of the property, even combined through the alley vacation, development here will likely be smaller than the building proposed north of this site and many other developments in the pipeline for the University District. Currently in permitting is a project on Roosevelt north of the Sound Transit property that will be 240 feet in height, a 320-foot hotel/residential building across 11th Avenue NE, a 265-foot residential tower just south on NE 45th Street, and a 320-foot residential tower southeast on NE 45th Street. In addition to these projects in permitting a number of developments are planned or in review in the neighborhood.

SDCI noted that this site is prominent at the entry to district and is very visible. The site fronts on NE 45th Street which can feel hostile to pedestrians and the volume of cars can feel overwhelming. SDCI suggests that any open space provided on site be welcoming and serve as a respite for pedestrians. The street edge should be developed with setbacks that provide relief to pedestrians, create usable space, and have an engaging edge at street-level.

This area is well served by existing transit including the new University District Light Rail Station within two blocks of the site. The neighborhood is rich with educational and cultural opportunities and has a wide variety of retail and services. The location provides for much needed affordable housing in an area with excellent transit, amenities, and services.

XIV. 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 urban 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.

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 Vacation Policies go on to 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 may proposed more moderate public benefit packages that implicitly recognize the public benefit in supporting the proposal.

The consistent direction from the City Council has been that every project, even those providing for important public services, must provide a proportional public benefit.

Public benefit elements must also exceed elements required by the Seattle Municipal Code or mitigation required under the State Environmental Policy Act ("SEPA") 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.

The SDOT recommendation includes the background from the Vacation Policies to provide the values as expressed in the policies and the criteria that are used to evaluate a public benefit proposal. In the absence of a development plan and a public benefit proposal the information is included here to provide guidance for low-income housing providers who will review the Council recommendation when developing a bid for the property.

In addition to the summary in this recommendation and the expanded information provided in the Vacation Policies potential bidders and the selected bidder should work with SDOT to understand the obligations of the vacation process. SDOT and other City staff, including the expertise of the SDC, will assist in the development of a meaningful public benefit plan that is proportional to the benefits that will be provided by the affordable housing.

SDOT is ready to assist Sound Transit through the RFP process. Once a bid is selected SDOT can facilitate meetings to outline a schedule and process to move this uncommon process forward.

XV. RECOMMENDATION

It is recommended that the vacation be 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 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.

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 RFP 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 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 its 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.

Sincerely,


Greg Spotts (Aug 9, 2023 14:22 PDT)

Greg Spotts, Director
City of Seattle, Department of Transportation

Enclosures

**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:

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Public Trust: Circulation and Access

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- 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.

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

President _____ of the City Council

1000 NE 45th Street

Affordable Housing Alley Vacation

Seattle City Council Transportation
& Seattle Public Utilities Committee

August 15, 2023



Site context



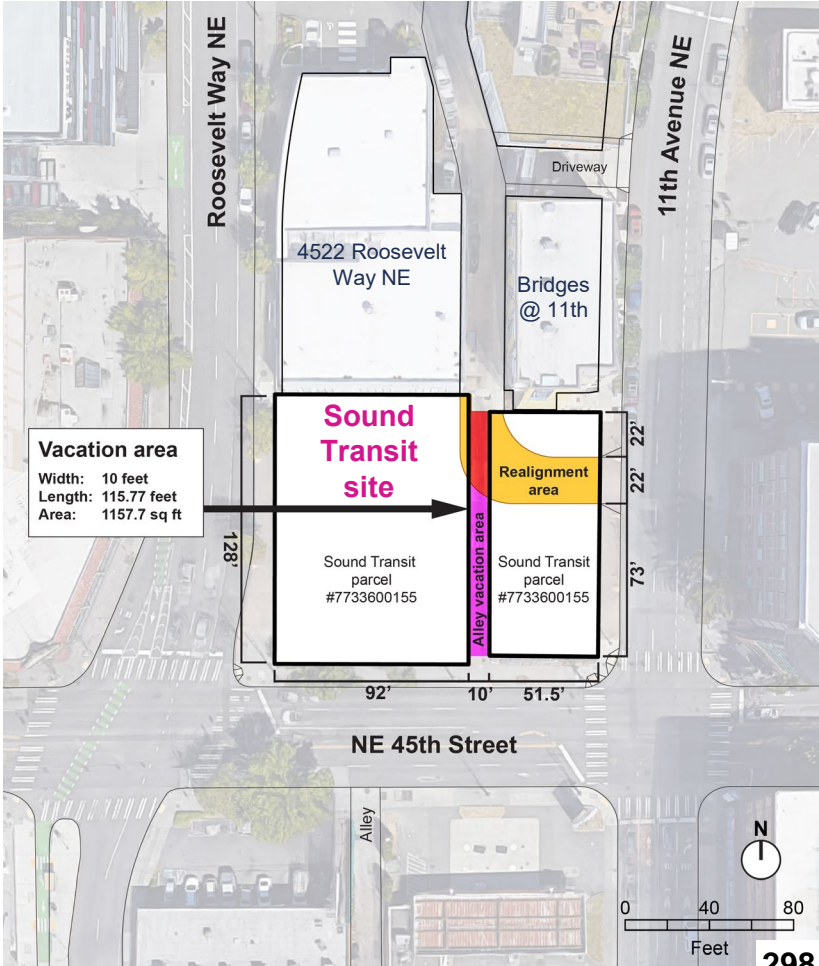
Site and vacation request

Alley vacation proposal

- Vacate 1,158 sq. ft. of existing alley
- Provide new alley connection to 11th Ave NE
- Consolidate property into one building site
- Improve affordable housing yield
- Improve building service, access & efficiency
- Improve NE 45th St pedestrian environment

Project and process notes

- ST and Office of Housing (OH) partnership
- Vacation to assist future RFP process
- Future developer will fulfill conditions, including:
 - Additional community engagement
 - Public benefits package
 - New alley connection to 11th Ave NE
- Developer will work to finalize vacation

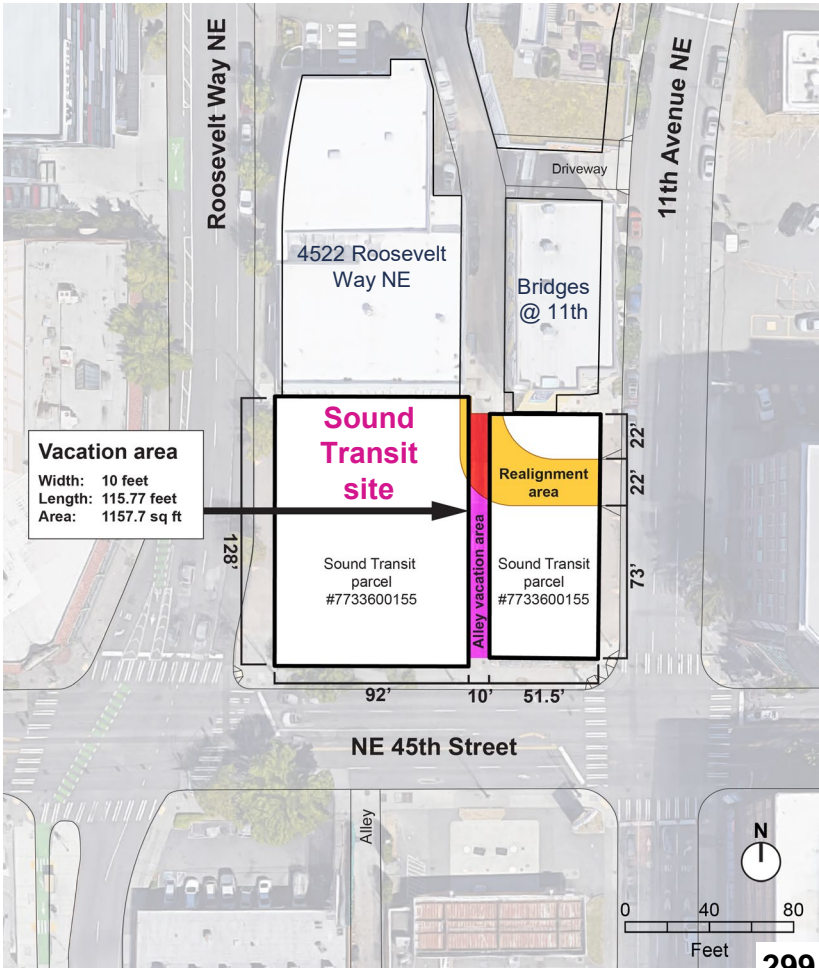


Project goals

ST Board of Directors authorized staff to offer the site for affordable housing development.

ST & OH seek 100% affordable housing project with active ground-floor uses.

- Affordable to a range of incomes (0-80% AMI)
- Range of unit sizes, including family-size units
- Maximize number of units created
- Maximize feasible site density
- Commercial/community-serving uses
- Pedestrian-realm improvements
- Evergreen Sustainable Development Standard



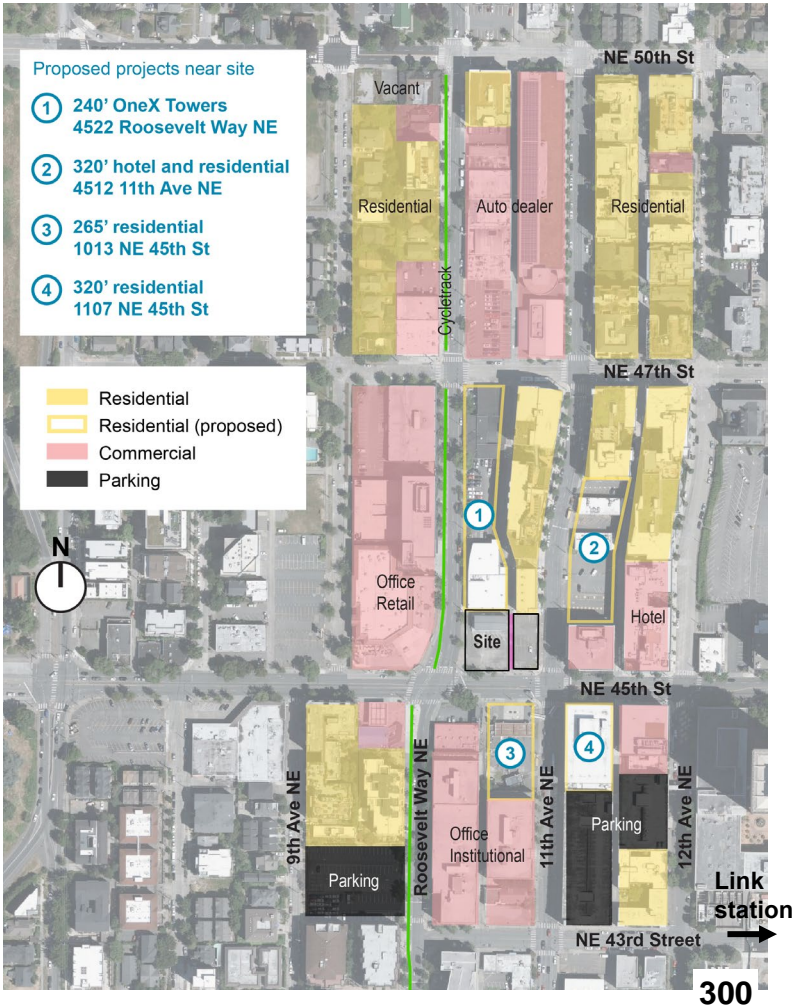
Site context

Property information

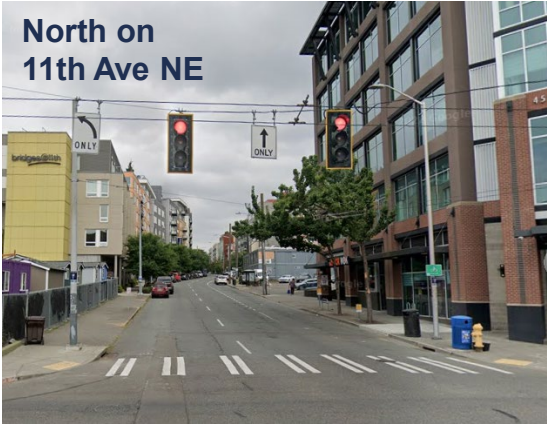
- 17,815 square feet
- Zoning: SM-U 95-320 (M1)
- Single parcel split into two building sites by alley
- Busy urban context in University District

Development outcomes will depend on proposals received

- Unit count will vary by size mix and height
- Mid-rise (7-8 floors) or high-rise (up to 28 floors)
- Small, constrained site complicates development

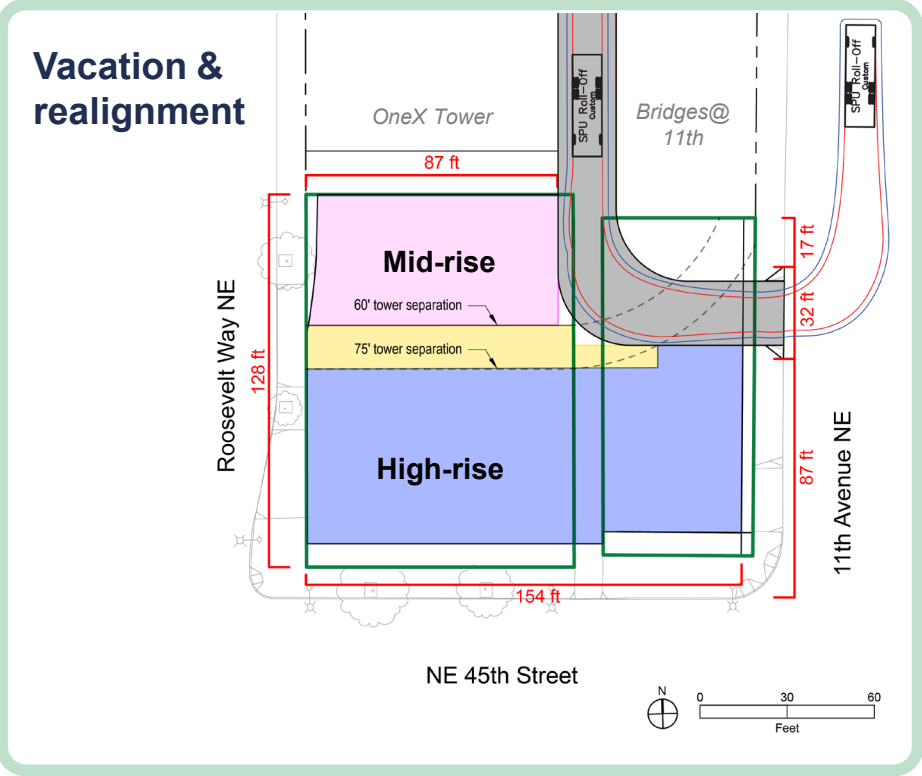
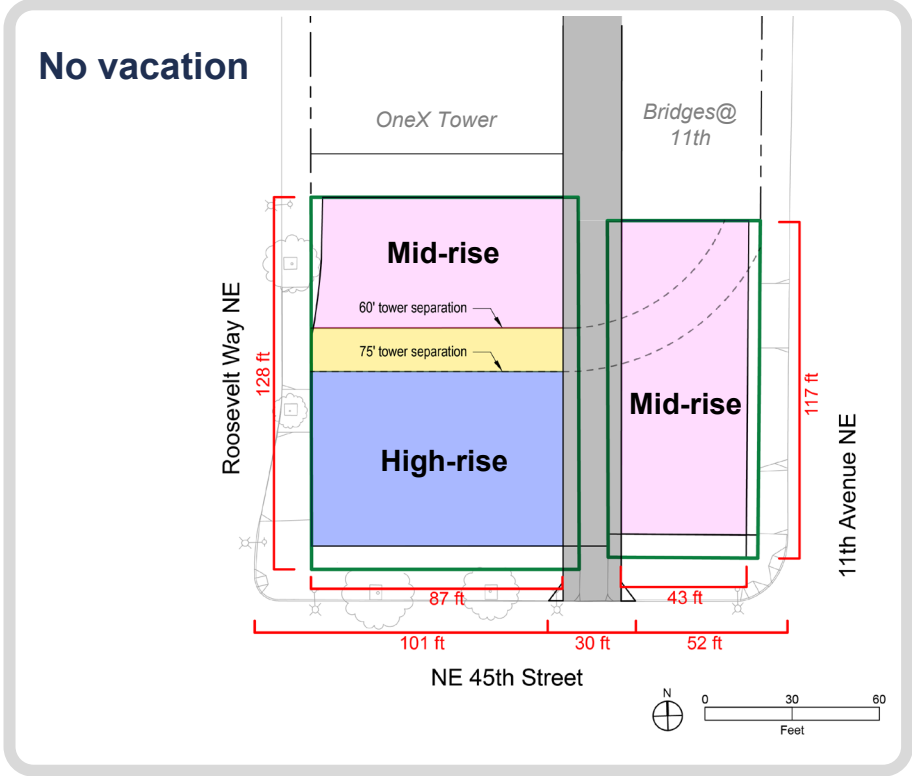


Site & alley context



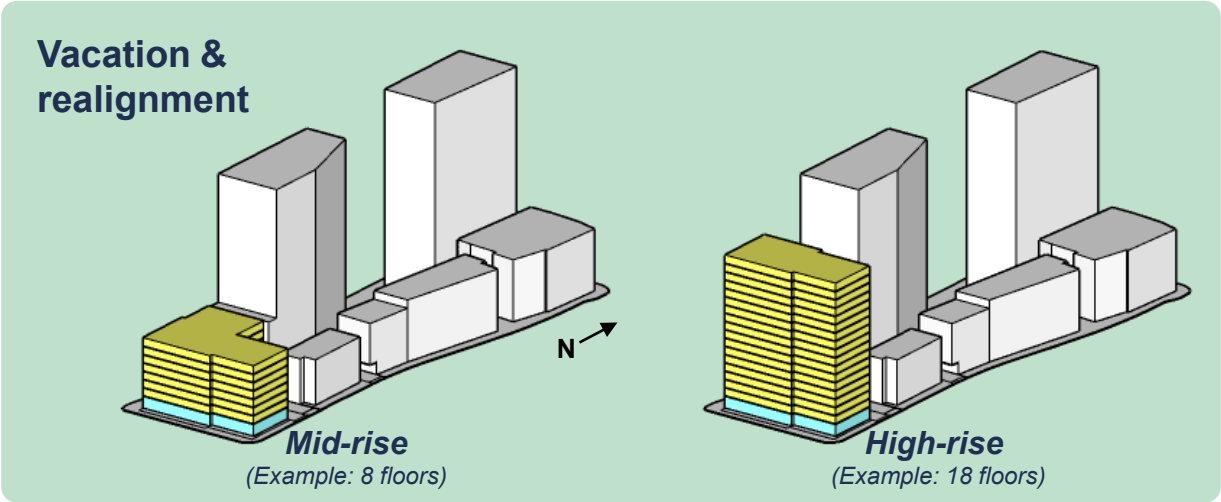
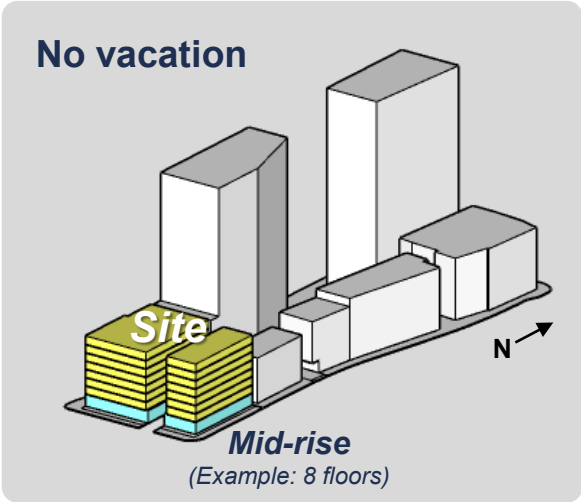
Street images: 301

Alley vacation impact: Buildable area



- Developable for mid-rise only
- Developable for high-rise (60' clear)
- Developable for high-rise (75' clear)

Alley vacation impact: Potential development yield



	No vacation	Vacation & realignment	Result of vacation
Buildings	2	1	Improved design and operations efficiency
Potential units	80 - 110	195 – 215+	Significant increase in units (height dependent)
Buildable area	14,920 SF	14,440 SF	Small reduction in buildable area
High-rise floorplate	5,190 - 6,500 SF	8,940 - 10,500 SF	Significant increase in potential high-rise floorplate
Potential for high-rise	No	Yes	Efficient high-rise floorplate possible

Community engagement

- ST conducted initial engagement in 2021
- Alley vacation and public benefits not directly addressed
- **Future developer will conduct further community engagement**

Public benefit

Future developer will:

- **Engage community on public benefits**
- **Prepare public benefits proposal**

Key themes: ST engagement

- Affordable housing is top priority
- Maximize the number of units with a range of household sizes
- Include active ground-floor uses
- Improve pedestrian environment

Public benefit

- Consistent with Street Vacation Policies
- Reviewed by city departments, SDC, City Council

Thank you



 [*soundtransit.org*](https://soundtransit.org)





Legislation Text

File #: CB 120625, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE establishing additional uses for automated traffic safety cameras to increase safety; amending Sections 11.31.090, 11.31.121, and 11.50.570 of the Seattle Municipal Code.

WHEREAS, it is often not safe, practical, or desirable to use police officers to enforce traffic laws, including speed limit violations; and

WHEREAS, excessive speeding by drivers is a root cause of many crashes, including crashes that result in death or serious injury of vulnerable travelers within City rights-of-way, including pedestrians, bicyclists, people with disabilities, children, and seniors; and

WHEREAS, serious crashes often result in lifelong injuries, chronic pain, permanent disabilities, chronic depression, and shortened lifespans, while serious and fatal crashes impact the victims, their families and other loved ones, co-workers, and the greater communities; and

WHEREAS, Engrossed Substitute Senate Bill (ESSB) 5974 (Chapter 182, Laws of 2022), also known as the Move Ahead Washington spending bill, amended Revised Code of Washington (RCW) 46.63.170, authorizing cities to implement new and expanded forms of camera-based enforcement of speeding violations in school walk areas as defined by RCW 28A.160.160, public park speed zones, hospital speed zones; and, subject to an equity analysis, on streets either: (1) identified as priority locations in a local road safety plan submitted to WSDOT; or (2) where the location has a significantly higher rate of collisions than the city average for a period of at least three years, and where other speed reduction methods have not been effective at reducing speeds; or (3) where a local ordinance has designated the

area as a racing zone subject to specified restriction and penalties; and

WHEREAS, numerous studies, including a 2016 Insurance Institute of Highway Safety study of speed camera enforcement in Montgomery County, Maryland over the span of 7.5 years have shown that automated speed camera enforcement can result in a ten percent reduction in mean speeds, a 62 percent reduction in the likelihood of vehicles traveling more than 10 miles per hour above the speed limit, and a 39 percent reduction in the likelihood that a crash results in an incapacitating or fatal injury; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.31.090 of the Seattle Municipal Code, last amended by Ordinance 126183, is amended as follows:

11.31.090 Traffic infractions detected through the use of an automated traffic safety camera

A. A notice of infraction based on evidence detected through the use of an automated traffic safety camera must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection 11.31.090.C.1 ~~((of this section, SMC 11.31.090))~~. The peace officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation of Section 11.50.070, Section 11.50.140, Section 11.50.150, Section 11.52.040, Section 11.52.100, Section 11.53.190, Section 11.53.230, Section 11.72.040, Section 11.72.080, or Section 11.72.210 or a restricted lane violation. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

* * *

E. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction was in violation of Section 11.50.070, Section 11.50.140, Section 11.50.150, 11.52.040, Section 11.52.100, Section 11.53.190, Section 11.53.230, Section 11.72.040, Section 11.72.080, or Section 11.72.210 or a restricted lane violation, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

* * *

Section 2. Section 11.50.570 of the Seattle Municipal Code, last amended by Ordinance 126183, is amended as follows:

11.50.570 Automated traffic safety cameras

A. Automated traffic safety cameras may be used to detect one ~~((1))~~ or more of the following: stoplight, railroad crossing, school speed zone violations, ~~((or))~~ violations included in subsection 11.50.570.H for the duration of the pilot program authorized under subsection 11.50.570.H, maximum speed limit violations in school walk, park, and hospital zones as permitted by state law, or, consistent with RCW 46.63.170(1)(d)(i), on streets that are either designated as a priority location in a road safety plan submitted to the state, show a significantly higher rate of collisions than the City average over a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speeds, or is a street designated by ordinance as a race zone. Except as provided in subsection 11.50.570.H, use of automated traffic safety cameras is restricted to the following locations only:

1. Intersections of two ~~((2))~~ or more arterials with traffic control signals that have yellow

change interval durations in accordance with Section 11.50.130, which interval may not be reduced after placement of the cameras;

2. Railroad crossings; ~~((and))~~

3. School speed zones ~~((:))~~ ;

4. School walk areas as defined in RCW 28A.160.160;

5. Public park speed zones;

6. Hospital speed zones; and

7. Additional speed detection locations that meet any of the criteria in RCW 46.63.170(1)(d).

* * *

F. All locations where an automated traffic safety camera is used must be clearly marked at least ~~((thirty~~
~~))30((:))~~ days prior to activation of the camera by placing signs in locations that clearly indicate to a driver either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii) that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012 must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the Washington Department of Transportation under ~~((RCW Chapter))~~ chapter 47.36 RCW.

* * *

H.

1. The Seattle Department of Transportation is authorized to create a pilot program authorizing automated traffic safety cameras to be used to detect a violation of one or more of Sections 11.50.070, 11.53.190, 11.53.230, 11.72.040, 11.72.080, or 11.72.210 or a restricted lane violation. Under the pilot program, violations relating to stopping at intersections or crosswalks may only be enforced at the 20 intersections where the Seattle Department of Transportation would most like to address safety concerns related to stopping at intersections or crosswalks.

2. Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this Section 11.50.570 and Section 11.31.090 apply to the use of automated traffic safety cameras in the pilot program established in this subsection 11.50.570.H.

3. As used in this subsection 11.50.570.H, “public transportation vehicle” means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. “Transit authority” has the meaning provided in RCW 9.91.025.

4. Use of automated traffic safety cameras as authorized in this subsection 11.50.570.H is restricted to the following locations only: locations authorized in subsection 11.50.570.A; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection 11.50.570.H is further limited to the following:

a. The portion of state local roadways in downtown areas of Seattle used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

b. The portion of state and local roadways in areas in Seattle within one-half mile north of the boundary of the area described in subsection 11.50.570.H.4.a;

c. Portions of roadway systems in Seattle that travel into and out of the portion in subsection 11.50.570.H.4.b that are designated by the Washington State Department of Transportation as noninterstate freeways for up to 4 miles; and

d. Portions of roadway systems in Seattle connected to the portions of the noninterstate freeways identified in subsection 11.50.570.H.4.c that are designated by the Washington State Department of Transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

5. Automated traffic safety cameras may not be used on an on-ramp to an interstate.

6. From November 2, 2020 through December 31, 2020, a warning notice with no penalty shall be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.H. Beginning January 1, 2021, for an infraction generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.H, if the registered owner of the vehicle has:

a. No prior infractions generated under this subsection 11.50.570.H, a warning notice with no penalty shall be issued to the registered owner of the vehicle for a violation.

b. One or more prior infractions generated under this subsection 11.50.570.H, a notice of infraction shall be issued, in a manner consistent with Section 11.31.090, to the registered owner of the vehicle for a violation. The penalty for the violation (~~((may not exceed))~~) is \$75.

7. For infractions issued as authorized in this subsection 11.50.570.H, The City of Seattle shall remit monthly to the state of Washington 50 percent of the noninterest money received under this subsection 11.50.570.H in excess of the cost to install, operate, and maintain the automated traffic safety cameras for use in the pilot program. Money remitted under this subsection 11.50.570.H.7 to the State Treasurer shall be deposited in the Cooper Jones Active Transportation Safety Account. The remaining 50 percent retained by The City of Seattle shall be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

8. A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection 11.50.570.H, against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

I.

1. The Seattle Department of Transportation is authorized to install automated traffic safety cameras to detect speed violations pursuant to RCW 46.63.170(1)(d)(i). The speed violations that the cameras

may detect include, but are not limited to, one or more violations of Sections 11.52.040, 11.52.060, 11.52.080, 11.52.100, 11.52.110, or 11.52.120.

2. Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this Section 11.50.570 and Section 11.31.090 apply to speed detection enforcement as established in this subsection 11.50.570.I.

3. As used in this subsection 11.50.570.I, “school walk area” includes any roadway identified in a school walk area as defined in RCW 28A.160.160.

4. As used in this subsection 11.50.570.I, “public park speed zone” means the marked area within public property and extending 300 feet from the border of the public park property: (I) consistent with active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

5. As used in this subsection 11.50.570.I, “hospital speed zone” means the marked area within hospital property and extending 300 feet from the border of hospital property: (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

6. After completing and considering locations based on the outcomes of an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, the City may operate one additional automated traffic camera for speed detection and enforcement, plus one additional camera for every 10,000 Seattle residents, for locations that meet one of the following criteria as defined in RCW 46.63.170(1) (d)(i):

a. The Seattle Department of Transportation has identified it as a priority location in a road safety plan submitted to the Washington State Department of Transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

b. Locations with a significantly higher rate of collisions than the city average over a period of at least three years prior to installation, and other speed reduction measures are not feasible or have

not been sufficiently effective at reducing travel speed; or

c. An area within the city limits designated by ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

7. Beginning on the effective date of this ordinance, a warning notice with no penalty shall be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.I, if the registered owner of the vehicle has no prior infractions generated under this subsection 11.50.570.I.

8. For automated traffic safety cameras used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or other speed violations in this subsection 11.50.570.I, the City shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection 11.50.570.I to the state treasurer shall be deposited in the state Cooper Jones Active Transportation Safety Account. This subsection 11.50.570.I.8 does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

Section 3. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance 126756, is amended as follows:

11.31.121 Monetary penalties-Parking infractions

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table is as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code reference	Parking infraction short description	Base penalty amount
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* * *		
11.26.280	HOOD, VIOLATION	\$47
11.50.570	AUTOMATED TRAFFIC SAFETY CAMERA	\$75
* * *		

Section 4. Section 2's additional provisions in Seattle Municipal Code subsection 11.50.570.H shall expire on the day Section 2 of Ordinance 126183 expires.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
SDOT	Bill LaBorde	Aaron Blumenthal

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE establishing additional uses for automated traffic safety cameras to increase safety; amending Sections 11.31.090, 11.31.121, and 11.50.570 of the Seattle Municipal Code.

Summary and Background of the Legislation: This legislation amends SMC provisions regarding use of automated traffic safety cameras to implement several new provisions authorized by the state legislature in 2022 with passage of the Move Ahead Washington transportation package. These provisions allow for 24/7 speed limit enforcement in school walk areas, park and hospital zones, and on additional streets – up to 1 camera per 10,000 population – that have either 1) been identified as a priority location in a local road safety plan that a city has submitted to WSDOT and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; 2) have a significantly higher rate of collisions than the city average in a period of at least 3 years and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or 3) is in an area designated by ordinance as a street racing zone.

For any of the new classes of full-time speed enforcement authorized by the Move Ahead Washington Act, 50% of the revenues in excess of the cost of installing, operating, and maintaining cameras must be remitted to the state’s Cooper Jones Active Transportation Safety Account. Currently, the remaining half of block the box and transit lane proceeds support improvements to curb ramps, accessible pedestrian signals and other improvements that support equitable access and mobility for persons with disabilities. Twenty percent of red light camera, and most school zone speed camera revenues, are appropriated to the School Safety Traffic and Pedestrian Improvement Fund, which helps fund investments intended to improve school traffic and pedestrian safety and directly related infrastructure projects; pedestrian, bicycles, and driver education campaigns; and installation, administrative, enforcement, operations, and maintenance costs associated with the school zone fixed automated cameras. Remaining red light camera proceeds are appropriated to the general fund unless otherwise appropriated by Council.

The City does not expect to see any revenues from cameras deployed under this legislation until mid-2024 and, therefore, this bill does not appropriate or establish a policy for use of the City’s share of net proceeds from newly authorized speed enforcement programs, though use of these funds could be the subject of future legislation.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Upfront startup costs associated with installing new cameras will ultimately depend on a variety of factors that are difficult to determine in advance of the requisite equity and traffic analysis and an implementation plan. However, for the block-the-box and transit-lane pilot, each camera cost roughly \$4,000 per month. Once citations start to be issued however, it is expected that the expanded enforcement program would be financially self-sustaining, and potentially revenue generating. The goal of any new camera deployments would be to reduce violations and so it is reasonable to expect a significant drop in the number of citations 6-12 months after each camera enters operation. Any necessary budget modifications and appropriations authority for this program would be included in future budget proposals.

Are there financial costs or other impacts of *not* implementing the legislation?

Reducing speeding and other traffic safety violations through automated enforcement should have indirect financial benefits to the City and to the many travelers, their loved ones and employers impacted on an ongoing basis by reducing crashes, including crashes that cause death and serious injuries.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes. Seattle Municipal Courts will have an increase in citations to process, track, and resolve resulting in an increase of labor hours. The Seattle Police Department will see an increase in the number of photo enforcement cases officers will need to review. Any increase in labor costs to SPD would be covered through an existing camera enforcement agreement.

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

SDOT's Transportation Equity Workgroup and RSJI Change Team have raised concerns about inequitable deployment and impacts of automated enforcement. While the impacts of traffic violence are felt most acutely in communities of color, traffic enforcement of all kinds appears to be disproportionately concentrated in the parts of the city with higher concentrations of BIPOC residents and the punitive impacts are felt more harshly for lower income residents. At the same time, camera-based enforcement can be less-biased than police-based enforcement without the same opportunities for violent escalation. However, there are several existing and potential means to reduce the inequitable impacts of camera-based enforcement that do exist, including requiring issuance of warnings for first violations, more deliberate deployment of cameras in an equitable manner based on public input, especially from BIPOC communities, reduced or income-based fines. Seattle Municipal Court will offer service in-lieu of fees or reduced fines for those experiencing financial hardship. Dedicating proceeds to safer infrastructure in BIPOC neighborhoods may also begin to make up for the historic inequities in investment that have resulted in higher crash rates in SE Seattle and other parts of the city with higher proportions of people of color compared with whiter parts of the city with far lower traffic deaths and serious injuries.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Reduced speeds does correlate with reduced fuel use and therefore with lower carbon emissions. So camera speed enforcement can equate to reduced greenhouse gas emissions as well as reductions in air contaminants.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

N/A

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

Automated enforcement, especially with regard to speed limit enforcement should result in fewer people driving at high speeds in areas where traditional forms of speed enforcement have not been effective and, therefore, result in reduced rates of crashes, reduced traffic deaths and reduced rates of serious injuries from crashes.

July 27, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Calvin Chow, Analyst
Subject: SDOT Camera Enforcement Legislation – Council Bill 120625

On August 1, 2023, the Transportation and Seattle Public Utilities (TSPU) Committee will consider and possibly vote on [Council Bill \(CB\) 120625](#), amending the Seattle Municipal Code (SMC) to implement the automated camera enforcement provisions authorized by Washington State in 2022. The proposed legislation addresses implementation issues such as authorizing the use of warning notices and establishing the fee for block-the-box and restricted-lane infractions. This legislation follows the Council’s recent passage of [CB 120600](#), which designated restricted racing zones where speed enforcement cameras could be utilized.

Section 1 of CB 120625 revises [SMC 11.31.090](#) to update the list of traffic infractions to include all authorized automated camera infractions. Section 2 incorporates the 2022 camera enforcement provisions of Washington State law into [SMC 11.50.570](#), including authorization to issue warning notices for first infractions. Section 3 establishes the existing \$75 fee for block-the-box and restricted-lane infractions in [SMC 11.31.121](#). Section 4 aligns the new provisions with the expiration date extended by [Ordinance 126841](#). Central Staff has reviewed the proposed legislation and has not identified any policy concerns for Council’s attention.

While CB 120625 adds the \$75 fee to SMC 11.31.121, the proposed legislation does not change the infraction fees for red light cameras (\$139) or school zone cameras (\$237). The infraction for speed enforcement cameras, including cameras located in restricted racing zones, will be \$139.

Summary of Camera Infraction Fees

Violation Code	Description	Infraction Fee
11.50.140	RED LIGHT CAMERA VIOLATION	\$139.00
11.52.040	SPEEDING TRAFFIC CAMERA VIOLATION	\$139.00
11.50.150	RED ARROW CAMERA VIOLATIONS	\$139.00
11.52.100	SPEED, SCHOOL CROSSWALKS CAMERA VIOLATION	\$237.00
11.50.070	TCD OBSTRUCTING TRAFFIC AT SIGNAL CAMERA VIOLATION	\$75.00
11.53.190	DRIVING IN BIKE LANE CAMERA VIOLATION	\$75.00
11.53.230	HOV LANE VIOLATION CAMERA VIOLATION	\$75.00
11.72.040	BLOCK TRAFFIC-STOP/PARK OCCUPD VEH CAMERA VIOLATION	\$75.00
11.72.080	CROSSWALK CAMERA VIOLATION	\$75.00
11.72.210	INTERSECTION CAMERA VIOLATION	\$75.00

Source: Seattle Municipal Court [website](#).

CB 120625 does not provide budget or identify specific locations for installing additional automated cameras. Operation of additional automated cameras will require a budget proposal for camera installation, including a staffing plan for processing additional infractions.

As adopted in [Resolution 32087](#), [Statement of Legislative Intent \(SLI\) SDOT-304-A-001](#) requests that SDOT report on: (1) an implementation plan for the expansion of school zone cameras authorized in the 2023 Adopted Budget, and (2) an evaluation and recommendation for implementing the additional camera authority authorized by Washington State in 2022. SDOT's response to the SLI was not available for Central Staff review at the time of this writing (it is due to Council on August 1, 2023). The SLI response is scheduled to be discussed at the August 1, 2023, TSPU Committee in conjunction with CB 120625.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Brian Goodnight, Lead Analyst

Automated Speed Camera Enforcement

CB 120625

Seattle City Council Transportation & SPU Committee
August 1, 2023



Move Ahead WA Act (2022)

RCW 46.63.170

Sec 1 (a-c) Speed violations on any roadway identified as...

- *School walk zone as defined in RCW 28A.160.160*
- *Public park speed zones (300 ft from park border)*
- *Hospital speed zones (300 ft from hospital property)*

Sec 1(d) One automated camera + 1 per 10,000 population in locations that meet following criteria:

- Id'd as priority locations in local road safety plan filed with WSDOT where other forms of enforcement have proven infeasible or insufficient; or*
- Significantly higher rate of collisions than city average; other measures have proven infeasible or insufficient; or*
- Racing zones designated by local ordinance*

Sec 1(e)

- *Requires signs demarcating auto-enforcement zones*

Sec 1(k)(1)

- *50% of net proceeds deposited to Cooper Jones account*

Sec 6

- *Extends restricted lane/block-the-box pilot 2 years*

Complementary Council and Executive legislation

Provision	CB 120600	CB 120625
Add new RCW-authorized fulltime speed camera enforcement as violations in SMC (11.50.570) <ul style="list-style-type: none"> School Walk Areas (1-mile school perimeter) Public park and hospital speed zones Other priority road safety locations (1 camera per 10,000 population; equity and traffic analysis req'd) <ul style="list-style-type: none"> Local road safety plan to WSDOT; other forms enforcement have proven infeasible or insufficient; or Significantly higher rate of collisions than city average; other measures have proven infeasible or insufficient; or Designated racing zone 	Yes	Yes
Racing Zones designated	Yes	No
SMC revisions in Traffic Control Device section - SMC 11.50.570H & I	No	Yes
SMC revisions requested by Law <ul style="list-style-type: none"> SMC 11.31.090E Restricted Lane Violation 11.31.121 \$75 monetary penalty for restricted lane violation 	No	Yes
Required warning for 1st violation; fines applicable for 2nd violation and beyond	No	Yes
Appropriations, spending authority <ul style="list-style-type: none"> Funding for implementation ? Use of net proceeds (VZ, SRTS?) 	No	No

Full-time speed camera technology

Full time speed enforcement cameras will work much like School Zone cameras today except we will have authority to operate them 24/7

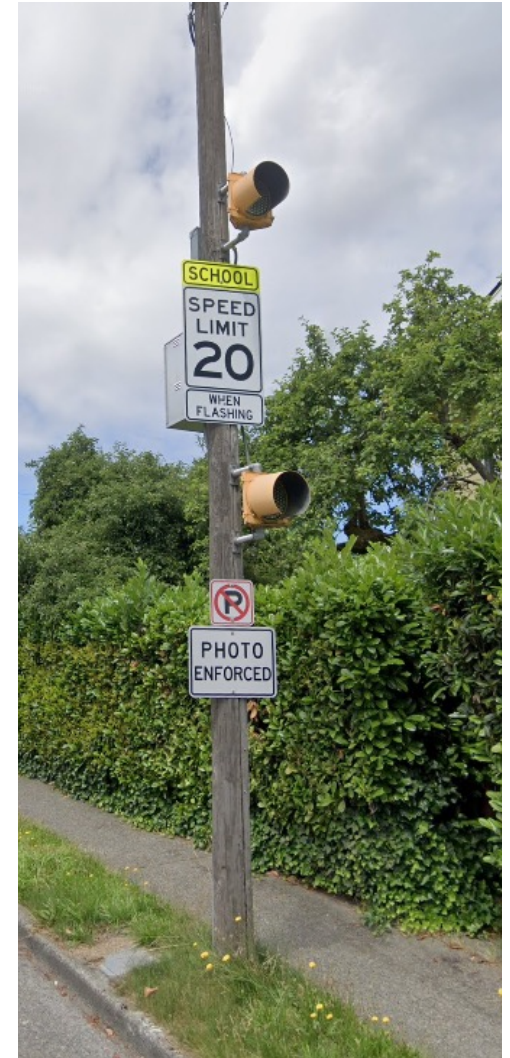
- Camera technology measures speeds of vehicles using digital signal processing and radar or loop speed detectors
- School Zone speed cameras only operate when school zone beacons are flashing , 40-minute periods before and after school on days when school is in session
- Speed enforcement cameras in race zones will operate no differently than in other speed zones

RCW 46.63.170 requirements

- Only pictures of vehicle and license plate while infraction is occurring may be retained
- Photos and videos sent to the ATS data center where they are reviewed against criteria established by SPD. Non-violations rejected at the data center; potential violations forwarded to SPD where commissioned officers must review and either reject or authorize issuance of citations for speed violations within 14-days
- Citations sent to registered owners or renters, not drivers (no insurance penalty)

Vendor requirements

- Feasible locations (line of sight, adequate distance btw loop detectors or cameras)
- Power needs vary by location



Questions?



Amendment 1 to CB 120625 – SDOT Camera ORD

Sponsor: Councilmember Pedersen

Technical Corrections

Effect: This amendment would make technical edits to the legislation, including adding whereas clauses, removing outdated language in SMC 11.50.570.H.6, correcting a typo in SMC 11.50.570.I.8, and clarifying the infraction descriptions in SMC 11.31.121 to be consistent with existing penalties.

Add a sixth, seventh, and eighth Whereas Clause as follows:

* * *

WHEREAS, numerous studies, including a 2016 Insurance Institute of Highway Safety study of speed camera enforcement in Montgomery County, Maryland over the span of 7.5 years have shown that automated speed camera enforcement can result in a ten percent reduction in mean speeds, a 62 percent reduction in the likelihood of vehicles traveling more than 10 miles per hour above the speed limit, and a 39 percent reduction in the likelihood that a crash results in an incapacitating or fatal injury; ~~NOW, THEREFORE, and~~

WHEREAS, on July 25, 2023, the City Council adopted Council Bill 120600, designating restricted racing zones where automated traffic enforcement cameras could be deployed; and

WHEREAS, The City of Seattle currently has a \$237 fee for School Zone camera violations, a \$139 fee for Red Light camera violations, and a \$75 fee for Blocking and Restricted Lane camera violations; and

WHEREAS, The City of Seattle intends to establish a \$139 fee for Speed Enforcement camera violations; NOW, THEREFORE,

Amend Section 2 to revise SMC 11.50.570.H.6 as follows:

* * *

6. ~~((From November 2, 2020 through December 31, 2020, a warning notice with no penalty shall be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.H.))~~ Beginning January 1, 2021, for an infraction generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.H, if the registered owner of the vehicle has:

a. No prior infractions generated under this subsection

11.50.570.H, a warning notice with no penalty shall be issued to the registered owner of the vehicle for a violation.

b. One or more prior infractions generated under this subsection

11.50.570.H, a notice of infraction shall be issued, in a manner consistent with Section 11.31.090, to the registered owner of the vehicle for a violation. The penalty for the violation ~~((may not exceed))~~ is \$75.

* * *

Amend Section 2 to revise SMC 11.50.570.I.8 as follows:

* * *

8. For automated traffic safety cameras used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones,

speed violations in hospital speed zones, or other speed violations in this subsection 11.50.570.I, the City shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras in excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection 11.50.570.I to the state treasurer shall be deposited in the state Cooper Jones Active Transportation Safety Account. This subsection 11.50.570.I.8 does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

* * *

Amend Section 3 as follows:

Section 3. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance 126756, is amended as follows:

11.31.121 Monetary penalties—Parking infractions

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table is as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code reference	Parking infraction and other violations short description	Base penalty amount
* * *		
11.26.280	HOOD, VIOLATION	\$47
<u>11.50.570</u>	<u>AUTOMATED TRAFFIC SAFETY CAMERA</u>	<u>\$75</u>

<u>11.50.140</u>	<u>RED LIGHT CAMERA VIOLATION</u>	<u>\$139</u>
<u>11.52.040</u>	<u>SPEEDING TRAFFIC CAMERA VIOLATION</u>	<u>\$139</u>
<u>11.50.150</u>	<u>RED ARROW CAMERA VIOLATIONS</u>	<u>\$139</u>
<u>11.52.100</u>	<u>SPEED, SCHOOL CROSSWALKS CAMERA VIOLATION</u>	<u>\$237</u>
<u>11.50.070</u>	<u>TRAFFIC CONTROL DEVICE OBSTRUCTING TRAFFIC AT SIGNAL CAMERA VIOLATION</u>	<u>\$75</u>
<u>11.53.190</u>	<u>DRIVING IN BIKE LANE CAMERA VIOLATION</u>	<u>\$75</u>
<u>11.53.230</u>	<u>HIGH OCUPANCY VEHICLE LANE VIOLATION CAMERA VIOLATION</u>	<u>\$75</u>
<u>11.72.040</u>	<u>BLOCK TRAFFIC-STOP/PARK OCCUPIED VEHICLE CAMERA VIOLATION</u>	<u>\$75</u>
<u>11.72.080</u>	<u>CROSSWALK CAMERA VIOLATION</u>	<u>\$75</u>
<u>11.72.210</u>	<u>INTERSECTION CAMERA VIOLATION</u>	<u>\$75</u>
* * *		



Legislation Text

File #: CB 120638, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to financial policies for Automated Traffic Safety Camera revenue; amending Section 5.82.010 of the Seattle Municipal Code; and repealing Chapter 5.81 of the Seattle Municipal Code.

WHEREAS, following State authorization, the City of Seattle began use of automated cameras for red light enforcement in 2006, school zones in 2012, West Seattle Bridge closure restrictions in 2020 (since removed), and block-the-box and transit-only lane enforcement in 2022; and

WHEREAS, Chapter 5.81 of the Seattle Municipal Code (SMC) was established in 2013 to establish financial policies governing School Zone Camera revenue and Chapter 5.82 SMC was established in 2015 to establish financial policies governing Red Light Camera revenue; and

WHEREAS, in 2022, the State Legislature passed Engrossed Substitute House Bill (ESSB) 5974 amending Revised Code of Washington (RCW) 46.63.170, authorizing additional uses of automated cameras in specific zones; and

WHEREAS, on July 25, 2023, the Council approved Ordinance 126869, establishing additional uses for automated traffic safety cameras and designating restricted racing zones as allowed by RCW 46.63.170; and

WHEREAS, RCW 46.63.170 requires that, for specified automated traffic safety camera uses, 50 percent of the net revenues be directed to the Washington State Cooper Jones active transportation safety account; and

WHEREAS, the Council wishes to consolidate and update the City's financial policies guiding the use of automated traffic safety camera revenue; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 5.82.010 of the Seattle Municipal Code, last amended by Ordinance 125719, is amended as follows:

5.82.010 Financial policies

The following financial policies govern revenues generated from automated traffic safety camera fines or civil penalties:

~~((A. Spending for school traffic and pedestrian safety: Funding in an amount equal to 20 percent of the revenue generated annually by automated traffic safety camera fines and civil penalties will be spent for school traffic and pedestrian safety and directly related infrastructure projects, as well as pedestrian, bicyclist, and driver education campaigns and installation, administrative, enforcement, operations, and maintenance costs associated with the automated traffic safety cameras (also known as red light cameras).))~~

A. Spending restrictions: Of the net proceeds generated annually by automated traffic safety camera fines and civil penalties that are available to the City after required contributions to the Washington State Cooper Jones account pursuant to RCW 46.63.170, the following spending restrictions apply:

1. School zone camera revenue: Funding in an amount equal to the revenue generated annually by school zone fixed automated camera fines and civil penalties will be spent for school traffic and pedestrian safety and directly related infrastructure projects; pedestrian, bicyclist, and driver education campaigns; and installation, administrative, enforcement, operations, and maintenance costs associated with the school zone fixed automated cameras.

2. Red light camera revenue: Funding in an amount equal to 20 percent of the revenue generated annually by fines and civil penalties for red light camera violations and red arrow camera violations will be spent for school traffic and pedestrian safety and directly related infrastructure projects, as well as pedestrian, bicyclist, and driver education campaigns and installation, administrative, enforcement, operations, and maintenance costs associated with the red light and red arrow automated cameras.

3. Block the box and obstruction camera revenue: Funding in an amount equal to the local revenue generated annually by fines and civil penalties for obstruction or blocked traffic camera violations will be spent for transportation improvements that support equitable access and mobility for persons with disabilities and installation, administrative, enforcement, operations, and maintenance costs associated with the obstruction or blocked traffic automated cameras.

4. Lane restriction camera revenue: Funding in an amount equal to the local revenue generated annually by fines and civil penalties for restricted lane camera violations will be spent for transportation improvements that support equitable access and mobility for persons with disabilities and installation, administrative, enforcement, operations, and maintenance costs associated with the restricted lane automated cameras.

5. Speed enforcement camera revenue: Funding in an amount equal to the local revenue generated annually by fines and civil penalties for speed enforcement cameras other than school zone cameras described in subsection 5.82.010.A.1 will be spent on transportation improvements that support traffic safety, bicycle safety, and pedestrian safety and installation, administrative, enforcement, operations, and maintenance costs associated with the speed enforcement cameras.

B. Annual budget revenues and appropriations: The Executive will propose appropriations for the items in subsection 5.82.010.A in its annual budget submittal to the City Council based on the amount of automated traffic safety camera fines and civil penalties projected to be received in the prior budget year.

C. Year-end report: The Executive will provide a year-end report to the City Council on automated traffic safety camera revenue receipts, appropriations, and expenditures by March 1 each year.

D. True-up of revenues and expenditures: To the extent that actual annual revenues from automated traffic safety cameras differ from the appropriations made through the annual budget, the Executive will propose appropriation changes in supplemental legislation to ensure that ~~((funding in an amount equal to 20 percent of the actual revenues generated by automated traffic safety cameras is spent for the purposes described~~

in Section 2 of Ordinance 124230, as amended by Ordinance 124907.)) sufficient funding is spent consistent with subsection 5.82.010.A and RCW 46.63.170.

~~((E. Notwithstanding subsections 5.82.010.A, 5.82.010.B, and 5.82.010.D, none of the revenue generated by automatic traffic safety camera fines and civil penalties in 2018, 2019 and 2020 will be directed to the School Safety Traffic and Pedestrian Improvement Fund.))~~

Section 2. Chapter 5.81 of the Seattle Municipal Code, last amended by Ordinance 125719, is repealed:

~~((Chapter 5.81 SCHOOL ZONE FIXED AUTOMATED CAMERA REVENUES~~

~~5.81.010 Financial policies~~

~~The following financial policies govern revenues generated from school zone fixed automated camera fines or civil penalties:~~

~~A. Spending for School Traffic and Pedestrian Safety: Funding in an amount equal to the revenue generated annually by school zone fixed automated camera fines and civil penalties will be spent for school traffic and pedestrian safety and directly related infrastructure projects; pedestrian, bicyclist, and driver education campaigns; and installation, administrative, enforcement, operations and maintenance costs associated with the school zone fixed automated cameras.~~

~~B. Annual Budget Revenues and Appropriations: The Executive will propose appropriations for the items in subsection 5.81.010.A above in its annual budget submittal to the Council based on the amount of school zone fixed automated camera fines and civil penalties projected to be received in the proposed budget year.~~

~~C. Year-End Report: The Executive will provide a year-end report to the City Council on school zone fixed automated camera revenue receipts, appropriations, and expenditures by March 1 each year.~~

~~D. True-Up of Revenues and Expenditures: To the extent that actual annual revenues from school zone fixed automated cameras differ from the appropriations made through the annual budget, the Executive will propose appropriation changes in supplemental legislation to ensure that funding in an amount at least equal to~~

~~the actual revenues generated by school zone fixed automated cameras are spent for school traffic and pedestrian safety and directly related infrastructure projects; pedestrian, bicyclist, and driver education campaigns; and installation, administrative, enforcement, operations, and maintenance costs associated with the school zone fixed automated cameras.))~~

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Legislative	Calvin Chow/x4-4652	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to financial policies for Automated Traffic Safety Camera revenue; amending Section 5.82.010 of the Seattle Municipal Code; and repealing Chapter 5.81 of the Seattle Municipal Code.

Summary and Background of the Legislation:

Seattle began use of automated traffic safety cameras for red light enforcement in 2006 and for school zone enforcement in 2012. In 2022, Seattle expanded the use of cameras (as authorized by the State) to include block-the-box and transit-only lane enforcement and is currently developing plans to implement cameras to enforce speed limits.

The Seattle Municipal Code (SMC) includes financial policies governing the use of revenues generated by red light traffic camera infractions (Chapter 5.82) and school zone traffic camera infractions (Chapter 5.81) but is silent on revenues from other authorized camera uses. This legislation would update Chapter 5.82 to cover all authorized camera uses, and would repeal Chapter 5.81 as duplicative.

The proposed legislation would establish the following financial policies:

- School zone camera revenue – consistent with State law and existing policy, 100 percent of school zone camera revenue is directed towards school traffic and pedestrian safety infrastructure and safety education campaigns.
- Red light camera revenue – consistent with existing policy, 20 percent of red light camera revenue is directed towards school traffic and pedestrian safety infrastructure and safety education campaigns. The remaining funding supports the General Fund.
- Block the box and obstruction camera revenue – consistent with State law and existing policy, 50 percent of block the box camera revenue must be deposited in the Washington State Cooper Jones account, and the remaining local funding is directed to transportation improvements that support equitable access and mobility for persons with disabilities.
- Lane restriction camera revenue – consistent with State law and existing policy, 50 percent of lane restriction camera revenue must be deposited in the Washington State Cooper Jones account, and the remaining local funding is directed to transportation improvements that support equitable access and mobility for persons with disabilities.
- Speed enforcement camera revenue – consistent with State law, 50 percent of speed enforcement camera revenue must be deposited in the Washington State Cooper Jones account. Under the proposed new policy, the remaining local funding is directed to transportation improvements that support traffic safety, bicycle safety, and

pedestrian safety. Absent this policy, the remaining local funding would be directed to the General Fund.

As part of these financial policies, camera revenues may also be used to support the cost of implementing and administering the camera programs.

Because this legislation does not change existing financial policy for currently deployed cameras, there is no immediate financial or budget impact to the City. If enacted, the new policy for speed enforcement cameras will guide the spending of future revenues when such cameras are implemented.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This legislation would direct future revenues from speed enforcement cameras to traffic safety, bicycle safety, and pedestrian safety. The financial impacts of deploying speed enforcement cameras will be dependent on a specific implementation proposal.

Are there financial costs or other impacts of *not* implementing the legislation?

No other financial costs identified. In the absence of this legislation, future local revenue from speed enforcement cameras would be directed to the General Fund.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation establishes financial policies that will guide CBO and SDOT in the development of future budget proposals.

b. Is a public hearing required for this legislation?

No public hearing required.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No notification required.

d. Does this legislation affect a piece of property?

No property impacted.

- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation would direct proceeds from speed enforcement cameras to traffic safety, bicycle safety, and pedestrian safety improvements. No specific Race and Social Justice Initiatives (RSJI) implications have been identified for this policy proposal. Any future proposals to deploy additional cameras will need a separate RSJI analysis based on the specifics of the proposal.

f. **Climate Change Implications**

1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No direct impact to carbon emissions identified. To the extent that additional funding for traffic safety, bicycle safety, and pedestrian safety improvements support active transportation activities and discourage fossil fuel use, this policy may reduce carbon emissions. However, these impacts will be dependent on actual implementation of cameras and the specific transportation improvements funded.

2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No direct impacts to climate resiliency identified.

- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

This legislation updates existing financial policies for camera enforcement. SDOT records traffic safety data at camera locations to evaluate the effectiveness of cameras. State law includes reporting requirements to the State legislature to inform future legislative decisions on authorizing cameras. Currently, State authority for block the box, restricted lane, and speed enforcement cameras expires on June 30, 2025.

Summary Attachments (if any):



SEATTLE CITY COUNCIL
CENTRAL STAFF

Automated Camera Enforcement Financial Policies – CB 120638

CALVIN CHOW, CENTRAL STAFF

TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE
AUGUST 15, 2023

In brief...

- This proposed legislation would:
 - **Consolidate** existing traffic camera financial policies into a single Chapter 5.82 SMC.
 - Establish a new financial policy for **speed enforcement cameras**, directing local revenue to transportation projects that traffic safety, bicycle safety, and pedestrian safety.

Background

- Seattle began use of automated cameras for red light enforcement in 2006, school zones in 2012, and block-the-box and transit-only lane enforcement in 2022.
- Seattle has financial policies governing red light cameras (Chapter 5.82 SMC) and school zone cameras (Chapter 5.81 SMC).
- Spending of block-the-box/transit-only lane enforcement cameras revenues are directed by RCW 46.63.170(6)(e).
- Legislation to authorize speed enforcement cameras heard this year – Ordinance 126869 and Council Bill 120625 (currently in committee).

Existing Financial Policies

- Revenues can pay for the installation and administration of camera enforcement.
- **School Zone Cameras**
SMC 5.81.010.A directs 100 percent of revenue to school traffic and pedestrian safety projects and programs.
- **Red Light Cameras**
SMC 5.82.020.A directs 20 percent of revenue to school traffic and pedestrian safety projects and programs.
- **Block the Box and Restricted Lane Cameras**
RCW 46.63.170(6)(e) directs 50 percent of revenue to the Washington State Cooper Jones active transportation account and requires the remainder be spent only for transportation improvements that support equitable access and mobility for persons with disabilities.

CB 120638

- Establishes a new financial policy for **Speed Enforcement Cameras**.
 - RCW 46.63.170(1)(l) directs 50 percent of revenue to the Cooper Jones account.
 - Proposed policy directs remaining revenue to transportation improvements that support traffic safety, bicycle safety, and pedestrian safety.
- Consolidates existing and proposed traffic camera financial policies under Chapter 5.82 SMC (repealing Chapter 5.81 SMC).

Questions?



Legislation Text

File #: Inf 2312, **Version:** 1

SEATTLE TRANSIT MEASURE 2022 PERFORMANCE REPORT



Seattle
Department of
Transportation



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Reading this Report

This report details 2022 programmatic activities and financial information for the Seattle Transit Measure or "STM". The Seattle Transit Measure was passed in November 2020 and replaces the 2014 Seattle Transportation Benefit District Proposition 1 (which expired at the end of 2020). This report focuses on the second full year of programing funded under the Seattle Transit Measure. This year, we spotlight the innovative work of the Transportation Access Program (TAP).

Supporting Implementation of SDOT's Transportation Equity Framework (TEF)

SDOT's Transportation Equity Framework (TEF) and its implementation plan is a roadmap for SDOT decision-makers, employees, stakeholders, partners, and the greater community to collaboratively create an equitable transportation system. The TEF sets forth a path grounded in community needs and visions to transform our transportation system into an asset that is truly equitable by defining values and strategies to carry the work forward. The TEF implementation plan was developed by the Transportation Equity Workgroup and SDOT staff and includes over 200 tactics focused on equity and a timeframe for implementing them. Throughout this report, we call out specific tactics by number and include their language in the sidebar. STM funding has and will continue to align with the TEF values and support implementation of TEF tactics.



Dear Seattle,

As your mayor, one of my top priorities is ensuring Seattle residents and visitors can access safe, reliable, and affordable transportation options. Transportation opens new doors and opportunities for everyone in Seattle. We need the kind of expansive and coordinated transit system that connects people to the places they want to go and lives up to this city's innovative spirit. Central to this goal is increasing frequency and safety of transit service, creating more transit options, and improving connections between transit and walking, rolling, and biking.

It is clear Seattle residents support transit, too. In 2020, Seattle voters again chose to invest in frequent, reliable, affordable transit by passing the Seattle Transit Measure (STM), formerly known as the Seattle Transportation Benefit District – Proposition 1.

Thanks to the STM, Seattle invests approximately \$50 million each year through 2026 in transit service, transportation access and fare reduction programs, transit capital improvements, and other efforts to address emerging needs. This includes centering people in our community who rely on transit the most and responding to the lasting effects of the pandemic.

In 2022, programs and projects funded by this measure worked hand-in-hand with other City and regional initiatives to meet these goals. Together, we provided free, unlimited ORCA cards to more than 2,200 essential workers in neighborhoods most affected by the pandemic, saving each person about \$726 in transit expenses. Nearly 2,000 Seattle Housing Authority residents received unlimited ORCA cards as part of a pilot program which has since expanded in 2023.

Thanks to Move Ahead Washington, a statewide transportation funding package, youth 18 and under ride transit for free in Washington state. We continue to do our part to support Seattle's youngest residents with subsidized transit passes for Seattle Promise Scholars 18 and over and a youth ambassador program to support engagement with regional transportation systems. These supplement the new connections we're building to make it safer and easier for students to walk, roll, and bike to school through our city's Safe Routes to School program.

Thank you, Seattle, for making transit a top priority. Together, we are ensuring that people traveling to work, school, community services, and recreation can do so throughout the day, every day. As ***One Seattle***, we will continue to foster a transit network that builds community, increases opportunities, and works seamlessly to connect you to the people and places that are most important to you.

Mayor Bruce Harrell



Dear Seattle,

Please join me in celebrating another major year of investment in Seattle's transit network. Personally, since I moved to Seattle without a car in September 2022, I've been traveling around town relying frequently on the RapidRide C, RapidRide E lines, as well as Routes 40, 62 and 70.

The Seattle Transit Measure (STM) is helping us create a city that runs on frequent, convenient, reliable, and accessible transit. This is one of many initiatives across the Seattle Department of Transportation that help us become a more walkable, bikeable, transit-friendly, and climate-resilient city.

We know that people who have limited access to transit are often the ones who rely on it the most. That is why our investments are focused in areas traditionally underserved by government in the past, and we continue to refine how we invest resources to meet our robust equity goals. Thanks to your investment in the STM, in 2022 we reduced cost barriers to transit, introduced people to new transit options through community-centered programming, made transit stops safer for passengers, improved bus reliability through transit-only lanes, and more. Across our Transportation Access Programs, we have helped people save almost \$4.8 million collectively on transit costs.

This is on top of the more than 3,200 additional weekly transit trips we made possible, particularly in historically and currently disadvantaged communities.

The STM also allows us to respond to emerging needs with nimble actions. During the West Seattle High-Rise Bridge closure, we invested in more transit and West Seattle Water Taxi service to keep people moving on and off the peninsula efficiently by transit. When the Spokane St Swing Bridge was closed after an ice storm in late-2022, we tapped into STM funds again to quickly respond with temporary free bus and water taxi rides.

We also seek out opportunities for innovation. In the coming years, we will improve passengers' experience accessing digital transit information, and invest in ways to reward people for taking transit. We are also evaluating the effect of free transit on employment outcomes for low-income workers to help inform future STM investments.

As a department, our work is grounded in the Transportation Equity Framework (TEF) – our roadmap for collaboratively creating an equitable transportation system. We remain accountable to the TEF in our transit efforts.

Together, these investments support our long-term vision, the Frequent Transit Network, focused on interconnected, daily, all-day, frequent and reliable transit service. Thank you for helping us make Seattle a place where transit is a safe, sustainable, equitable option to get you where you need to go.

Greg Spotts, Director

ACKNOWLEDGMENTS

SDOT REPORT TEAM

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Ryan Miller, Graydon Newman, and Katie Chalmers | King County Metro

PARTNER THANK YOUS

Alliance for Pioneer Square
City of Seattle Department of Education and Early Learning
City of Seattle Department of Neighborhoods – Community Liaisons
City of Seattle Human Services Department – Seattle Youth Employment Program
City of Seattle Voters, Residents, and Workers Commute Seattle
Friends of Little Saigon
Hello Othello
Hopelink

Rainier Beach Merchants
Seattle Chinatown International District Preservation and Development Authority
Seattle Colleges
Seattle Housing Authority
Seattle Public Schools
Seattle-King County Public Health Department
Solid Ground
University of Notre Dame Lab for Economic Opportunity
Uplift Northwest

SDOT MISSION, VISION, CORE VALUES

SDOT VISION

Seattle is a thriving, equitable community powered by dependable transportation.

SDOT MISSION

Our mission is to deliver a transportation system that provides safe and affordable access to places and opportunities.



SDOT CORE VALUES

Equity

We believe transportation must meet the needs of communities of color and those of all incomes, abilities, and ages. Our goal is to partner with communities to build a racially equitable and socially just transportation system.

Safety

We believe everyone should be able to move safely throughout the City. Our goal is to create safe transportation environments and eliminate serious and fatal crashes in Seattle.

Mobility

We believe transportation choices are critical to accessing opportunities. Our goal is to build, operate, and maintain an accessible transportation system that reliably connects people, places, and goods.

Sustainability

We believe environmental health should be improved for future generations through sustainable transportation. Our goal is to address the climate crisis through a sustainable, resilient transportation system.

Livability

We believe transportation is essential to supporting daily life. Our goal is to manage our streets and sidewalks in a way that enriches public life and improves community health.

Excellence

We believe in exceeding the expectations of the communities we serve. Our goal is to build a team committed to excellence and equipped with the skills to meet the challenges of today and tomorrow.

Executive Summary – STM By The Numbers—Year Two

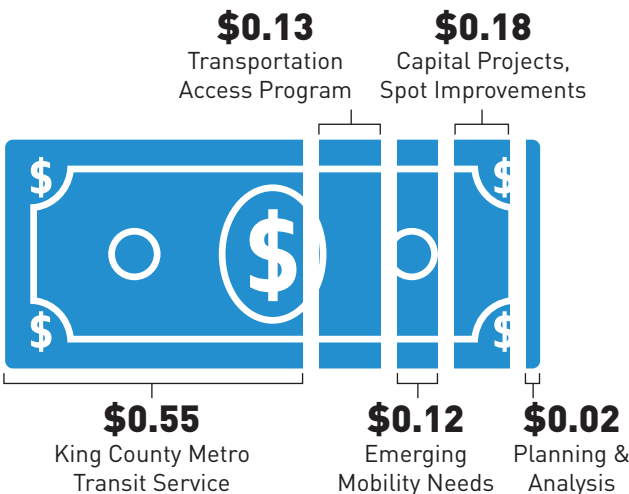
WHAT IS “STM”?

The **2020 Seattle Transit Measure (STM)** is a voter-approved program to fund increased King County Metro transit service and additional transit programs for Seattle residents, workers, and visitors. Funded by a **0.15% sales tax**, the program collects on average over **\$50 million annually** over six years (2021 - Q1 2027) to improve **transit service and access**. STM funding promotes the following key SDOT values and goals: Frequent Bus Service, Equity, Transit Access, and Stewardship.

Stewardship

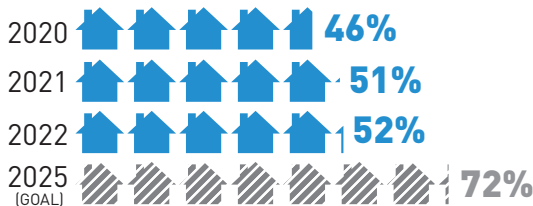
SDOT works to ensure voter intent is carried forward into STM-funded programs. The budget snapshot below reflects voter intent that the majority of STM funds go to investments in Metro transit service.

STM Spending Breakdown in a Typical Year, per Dollar
2021 - 2026



Frequent Bus Service & Transit Access

Households within a 10-minute Walk of 10-minute or better Transit Service 2020-2022

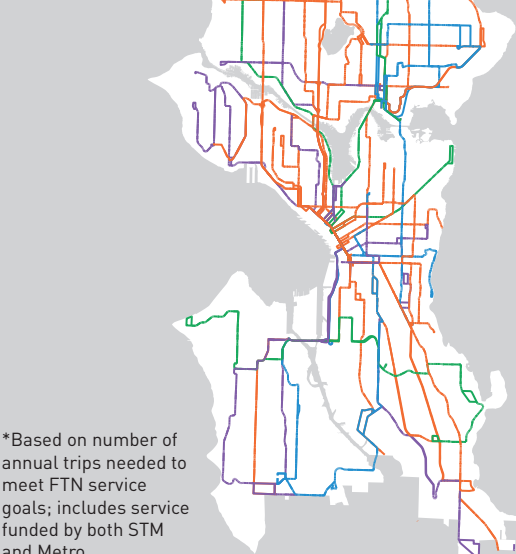


This metric held steady in 2022, which was expected given the lengthy transit service recovery from the COVID-19 pandemic.

Frequent Bus Service

Improve service on Frequent Transit Network (FTN) routes to meet target frequency goals.

Seattle Frequent Transit Network
Percent Completion*
July 2022



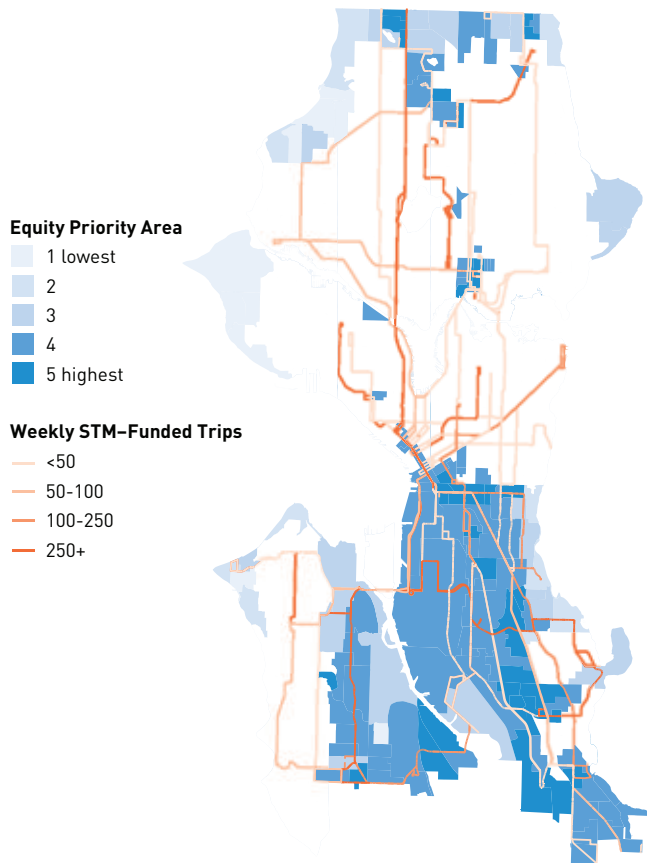
Progress Toward FTN Target	FTN Target		
	Very Frequent	Frequent	Local
100%	7, 36, D Line, E Line	1, 5/16, 2/13, 8, 10, 12, 14, 20, 21, 31/32, 45, 49, 60, 62, 75, 106, 124, 345/ 346, 372	
95%+	3/4, 44, 120, C Line		24/33, 28, 107, First Hill Streetcar**, SLU Streetcar**
85%+	40, 70	11, 50	73
70%+	48, 65, 67		27, 79, 125

Bold: Improvement compared to 2021

**The First Hill and SLU Streetcar are not funded by the STM.

STM Weekly Investment by Route Equity Priority Areas 2022

Routes with STM investments and Equity Priority Areas (based on the proportion of residents who are BIPOC, low-income, foreign-born, disabled, or who have limited English proficiency)



Access to Transit

Improvements in the streetscape

- 1 Project to improve safety for pedestrians and riders
- 3 Planning projects to expand access for multimodal users
- 3 Projects to upgrade bus stops and improve rider amenities
- 4 Projects to enhance street operations for transit
- 15 Routes benefit from these improvements



Equity and Transit Access

Recovery Card Program Performance

2,281 Cards Distributed

649,200 Trips Taken

\$1,655,353 Money Saved

ORCA Opportunity Seattle Housing Authority Performance

1,950 Cards Distributed

360,234 Trips Taken

\$902,651 Money Saved

ORCA Opportunity Promise Scholars Performance¹

1,096 Cards Distributed

120,723 Trips Taken

\$316,712 Money Saved

ORCA Opportunity Youth Performance²

17,899 Cards Distributed

1,353,836 Trips Taken

\$1,909,888 Money Saved

¹330 participants were added in or after August 2022 - the rest were added August 2021.

²We pay a discounted rate for these rides (mostly \$1-\$1.50 per ride) and these numbers are for Jan 2022 - Aug 2022, before Free Youth Fares took effect.

Access to Transit

West Seattle Bridge Flip Your Trip Campaign

11,000+ People Registered for Flip Your Trip

792 \$25 ORCA Cards Distributed

45,000+ Transit Trips Taken using the Transit Go app

INTRODUCTION



STM PROGRAM OVERVIEW

The 2020 STM is a six-year voter-approved measure to fund improved transit service and access throughout Seattle. STM builds on and replaces a voter-approved measure passed in 2014 (the Seattle Transportation Benefit District Proposition 1, or “STBD”) which expired at the end of 2020. STM is funded through a 0.15% sales tax and generates on average over \$50 million annually into early 2027 to invest in transit mobility (slightly less than the previous measure). STM funds can be spent across four types of activities: transit service, transportation access and fare programs, transit capital improvements, and addressing emerging needs. Transit service

is at the core of the program, as one of STM’s core functions is to enhance and grow Seattle’s transit network. STM’s establishing ordinance stipulates that funding of transit service shall be a majority of the yearly expenditures starting in 2022 for the life of the measure – underlining the central focus of STM on fixed route transit service investments.

TRANSIT SERVICE

STM’s primary purpose is to purchase additional transit service from King County Metro (Metro) through the addition of trips on existing routes, either to improve frequency of service or extend service span later into the night or earlier in the morning. STM can directly invest in routes with

more than 65% of their stops within the city, as well as in any current and future RapidRide route that serves Seattle. Seattle's FTN, as presented in Seattle's 2016 Transit Master Plan, establishes three different categories of routes: Local, Frequent, and Very Frequent. By day of week and time of day, the FTN sets clear frequency targets that the STM team uses to compare to current service levels on Seattle routes. The FTN focuses on service that is frequent, all-day (18- to 24-hour service span), and every day of the week. Simply put, the FTN provides a concrete vision which allows the STM team to create a list of desired service investments and the prioritization methodology ensures that the investments place equity goals front and center. A major accomplishment of the STM program in 2022 was to establish and document an equity-focused transit service investment prioritization methodology.

While STM funds can only be used for transit service operated by Metro, STM works closely with all transit agencies in the region to help deliver a functional and integrated transit system. There are seven transit agencies/ services that provide service to, from, and within Seattle, including:

- **King County Metro:** provides both peak-only and all-day service throughout Seattle and the rest of King County, as well as Water Taxi service between West Seattle/ Vashon Island and Downtown

- **Seattle Streetcar:** a City of Seattle-owned, King County Metro-operated system that serves Capitol Hill, First Hill, Chinatown/ International District, Downtown, and South Lake Union
- **Sound Transit:** provides Link light rail in Seattle, Sounder commuter trains from north and south into the city, and commuter bus service around the region
- **Monorail:** a legacy system connecting Seattle Center to Downtown, owned by the city and operated by Seattle Monorail Services
- **Community Transit:** provides commuter bus service, between Snohomish County and both Northgate and Downtown
- **Washington State Ferries:** provides passenger and vehicle ferry service throughout the Puget Sound region (the largest ferry system in the country)
- **Kitsap Transit:** provides commuter foot-ferries to and from Downtown

TRANSPORTATION ACCESS PROGRAMS

STM's Transportation Access Program (TAP) advances safe, affordable, and equitable access to public transportation by reducing cost barriers to transit and providing community-centered programming to diverse Seattle populations (TEF 31.3, 31.5, 34.1). TAP programs include long-standing activities such as distributing fully subsidized ORCA cards to students that are part of the Promise Scholars Program and providing cards to Seattle Housing Authority residents. The TAP team is always looking for ways to inform

TEF Value: Mobility & Transportation Options

Tactic 31.3: Develop and continue to support targeted transportation options for older adults and people living with disabilities, and identify stable funding source; include learnings and results from the Inclusive Mobility On-Demand grant.

Tactic 31.5: Building on the work of the Youth Ambassadors Program, identify new and leverage existing mobility and transportation programming to engage with youth and young adults; opportunity to partner with youth on climate action and build a workforce channel for young adults into SDOT.

Tactic 34.1: Ensure revenue is prioritized and directly invested in reliable, safe, affordable public transportation and other benefits for Black, Indigenous, and People of Color (BIPOC) community members so we can invest in low-income transportation options and prevent the need for fare and/or law enforcement.

the development of new programs with research and community engagement. Once a clear need and program scope is confirmed, the TAP team moves programs through an established pathway from pilot phase to permanent program using data collection and impact evaluation. This report focuses on some of the recent work of TAP and the methodologies the team has developed later in this report.

EMERGING MOBILITY NEEDS

The “Emerging Needs” category was a new addition to the STM ordinance and sets aside funds to respond directly and nimbly to ongoing mobility needs arising from emergency situations. The ordinance specifies that up to \$9 million may be “used annually to support emerging mobility needs related to COVID-19 response and recovery, and closure of the West Seattle High Bridge.” Emerging Needs widens STM’s investment portfolio to include such programs as first-last mile connections to transit, Transportation Demand Management (TDM), and innovative partnerships with Metro. In 2022, STM funded additional transit service and TDM programming to support communities impacted by the West Seattle Bridge closure. When the high bridge re-opened on September 17, 2022 after 2 ½ years, STM staff were able to shift focus to other activities that support COVID-19 recovery and innovative transit supportive programming.

TRANSIT INFRASTRUCTURE

Transit capital projects are a small but growing part of STM’s portfolio. STM is used to supplement the SDOT’s Transit Spot Improvement Program, a Levy to Move Seattle funded program. This program focuses on small-scale, tactical interventions such as signal adjustments, bus stop enhancements, and improvements to pedestrian access to transit. STM also contributes funding to larger, more comprehensive corridor projects. These types of projects can bring more impactful changes to routes that maintained high ridership throughout the COVID-19 pandemic, and for riders whose continued ridership is more likely to depend on providing efficient and reliable transit service.

BRIEF HISTORY OF STM

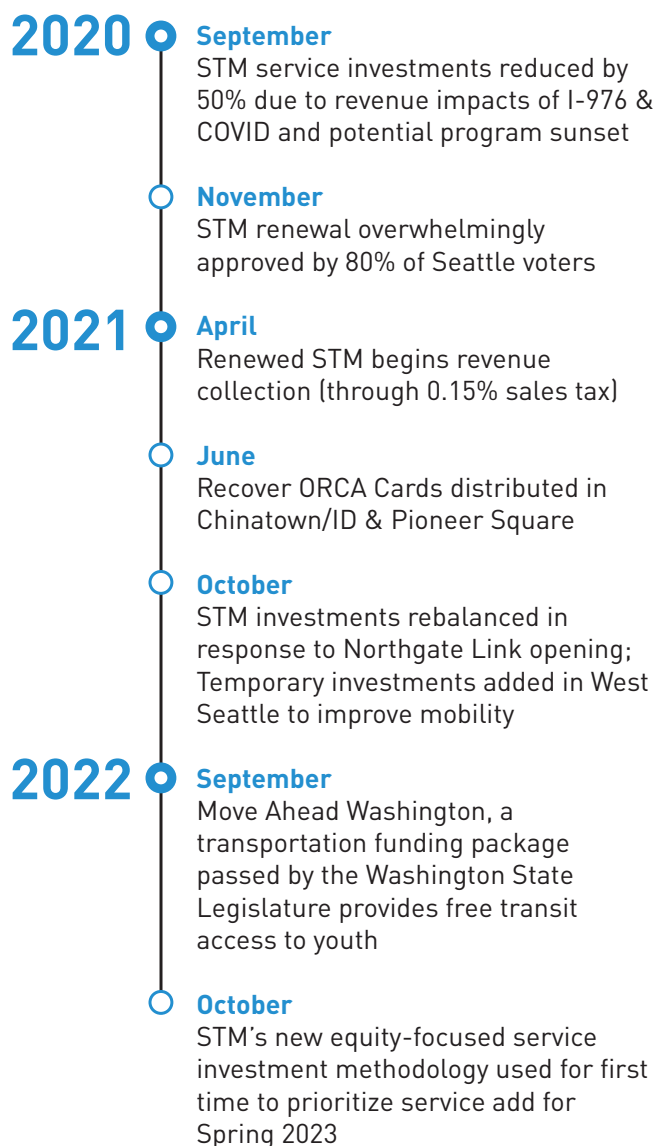
As the 2008-2009 recession lingered, King County Council voted to place a transit and transportation funding measure on the April 2014 countywide ballot. This ballot measure included a 0.1% sales tax and \$60 vehicle license fee (VLF), funding mechanisms available to the county through the King County Transportation Benefit District. The measure ultimately failed, with 45% of countywide voters voting in favor. Seeing that 66% of Seattle residents voted in favor of the County measure, the Seattle City Council voted to place a city-only version of the measure on the November 2014 ballot, funded by a 0.1% sales tax and \$60 VLF, but focused exclusively on funding transit service and transit supportive programs. The city-only measure, officially the Seattle Transportation Benefit District Proposition 1 (or STBD Prop 1), passed with 62% of Seattle voters in favor. STBD Prop 1 funded a significant increase in transit service in Seattle from 2015 to 2020, peaking at just under 350,000 annual service hours on King County Metro routes operating mostly within Seattle’s city limits, an investment equivalent to 8% of Metro’s countywide service network.

As STBD Prop 1 approached its expiration in December 2020, the COVID-19 pandemic in early 2020 sent profound ripples through the world of public transportation as ridership patterns changed almost overnight. In addition, voter initiative 976 (I-976) had just been approved by statewide voters, which removed the program’s ability to collect and spend the \$60 VLF which had historically been responsible for almost half of the program’s income. While the Washington State Supreme Court ultimately overturned I-976, the uncertainty of VLF as an eligible revenue source limited the City of Seattle to considering a sales tax only measure to replace STBD. Despite these challenges, a city-only renewal measure (funded by a 0.15% sales tax) was placed on the November 2020 ballot and approved by nearly 80% of Seattle voters. This new measure - Seattle Transit Measure or “STM,” - continued the same programming initiated under the previous STBD Prop 1. This included transit service investments,

capital projects, and low-income access to transit program, as well as the new emerging needs category which includes funding to respond to acute mobility needs throughout Seattle (such as the long-term closure of the West Seattle Bridge). Transportation advocates recognized that adding new funding categories could impact the program's original intent of funding transit service in Seattle and successfully lobbied for a provision that requires at least 50% of STM funding in any given year to be spent on transit service investments. STM's expiration is set for April 1, 2027.

Through STM, the city was able to preserve 180,000 annual hours of service investments, funded by sales tax, but needed to reduce overall investment due to decreased resources compared to the 2014 measure. This realignment of transit service investments came at a time when ridership was still relatively low on King County Metro routes due to the COVID-19 pandemic. In Fall 2020, Metro's system carried between 120,000 and 140,000 riders per day, compared to over 400,000 pre-pandemic. STM preserved investments on routes used by those who need transit service the most. The focus was on all-day service that maintained high ridership during the pandemic, such as the RapidRide E Line, C Line, and Routes 7, 40, and 120. More information on SDOT's use of STM in the response to the pandemic can be found in the [Seattle Transit Measure Year 1 Performance Report](#).

STM Timeline Sept 2020 - Oct 2022



TRANSIT SERVICE AND STM INVESTMENTS



The Seattle Transit Measure was renewed in November 2020 with 80% voter approval, showing that Seattle voters strongly support high quality, frequent transit service. The STM Ordinance also recognizes that recovery from the COVID-19 pandemic will include a variety of transit supportive activities. The STM program is tracking transit ridership growth, progress towards achieving the Frequent Transit Network vision, and the challenges that transit agencies face as they rebuild after the pandemic.

TRANSIT SERVICE CHALLENGES AND TRENDS

STM was approved during a period when COVID-19 was creating massive challenges for transit agencies across the United States (US). In the graph below, estimated ridership is shown as a percentage of pre-pandemic levels for the entire U.S., Pacific States (CA, OR, WA, and HI), and Seattle. Ridership in the Seattle area had rebounded at a slightly lower rate than the national average. However, this high level view is a lot more nuanced when looking at specific geographic areas and look at ridership by time of day and day of week.

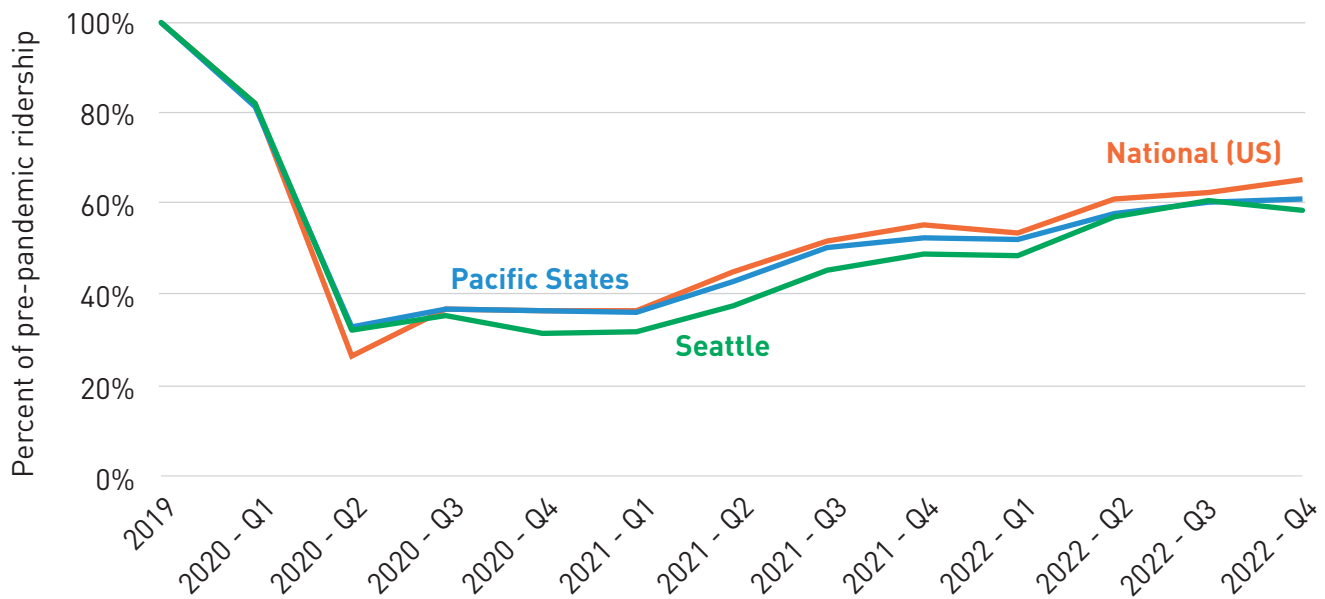


Figure 1: Transit response to COVID-19: Estimated ridership as a percentage of pre-pandemic levels in three geographic areas. Source: <https://transitapp.com/APTA>

With the onset of the COVID-19 pandemic, Metro ridership in Seattle dropped by 50% from Q1 2020 to Q2 2022. South Seattle neighborhoods have a higher proportion of low-income households and not surprisingly these are the areas that saw lower drops in ridership, as many people considered “essential workers” used transit to get to work and other services. During the early stages of the pandemic, students from grade school through college shifted to remote learning and workers not required to be on-site also generally worked remotely. This translated into larger drops in transit usage in areas of the city with more students and areas where workers had the flexibility to work remotely (which tended to be more affluent households).

After Gov. Jay Inslee announced an official “re-opening” of the state’s economy and cultural centers in June 2021, transit riders have gradually returned. Return to work policies continue to depend on the employer and remote work remains a popular option in Seattle, especially among the tech industry. Figure 2 shows the percent increase in ridership from the beginning of the COVID-19 pandemic to Fall 2022. Darkly-shaded blue areas indicate a stronger rebound during

this period, but also imply that ridership dropped more dramatically during the early phases of the pandemic. The lighter shades of blue show a more modest ridership increase; however, these areas retained some of the highest ridership throughout the COVID-19 pandemic. Other factors that may have influenced darkly- shaded areas in Figure 2: Northgate Link extension and the resumption of in-person classes at UW and other institutions of higher learning.

Pre-pandemic weekday transit ridership was concentrated on the AM and PM peaks, with 60% of rides in the fall of 2019 occurring during these times (Table 1). With many people shifting to remote work immediately after COVID-19 began, that percentage of riders travelling in the peak dropped to less than 50% and has stayed low. However, the percentage of ridership occurring at off-peak times (midday, evenings, nights, and weekends) increased in Seattle since 2019. This data shows that the FTN’s vision of frequent all-day transit service is as essential for a post-COVID era as it was before. The objectives of STM service investments support those workers that work on-site, often during non-traditional hours. In addition, by investing in additional service at times when

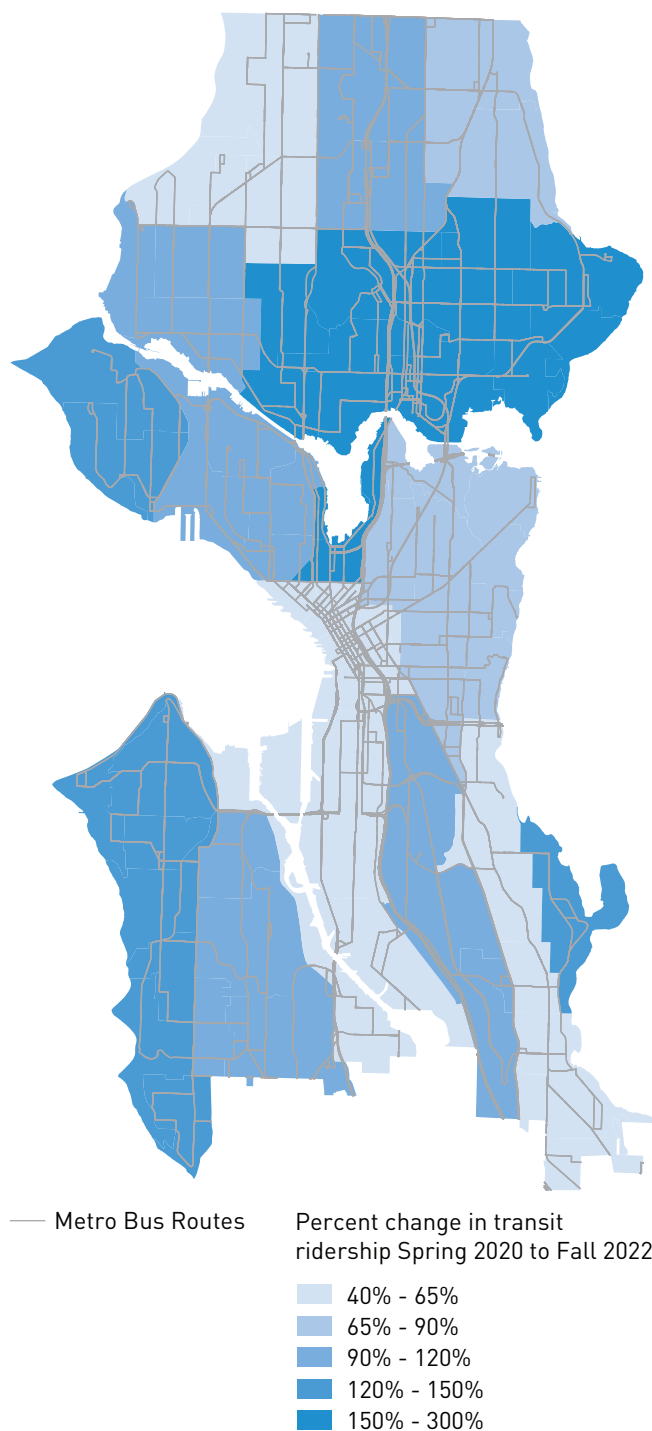


Figure 2: Map showing percent increase in ridership from the beginning of the COVID-19 pandemic to Fall 2022.

ridership alone may not warrant higher service levels, STM supports a high quality of life for Seattle residents by increasing access to all-day service (TEF 19.6).

Like other transit agencies around the country, King County Metro reduced and suspended service during the COVID-19 pandemic. Similar to trends seen nationwide, the transit operator shortage continues to limit the amount of service King County Metro is able to operate. Metro's system continues to operate with service reductions or suspensions in place. In addition, unforeseen bus maintenance issues and bus maintenance workforce constraints added to the challenges Metro faced in restoring service. SDOT continues to work with Metro to support delivery of STM investments on key routes. Metro and SDOT recognize that the transportation landscape has changed (see ridership changes described above) and that collectively both agencies need to identify and plan for the transit needs of the future.

Progress towards Seattle's Frequent Transit Network (FTN) has been slowed due to these challenges facing Metro. However, SDOT continues to work to ensure STM service investments are helping historically and currently disadvantaged communities throughout the city. Furthermore, SDOT is looking beyond fixed route service to flexible services, additional capital programming, and new program development under the TAP and Emerging Needs programs.

HOW STM SERVICE IS INVESTED

SDOT believes STM service investments should align with the City of Seattle's Race and Social Justice Initiative (RSJI). A Racial Equity Toolkit (RET) lays out a process to guide the development, implementation and evaluation of policies, initiatives, programs, and budget

TEF Value: Infrastructure Planning & Maintenance

Tactic 19.6: Prioritize person-throughput as metric rather than vehicle throughput.

	Fall 2019	Spring 2020	Summer 2021	Summer 2022
AM Peak - 6 am – 9 am	23%	17%	19%	18%
Midday 9 am – 3pm	29%	36%	34%	33%
PM Peak 3 pm – 6 pm	37%	30%	32%	33%
Evening 6 pm -10 pm	8%	11%	10%	10%
Night 10 pm – 6 am	3%	6%	5%	5%

Table 1: Percent of average daily boardings by time of day

issues to address the impacts on racial equity. In 2021, a RET of the service investment portion of STM focused on understanding the impact of the program, defining equitable outcomes, and developing a roadmap to achieve those outcomes. One key finding of the RET was the need for a more objective, equity-forward process for identifying new STM-funded service investments.

Beginning in late 2021 and continuing through mid-2022, SDOT engaged the Transit Advisory Board (TAB) to help develop investment criteria for the program. Equity-focused priorities centered around providing new service on routes throughout the city that are more likely to be utilized by historically and currently disadvantaged communities, and at times of the day and on days of the week during which more equity-priority populations are utilizing transit (TEF 33.1, 34.1). Comparing these factors against current gaps in the City’s Frequent Transit Network (FTN) creates a list of investment priorities that explicitly prioritize equity above other factors.

Equity Priority Area: July 2022

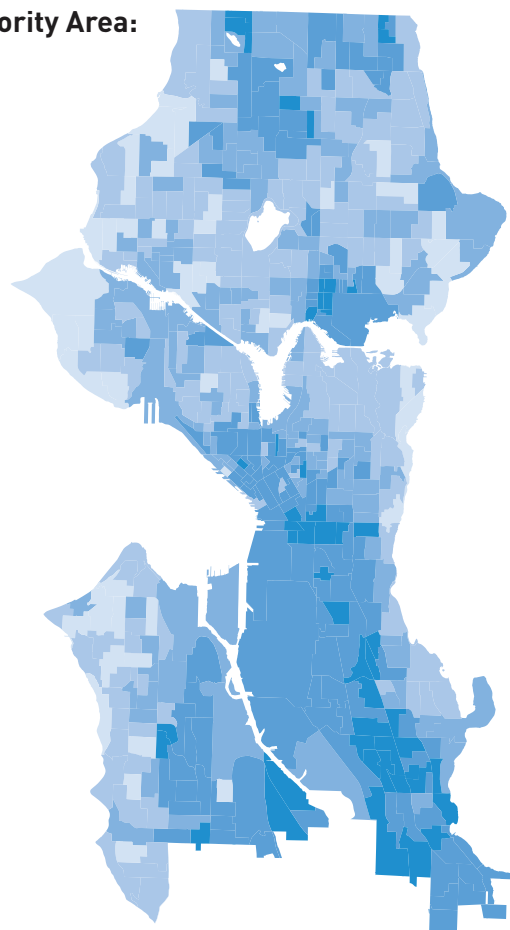
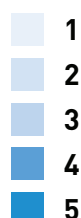


Figure 4: Equity Priority Score by Block Group

TEF Value: Mobility & Transportation Options

Tactic 33.1: Continue to promote remote work and flexible work options at large employment sites citywide, and identifying opportunities where we can better support working-class populations.

PRIORITIZATION METHODOLOGY DETAILS

1. Identify potential service investments

Every all-day bus route serving Seattle has one of three target service levels defined by their frequency: 10-minute (Very Frequent), 15-minute (Frequent), or 30-minute (Local) service, with lower frequencies on evenings and weekends. We measure existing service levels to find which routes and times need additional service investments to meet their targets. This set of route/time combinations makes up the list of potential STM service investments.

2. Score by route

Each bus route has an Equity Priority Score between 1 and 5, determined by the proportion of people living nearby who are BIPOC, low-income, foreign-born, disabled, or who have limited English proficiency. This prioritizes investments on routes that serve equity priority populations.

3. Score by time of day

For each route, we use ORCA data to see when people paying reduced fares (Lift, Disabled, Senior, Youth) make up a disproportionate percentage of riders compared to the average for the route. Scores are between 1 and 5 for each time period (Weekday AM, midday, PM, Evening, and Night, and Weekend Day, Evening, and Night). This prioritizes times of day when equity priority populations rely on transit.

4. Score by existing service level

Each potential service investment gets a score between 1 and 5 based on how deficient the current service level is, with higher scores given to route/time combinations that have bigger gaps between existing and target service levels, or that currently have very low service levels. This prioritizes a minimum standard of usability for all routes.

5. Combine scores

The final score for each potential service investment is the weighted average of the route score (50%), the time of day score (25%) and the existing service level score (25%). Potential investments are ranked and prioritized in order according to the available resources.

New service investments can occur as often as twice a year, during King County Metro's spring and fall service changes. Prioritization scores are re-calculated after each service change to reflect the current gaps in the transit network. The first service period when the new investment prioritization criteria was used was for the spring 2023 service. As called out in the 2021 RET, STM will revisit and routinely refine STM's prioritization criteria to ensure that it reflects the current needs of Seattle's priority equity communities.

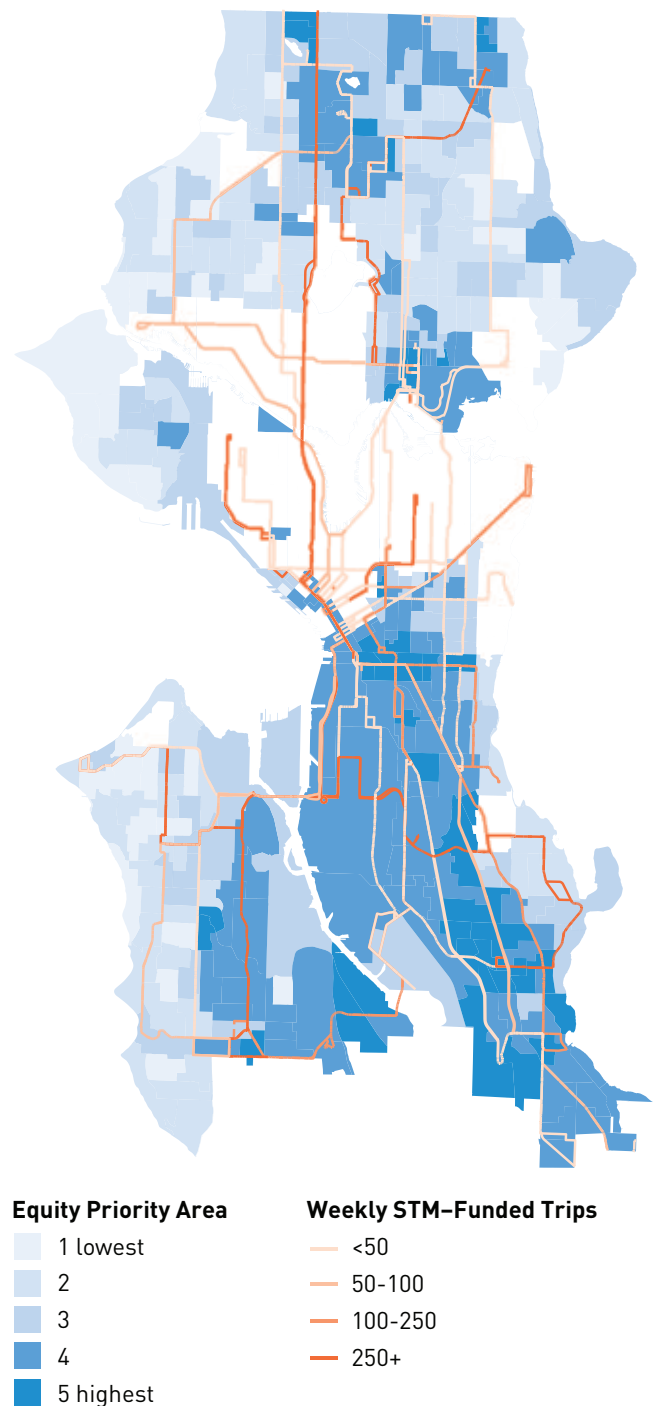
STM SERVICE INVESTMENT METRICS

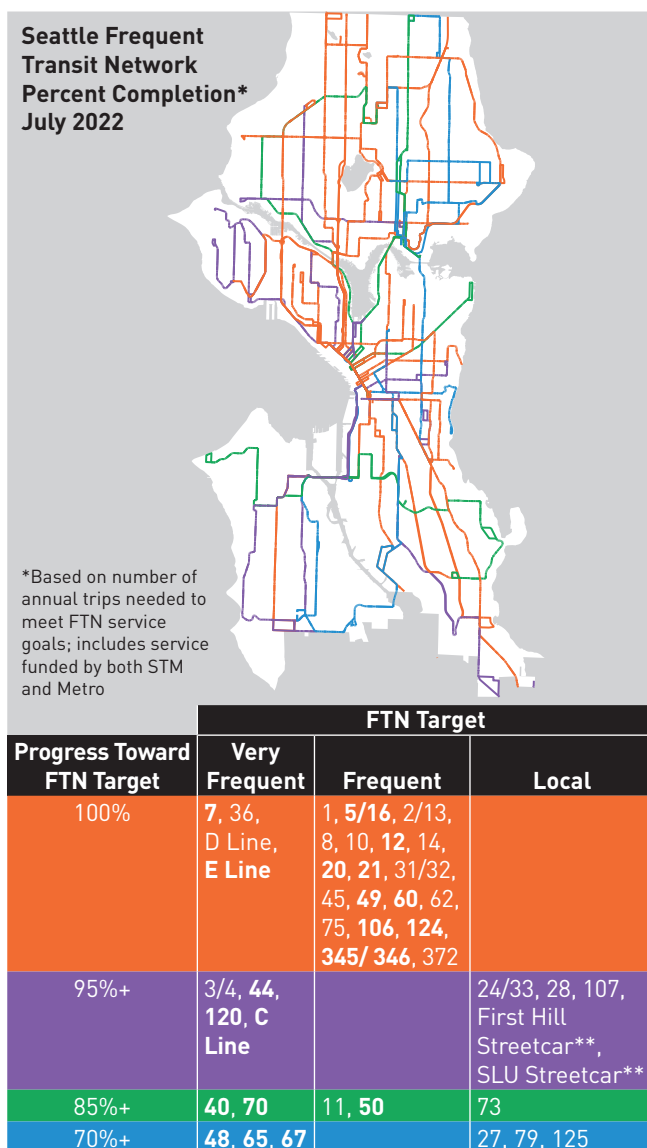
STM's service investments follow from the gaps in the Frequent Transit Network (FTN) and the equity-focused prioritization methodology outlined above. Service investments take the form of additional trips and service hours on existing Metro routes to increase the frequency and/or extend the span of service. STM primarily seeks to make investments that result in more consistent all-day frequencies, provide more service during off-peak periods (when transit is more likely to be used by those more dependent on the service), and focus on delivering the FTN. STM currently funds 3,233 additional weekly bus trips (see graphic on next page) on Metro routes operating within Seattle. These trips are spread across the week, with 2,480 trips on weekdays (496 per day), 311 on Saturdays, and 442 on Sundays. Only 20% of these trips are during the typical AM or PM peak commute periods, while the remaining 80% are supporting off-peak travel in the midday, evenings, nights, and weekends.

Frequent Transit Network Progress

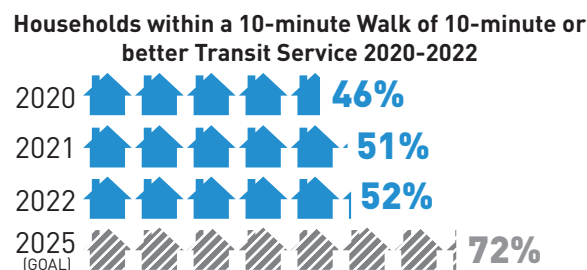
As mentioned above, off-peak service investments are critical in our efforts to deliver the city's Frequent Transit Network (FTN). Established in Seattle's 2016 Transit Master Plan, the FTN aims to deliver a network of frequent, reliable service connecting urban villages and urban centers (areas designated in Seattle's Comprehensive Plan) throughout the day, every day. Progress towards delivering the target FTN has slowed since the onset of COVID-19 in 2020. Despite challenges in adding additional transit service, STM sought to preserve service improvements that were directly benefiting essential workers and historically and currently disadvantaged communities throughout the city (TEF 33.1, 34.1). Routes on the target FTN are broken into three categories (The map on the next page shows the program's progress towards bringing each FTN route up to its target definition):

- **Very Frequent:** 10-minute service from 6AM – 7PM on weekdays, and 15 to 20-minute service at all other times and days of the week (aligns with the Move Seattle transit promise, seeking to provide 72% of Seattle households with at least one 10-minute or better transit route within a 10-minute walk by 2025)
- **Frequent:** 15-minute service from 6AM – 7PM on weekdays, and 30-minute service at all other times and days of the week (aligns with the city's parking flexibility areas, in which parking minimums are reduced or removed when in close proximity to frequent transit)
- **Local:** Minimum of 30-minute service, 18-hours per day, seven days per week





Bold: Improvement compared to 2021
******The First Hill and SLU Streetcar are not funded by the STM.



The Move Seattle Transit Promise: Improving Access to Very Frequent Transit Service

As a part of the 2015 Move Seattle Plan, the City established a goal of providing 72% of Seattle households with a transit route operating with 10-minute or better service within a 10-minute walk by 2025 (with an interim goal of 53% of households by 2020). Transit service reductions in September 2020 limited progress towards this goal to 46%. Due to service restorations and the opening of three new Link light rail stations in north Seattle, coverage jumped to 51% in 2021, and then remained essentially flat in 2022 at 52%. Achieving the Move Seattle Transit Promise remains a key goal of the STM program moving forward; however, Metro workforce challenges remain a constraint as transit service recovers from the COVID-19 pandemic.

FUTURE WORK

The Seattle Transportation Plan

This Seattle Transportation Plan (STP) will establish a renewed vision for the future of streets and public spaces in Seattle. The STP will be grounded in SDOT's vision, mission, values, and goals – the foundation for the planning process – and build on Seattle's existing plans, including the Transit Master Plan, and the Comprehensive Plan Update. At the same time, the plan will address Seattle's urgent climate, equity, and safety needs, bring bold solutions to the toughest challenges, and reflect community aspirations to establish an inclusive vision.

The STM team has joined the SDOT Transit and Mobility Division to provide input on the transit element of the STP. Of particular relevance, the STM will include a refresh of the Frequent Transit Network, updating the vision of a high frequency transit network for all Seattleites. Starting in 2024, STM will update its service investment prioritization process with the new FTN.

Comprehensive review of previous STM service investments

STBD Prop 1 and STM service investments have ebbed and flowed over time due to changes in funding levels, COVID-19, and other factors. Many investments in specific routes are carried forward from service period to service period to ensure dependable service for transit riders. As mentioned, the STM Investment Prioritization Methodology was created last year in response to recommendations in a 2021 Racial Equity Toolkit (RET). The RET committed STM to regularly evaluate which areas of Seattle are underserved and should be prioritized to support racial equity and BIPOC communities. The new prioritization methodology can be used to evaluate previous service investments as well as prioritize new ones. The STM Program will undertake a review of previous service investments in 2023 utilizing the equity-focused methodology developed in 2022 (TEF 34.1).

Considering on-demand transit service

Metro Flex is an on-demand service that connects riders to and from transit and to destinations within multiple neighborhoods in King County. Currently, there are two service areas in Seattle: near Othello and Rainier Beach Link light rail stations. Riders in the service areas can download the Via app or call to request a ride. The voter-approved STBD Proposition 1 funded four pilot service areas in South Seattle in 2019. The passing of I-976 and the onset of COVID-19 in Q1 2020 prompted the city to scale back funding of the program. The program is now planned and administered by Metro and operated by Via.

On-demand transit has the potential to strengthen access to existing transit service as well as increase mobility for transportation vulnerable residents. It works best as a coverage service in areas with low to moderate population density and geographical challenges for larger, fixed route transit buses. The STM team is exploring investing in on-demand transit and has initiated an evaluation and prioritization methodology that leverages the Equity Priority Areas explained above (TEF 35.1, 31.3). Ultimately, STM is focused on fixed routes transit investments in order to deliver the FTN vision, but on-demand service is a proven tool in the mobility toolbox.

TEF Value: Mobility & Transportation Options

Tactic 35.1: Invest in connections to transit that serve specific neighborhoods and/or target populations, both new (e.g., inclusive mobility on demand pilot for older adults and people with disabilities) and existing (e.g., Via to Transit “pilot” which has been running for 2 years) through grant opportunities and SDOT budget line items.

TRANSPORTATION ACCESS PROGRAM



The STM-funded Transportation Access Program (TAP) is a suite of programs that provide affordable, safe, and equitable access to public transportation by providing transit resources and community-centered programming to diverse Seattle communities. A part of SDOT's Transit and Mobility Division, TAP's nine programs create opportunities for Seattle's most vulnerable residents to better understand how to access and navigate transit as well as provide direct economic benefits via subsidized transit pass programs. This section is divided into three parts: an overview of the populations served, program descriptions, and a description of the TAP program creation process.

POPULATIONS SERVED BY TAP PROGRAMMING

SDOT places equity at the heart of its work; providing all Seattle residents the option to travel safely and easily wherever they need or want to go is one of the agency's core priorities. In recent years, SDOT has invested resources directly into this goal, both by embedding equity lenses into everyday work like capital project improvements and by creating teams and programs dedicated to advancing equity in transportation. Up to \$10 million of STM funds are dedicated to improve transit access annually through TAP programs. The value of these programs focusing on transit access cannot always be captured in numbers,

as the quotes and pictures scattered through this section attest. The table below summarizes how each population served through these programs has distinct challenges when it comes

to safely navigating the transit system, paying for transportation, and traveling to a variety of destinations, often at off-peak times of day.

	Affordability	Mobility/ Navigation	Safety
Low- and No-Income Residents	<ul style="list-style-type: none"> Being able to pay for transit or other forms of transportation is an extreme burden 	<ul style="list-style-type: none"> Service providers and where people live are spread out, and have become more so since the pandemic Existing discounted transit programs place a heavy burden of proof on the applicant 	<ul style="list-style-type: none"> Low/no-income riders are often stigmatized and face safety issues from other riders or enforcement officers
Low-Income Workers	<ul style="list-style-type: none"> Transit and other forms of transportation are proportionally more costly for low-income workers. As the city's cost of living has increased, more people should be eligible for discounted cards but regional discounted card policies are updated infrequently 	<ul style="list-style-type: none"> Many low-income workers tend to hold jobs that require a commute to a physical location May live farther from their destination or need to travel at off-peak times meaning longer and, sometimes, more costly trips 	<ul style="list-style-type: none"> Many low-income workers may be of other marginalized groups Shift work often requires travel at off-peak times, when transit service is less frequent
Students and Youth	<ul style="list-style-type: none"> Youth are less able to afford transit and are almost always low-income or reliant on family for finances 	<ul style="list-style-type: none"> Most youth cannot drive. Licensed youth and young adults often lack regular access to a vehicle 	<ul style="list-style-type: none"> Youth may have psychological and physical vulnerabilities than other transit riders do not have
Seniors	<ul style="list-style-type: none"> Retired seniors are generally no-income or living on a fixed-income 	<ul style="list-style-type: none"> Physical accessibility: Walking to and from transit stops and going up and down stairs can be particularly difficult for seniors Seniors may be less technologically adept than other riders 	<ul style="list-style-type: none"> Disability rates are higher among seniors than other age groups. Seniors are often more physically vulnerable than other riders

TAP PROGRAMS

TAP programs can be divided in to two large groups: fare subsidy programs and community engagement/education programs. Each program is described below, with a focus on activities that occurred in 2022 and referencing the priority populations described above.

Subsidy-based programs

The four subsidy programs provide fully subsidized ORCA cards to eligible participants. Taken as a whole, program participants saved \$4.8 million from their household budget in 2022.

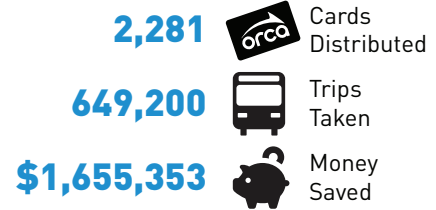
Recovery Card Program

Recognizing the disproportionate impacts of the COVID-19 pandemic on workers who, by virtue of their job, could not transition to remote work and needed to continue to travel on a daily basis, a new Recovery Card Program was created to support essential workers' access to low-cost transit and facilitate an economic recovery from the pandemic. This program began in summer 2021, focused on offering employees of small, food service or grocery businesses in disproportionately impacted neighborhoods temporary, fully subsidized ORCA cards. In its first stage, the program was offered in the Chinatown-International District (CID) and Pioneer Square. Recovery cards are currently set to expire on August 31, 2023.

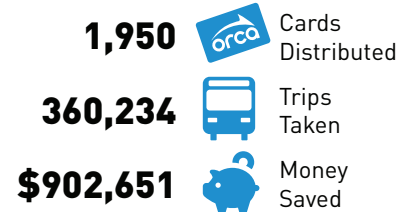
The program was a runaway success, boasting the highest ridership of all TAP programs and receiving positive feedback from participants (TEF 46.1). In response, in summer 2022, TAP expanded the Recovery Card Program to include food service and grocery businesses in Othello and Rainier Beach. Expansion to Othello and Rainier Beach provided unique challenges, such as an increased language scope, spread-out nature of businesses, and potential community

TEF Value: Mobility & Transportation Options
Tactic 46.1: Evaluate the Recovery ORCA Card pilot.

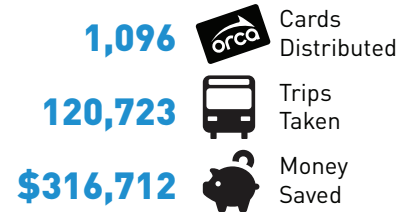
Recovery Card Program Performance



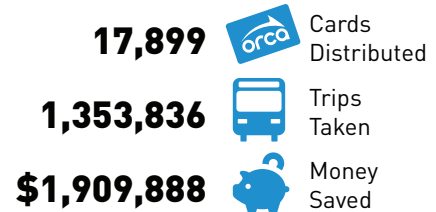
ORCA Opportunity Seattle Housing Authority Performance



ORCA Opportunity Promise Scholars Performance¹



ORCA Opportunity Youth Performance²



¹330 participants were added in or after August 2022 - the rest were added August 2021.

²We pay a discounted rate for these rides (mostly \$1-\$1.50 per ride) and these numbers are for Jan 2022 - Aug 2022, before Free Youth Fares took effect.

mistrust of government. SDOT employed several Community Liaisons (CLs) through the City's Department of Neighborhoods (DON) to conduct in-language door-to-door outreach to businesses and encourage employees to sign up for the program. The expansion of the Recovery Card Program in 2022 was successful largely in part to the great support of the CLs.

The Recovery Card Program continues to allow rolling applications through an online portal. As of the end of 2022, there are 2,281 participants across 215 businesses. These participants took a total of 649,200 trips in 2022 and saved \$1.65



Enrolling new participants onto the Recovery Card Program in Othello in summer 2022

million dollars, or an average of 285 trips and \$725 saved for each participant.

Throughout the life of the program, participants have cited how the Recovery card has helped them improve several significant aspects of their lives. In a December 2022 survey taken by 285 program participants, 85% of respondents said they used their card to take transit at least 3 days a week and 93% said they took transit more often now that they had a Recovery card. Respondents said the program has been lifechanging in multiple ways:

- Helping them keep and find job opportunities
- Encouraging modeshift to transit among participants with access to a vehicle

- Keeping them financially afloat
- Allowing them to participate in their communities and explore the city

Understanding how the Recovery Card Program supports essential workers and small businesses beyond just simplifying work commutes highlights how transformative access to transit can be for low-income, essential workers. SDOT is currently exploring opportunities to offer the Recovery Card Program in other equity-priority neighborhoods throughout Seattle (TEF 16.1).

TEF Value: Mobility & Transportation Options

Tactic 16.1: Engage with local BIPOC-owned businesses to determine how SDOT can support their employees' transit and transportation needs for commuting.



Community Liaisons conducting outreach for the Recovery Card Program expansion in Rainier Beach in summer 2022

QUOTES FROM 2022 RECOVERY CARD PARTICIPANTS

“You don’t know how much this program has helped me out. When I first got the Recovery card, I was close to having to shut off my phone (which I needed for work). Covering my transit costs has allowed me to keep my job and pay my bills. Having a card that is cross agency has also allowed me to see more of my friends and family that live in neighboring counties. Thank you so much!”

“Having this card has drastically cut down on how much I’m driving and spending on the bus fare out of pocket. It’s transformed the way I navigate the city!”

“It is a big help. My income isn’t low enough to get some help from the government, (but I’m) still low income. I’m in my 50s (and am) working to support myself. This ORCA Recovery card gives me peace of mind. Thank you.”

ORCA Opportunity SHA Pilot (now SHA Transit Pass Program)

The SHA Transit Pass Pilot Program works with the low-income residents of the Seattle Housing Authority (SHA). The pilot saw its start in 2019 following a mayoral directive to redirect \$1 million to support transit access for SHA residents. Residents at two dozen SHA properties who were between the ages of 19 and 64 and at or below 30% Area Median Income (AMI), were offered a temporary, fully-funded ORCA card. Significant interest in the program from SHA residents led to active plans to grow eligibility for the pilot. In early 2022, the ORCA SHA pilot expanded to allow for rolling admissions from residents at eligible SHA properties and served 1,950 residents at the end of 2022. Collectively, participants took 360,234 rides in 2022, saving over \$902,651 in out-of-pocket expenses.

Pilot program participants shared that having access to these fully-subsidized ORCA cards have been instrumental in increasing their ability to travel in the region. To many, the value of a free transit pass means the freedom and ability to make a doctor's appointment or visit a park with family. An estimated 10,000 SHA residents could benefit from this change.

ORCA Opportunity Youth (now Free Youth Transit Pass)

By the first half of 2022, the Youth Program had grown from supporting free transit for 300 income-eligible Rainier Beach High School students in 2016 to all Seattle Public High School and Seattle Public Middle School students. However, in recognition of the unique challenges facing youth, the Washington State Legislature included free youth transit fares in the Move Ahead Washington transportation funding package, signed into law in March 2022. In order to be eligible for funding under the law, transportation agencies were required to allow all riders 18 years of age and younger to ride free of charge beginning no later than Oct. 1, 2022. Most transit agencies like Metro implemented the

HERE'S WHAT SHA PARTICIPANTS HAVE TO SAY

"My family has never been on a train (any rails), ferry, let alone a streetcar and have never seen so many different forms of transportation! Not only do we want to discover where and what different places can be discovered, but my goal is to ride every King County Metro Transit bus, etc. so that we can see and explore the locations of where the transportation begins, ends, and where they go."

"The free ORCA card will allow me to go to doctor appointments, shopping, school, and training programs without worrying about how I will get there. Thank you."

change in September 2022 to correspond to the start of the 2022-2023 school year. This state-level change meant that the ORCA Youth program could be phased out, opening the door for SDOT to reinvest those dollars in other fare subsidy programs such as the Seattle Housing Authority Transit Pass. The one lingering need for youth fare subsidies is that the Washington Free Youth Fare Program does not cover rides on the Seattle Center Monorail, a city-owned but privately operated transit service. SDOT has allocated funds to provide access to the Monorail for The Center School students (due to their proximity to the service) and other youth that ride monorail with an ORCA card. Washington State's Free Youth Transit Pass has allowed SDOT the opportunity to continue funding our lowest income households to support continued access to transit.

ORCA Opportunity Promise Scholars

Seattle Promise is a joint program between Seattle Colleges, Seattle Public Schools, and the City of Seattle that offers any graduate of a Seattle Public High School 2 years of tuition-free enrollment at any of the three Seattle Colleges. Students who enroll in this program are known as Promise Scholars, and, in addition to free tuition, they are offered a plethora of other resources to increase their success in college and beyond. All Promise Scholars receive a fully funded ORCA card that will last for the duration of their time as a Promise Scholar.

In 2022, due to the Washington State Free Youth Fare Program granting all youth 18 and under free transit, Promise Scholars over 18 were given a Promise Scholar ORCA card funded by STM at their summer college. All other Promise Scholars are now mailed an ORCA card the month of their 19th birthday. At the end of 2022, SDOT had given out ORCA cards to 330 Promise Scholars in the freshman cohort of 2022, making the total amount of active cards among current Promise Scholars 1,096. An additional 298 first-year students will turn 19 and receive their cards by June 2023.



Recovery card distribution event

Jump Start ORCA Program

The Jump Start ORCA Program entered its second year in 2022. The program was launched in partnership with Seattle Public Schools (SPS) to support families with children attending the Jump Start Kindergarten Transition Program, a week-long program in the summer meant to prepare children about to attend kindergarten transition to spending long bouts of time without family and with other children. SPS originally reached out to SDOT after noticing that travel to and from Jump Start schools was a challenge for families, particularly low-income families, and that this led to discrepancies between Jump Start registration and actual attendance.

To address this issue, SDOT offered Jump Start families up to four ORCA cards, each preloaded with \$35, upon request. 98 cards were distributed to 46 families in 2022. Building off what was learned in 2021, the Jump Start ORCA Program started outreach to schools and families earlier in the summer of 2022 and families were able to request cards be sent directly to their address instead of needing to pick them up onsite from a school administrator. Though the program is TAP's smallest, helping students access important educational and development opportunities is a core tenant of TAP's youth programming. Unfortunately, due to SPS budget cuts, the Jump Start Kindergarten Transition Program will be on pause in 2023. TAP is currently working with SPS to explore other ways to support underserved families of preschool students.

COMMUNITY ENGAGEMENT PROGRAMS

Youth Ambassadors

The Youth Ambassador Program empowers youth by offering them leadership and education opportunities related to community and transit (TEF 31.5). In 2021, SDOT partnered with two community organizations to offer transit and community organizing oriented classes to two youth cohorts. These partnerships have since



ended as the TAP team is focused on in-house programming for the Youth Ambassadors Program. 2022 saw the start of a new partnership with the Seattle Youth Employment Program (SYEP), a City program housed within Seattle's Human Services Department that supports young people from low-income households and communities that experience systemic disparities be prepared for and find meaningful, well-paying job opportunities. SDOT's Youth Ambassadors Program provides paid placements

When asked what the most important things or skills they learned from the Youth Ambassadors Program were, they responded that they learned how to push through challenges and embrace a learning mindset. Ambassadors were also excited to learn about micromobility, particularly about scooters.

When asked to summarize their time in the Youth Ambassadors Program, they responded that it was “educational, enjoyable, fun, and really cool to learn about green spaces.”

for SYEP participants interested in transit, government, and community work. In 2022, the Youth Ambassadors welcomed two summer SYEP interns who were tasked with helping create plans for the future of Senior Programming.

In October 2022, the TAP team launched a Youth Ambassadors cohort with nine SYEP participants. These Ambassadors will work with SDOT for the duration of the school year and learn about transit and build leadership skills, cumulating in a youth-led transit-oriented project.

Senior Programming

TAP’s Senior Programming, formerly the Senior Regional Reduced Fare Permit (RRFP) Program, was renamed in 2022 to avoid confusion with King County Metro’s discounted RRFP ORCA card for seniors and those with disabilities (TEF31.3). Through partnerships with Hopelink and individual senior centers throughout Seattle, SDOT encourages enrollment in King County Metro’s discounted RRFP ORCA card program

and puts on educational transit field trips to help seniors find familiarity and confidence on transit.

In 2022, the TAP team paused the program to analyze how it could be updated and improved in 2023. Senior programming has historically worked with the same four senior centers, but while programming was well received, this approach limits the program’s audience. Senior Programming reached the upper limits in its goals to enroll folks onto the RRFP card at these senior centers and so has stopped offering new RRFP enrollees a one-time \$36 ORCA voucher. To learn more about how to evolve the program, the TAP team surveyed and conducted focus groups with seniors at these four centers and learned that seniors found the accessible transit field trips most enjoyable and useful (TEF 47.1). With this outcome in mind, TAP plans on working with a variety of senior centers and community partners to put on monthly experiential learning events in 2023.

TEF Value: Mobility & Transportation Options

Tactic 47.1: Conduct annual community discussions with community-based organizations to assess ridership experience in BIPOC communities and include results in annual transit-related workplans and decisions.



Senior Programming Amharic, Chinese, and Spanish focus groups in fall 2022

At the end of 2022, TAP conducted a series of focus groups to assess how seniors were or were not adjusting to the three new North Link light rail stations and the surrounding transit changes. Participants' comments and suggestions were passed on to other SDOT staff that work with Sound Transit and King County Metro to coordinate around light rail expansion projects.

Uplift Seattle's Equitable Access to Transit (U-SEAT)

In 2022, SDOT explored a new partnership with Uplift Northwest and the University of Notre Dame's Lab for Economic Opportunities (LEO) to create U-SEAT, a research project that will evaluate the effect of free transit on low-income worker's employment outcomes.

Uplift Northwest, formerly the Millionair Club, is a Seattle-based nonprofit that provides jobs

training, work opportunities, and other support services to people experiencing poverty and homelessness. Each year, their temporary staff agency connects hundreds of their clients with various jobs in and around Seattle. Like most non-profits, Uplift Northwest can offer their clients human service bus tickets to get around, but these are limited in that they are one-time use and cannot be used on Link light rail.

LEO is a research branch of the University of Notre Dame that focuses on working with local governments and nonprofit organizations around the country to implement robust evaluations of poverty interventions. In 2022, LEO invited TAP to partake in its Seattle cohort program with other nonprofits and government agencies in the Puget Sound region. Participating organizations work with LEO to create and run impact evaluations on poverty-alleviating programs.

In 2022, in collaboration with Uplift Northwest and LEO, SDOT planned a research project to understand the effect of fully subsidized transit on employment outcomes among low-income populations. In March 2023, the project team will embark on a 3-year-long randomized controlled trial research project and offer Uplift Northwest clients seeking job opportunities the option to join the study. Study participants sorted into a treatment group will receive a one-year fully funded ORCA card while control group members will receive a \$10 preloaded ORCA card. Employment and ridership outcomes of all participants will be tracked for one year after they join the study. This research project is set to launch in March 2023. While SDOT already reaches out to low-income workers in other TAP programs, U-SEAT offers a unique opportunity to conduct a randomized controlled trial to truly assess the impact of free transit on this population. Results from this study will help SDOT understand where and how to invest TAP funding in the future.

Solid Ground Downtown Circulator

The Solid Ground Downtown Circulator began in 2012 in partnership with the local nonprofit Solid Ground as a mitigation effort when Seattle's "ride-free" area ended. With proximity to 32 health and human service providers, the Downtown Circulator is a free, fixed-route, day-time shuttle meant to connect low/no income and disabled people to services downtown. Riders do not need anything to take the shuttle and can simply hop on and off.

At its peak ridership, the Circulator moved over 3,000 people monthly. Unfortunately, the service took a severe hit during the COVID-19 pandemic and has not recovered. The Downtown Circulator has not been promoted in nearly a decade, and outreach to service providers found that nearly all organizations no longer employ staff who



SDOT and Solid Ground worked together to design and install new signs for each of the Circulator's seven stops

have knowledge of this service. Nonetheless, research conducted by Hopelink, a frequent TAP community collaborator, in 2018 has indicated that there is a strong need for this service to exist and be improved.

In response, SDOT undertook a promotional "revamping" of the Circulator in 2022 by creating a webpage, informational phone line, and promotional materials for the service. The bus stops along the route were signed and the TAP team reconnected with service providers. Ridership currently sits at an average of 287 per month. While relatively low, this ridership reflects a small upwards trend. Improved marketing efforts will continue in 2023.

Program Creation Process

Beyond programming, SDOT's TAP team fosters and maintains partnerships with agency partners and with community organizations and service providers. Outreach, collaborative communication, and trust and understanding between target populations and government takes continuous work. By working with community partners and communicating directly with program participants, TAP fosters a sense of reciprocal trust, is able to better understand the needs and challenges of the community, and builds programs that better reflect the desires of the populations served.

Transportation access programs are brought forth in several ways, but always focus on an unmet need in the community. Community partners or agencies may directly reach out to TAP to discuss the possibility of a partnership, or TAP may internally recognize the need for a program targeting an underserved population. Once a need is identified, staff may conduct research, organize interviews with community members, and/or speak with on-the-ground community

partners to formulate what a program that would best serve the target population should look like. Limits of STM funding and staff resources are also considered.

New programs are often initiated as pilots to test assumptions and begin building relationships in community. Once a program is launched, SDOT conducts focus groups, administers surveys, and tracks application and ridership data to understand how a program is working and if it needs to be changed. Evaluation has become a core part of TAP's process; annual evaluations are conducted and programs are adjusted or revamped as necessary. Through the evaluation process, TAP determines how pilots should move forward. Some programs can become permanent programs at SDOT, while others go through additional iterations or even are spun off or captured by other programs or organizations. The program creation process that TAP staff have honed over the last half dozen years represents a model for how to work in community, identify programming gaps, develop pilot programs and then evolve and expand successful programs.



EMERGING NEEDS



The renewed 2020 Seattle Transit Measure includes a new spending category, referred to as “Emerging Needs.” This category provides flexible funding to respond to needs resulting from on-going emergency situations, such as West Seattle Bridge closure and recovery from the COVID-19 pandemic. These dollars can be used for efforts in-line with past programmatic activities (such as additional transit service and small-scale capital projects), but also more flexible uses (such as transportation demand management, or “TDM”

activities and other innovative partnerships with King County Metro). In 2022, funds were used to support transit service investments on key West Seattle routes and provide incentives to encourage alternative modes of travel during the bridge closure. STM funds also support programs focused on the recovery of transit service and transit usage from COVID-19. These programs center around emerging transit technology, TDM, and rider incentives.

WEST SEATTLE BRIDGE EMERGENCY

On March 23, 2020, the Seattle Department of Transportation closed the West Seattle Bridge to all vehicle traffic due to the accelerated growth of new and existing structural cracks. To help mitigate the direct impacts to West Seattle travelers and the indirect impacts of likely detours on neighboring communities, SDOT developed strategies to help reduce single-occupancy travel and encourage travelers to utilize alternative modes – such as walking, biking, public transportation, and more.

Service Investments

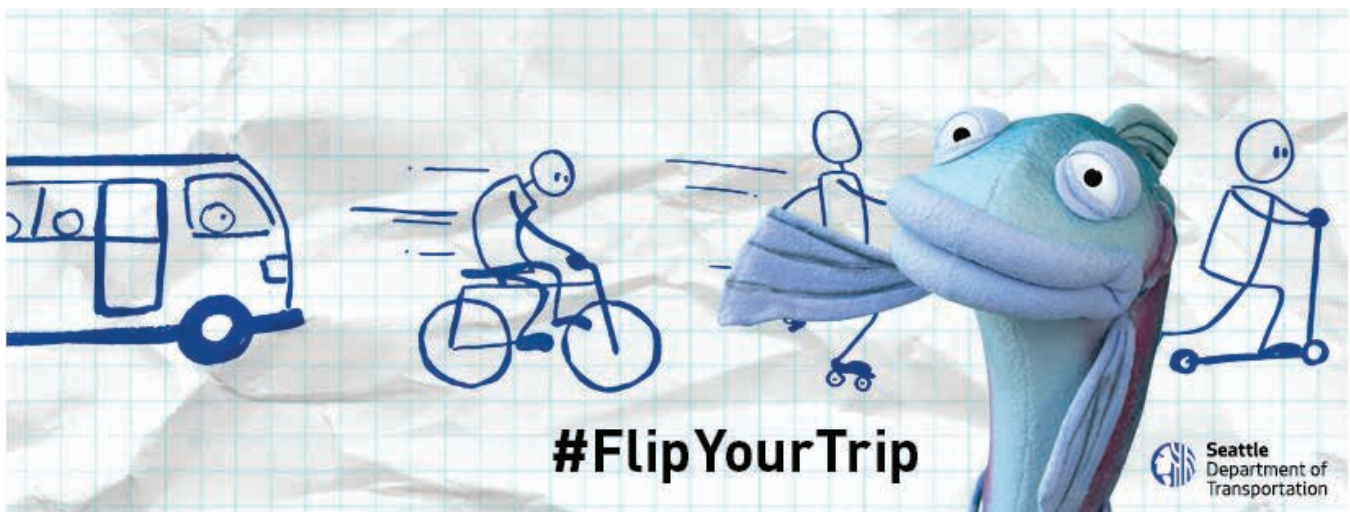
In 2021, nearly 25,000 annual hours of transit service were added to four all-day King County Metro routes in West Seattle: Routes 50, 60, 120, and RapidRide C Line. These routes provide robust and frequent mobility within West Seattle as well as connections to neighborhoods and services outside of West Seattle. The service investments focused on West Seattle have continued after the reopening of the West Seattle Bridge, but will be evaluated in 2023 as part of a comprehensive review of previous service investments to determine whether they continue to align with broader program goals.

STM also funded additional Water Taxi shuttle hours: in 2022, STM funded 303 hours of service on route 775 and Dial-A-Ride Transit (DART)

route 773. The DART operating model allows riders to request rides within the DART service area by calling the DART reservation office or booking with an online form. Average weekday passenger boardings on the Water Taxi shuttles peaked at 310 rides per day in July 2022.

FLIP YOUR TRIP

In addition to service investments, STM helped fund efforts to promote alternatives to people driving alone during the bridge closure, including transit, vanpooling, biking, scooting, staying local, or driving at non-peak hours. Known as “Flip Your Trip,” this program offered the opportunity to earn free transit/micromobility rides (including a \$25 sign-up bonus), travel option workshops, and personal trip planning assistance. Rides were redeemed through the Transit Go app or pre-paid ORCA cards. The program was promoted through social media, digital advertisements, email blasts, 40+ community events, and partnerships with ten community-based organizations: Bike Works, The Bikery, Black Girls Do Bike, Cascade Bicycle Club, Duwamish Valley Safe Streets, Hopelink, Peace Peloton, Rainier Riders, Sound Generations, and Villa Comunitaria. Flip Your Trip operated from September 2021 to September 2022, when the West Seattle Bridge re-opened.



KEY FLIP YOUR TRIP SURVEY RESULTS

Based on 1,336 Responses



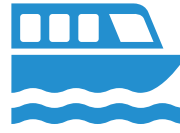
11,000+

People registered for
Flip Your Trip



512

New bus riders



465

New water taxi riders



328

New rail riders

After the bridge re-opening, the Flip Your Trip team evaluated the program and created a summary report with survey results, metrics, and lessons learned. The report concludes that traffic and mobility would have suffered without the investments of Flip Your Trip and Reconnect West Seattle. In many ways the program exceeded expectations, for example the goal of 8,000 participants who live or work in West Seattle was exceeded by 40% (11,256). Of the 1,273 survey respondents, 78% felt the City of Seattle was taking steps to help residents and visitors during the bridge closure, and Flip Your Trip was rated even higher among BIPOC participants than the population of respondents as a whole. The survey also provided insight into the TransitGoTicket Rewards platform that was developed to support Flip Your Trip (described in more detail below). Recommendations include simplifying the rewards steps within the app, making incentives campaigns as simple as possible and fully translating the app and rewards platform into multiple languages.

Spokane St Swing Bridge (Low Bridge)

When the Spokane St. Swing Bridge was closed after a power outage damaged machinery during the ice storm on December 23, 2022, many of the pieces for rapid SDOT response with mobility options were already in place. SDOT staff coordinated with partners at King County Metro and contractors to implement a

TransitGo Rewards Campaign on Jan 6, 2023, which ran until the bridge reopened on the 13th. A campaign code, distributed via SDOT media channels, provided 1,500 points (\$15) for anyone with the code to access a round trip to/from West Seattle on bus or Water Taxi. Additional points are rewarded as participants ride transit—essentially, assuring participating riders continue to earn free trips throughout the bridge closure. During the weeklong campaign, nearly 2,100 users participated and they redeemed points for 1,435 tickets.

EMERGING TRANSIT TECHNOLOGY

STM's establishing ordinance indicates that under the Emerging Mobility Needs category, COVID-19 recovery investments can include Transportation Demand Management strategies, first-last mile transit connections, and funding to support or pilot innovative partnerships with King County Metro. Thinking strategically, STM staff launched a planning effort to create a roadmap and identify priorities for how SDOT can improve the digital transit customer experience through integration with other services or providers such as first and last mile and new mobility services, enhanced information like trip planning, streamlined program enrollment, subsidized travel costs, or other strategies. This section describes how this emerging transit technology work began to take shape in 2022.

TransitGo Rewards and Continued Review of Rider Incentive Programs

TransitGo represents a partnership between SDOT and local transit agencies to expedite our utilization of mobile payments as the next generation of ORCA is being developed to accommodate the task. TransitGo Rewards is a value-add to the TransitGoTicket app that allows individuals to ride transit to earn points that can be redeemed for free transit and mobility rides. The Emerging Transit Technology team is currently reviewing this program to ensure effectiveness, equity, and long-term program sustainability to incentivize people to take transit and remove cars from our local roads and highways (TEF 19.6).

Emerging Transit Technology – Future work

Looking forward, the Emerging Transit Technology program is exploring several areas including examining how to make shared use transportation modes available to individuals of lower incomes or individuals who have been left out of programs like carsharing, ridesharing, bikeshare and other micromobility services over the past decade. In addition, the program will look for ways to consider and support an array of innovative concepts from private companies or non-profit organizations that will improve the transit digital realm and support SDOT's focus on equity, safety, and mobility.

TRANSIT CAPITAL PROJECTS



Under the current enabling legislation, STM can spend up to \$3 million on projects to support infrastructure maintenance and capital improvements to increase efficiency of transit operations. This amount has been adjusted upward going into 2023 – see financial information section below. STM capital projects include enhancements to transit travel times, passenger amenities, transit street pavement maintenance, and projects to improve the reliability of transit service operated by King County Metro.

COVID RECOVERY BUS LANE PROJECTS

In 2021, as a part of department wide COVID-19 recovery efforts, STM embarked on three new projects to improve transit travel time and reliability. These three projects aim to build priority bus lanes on corridors served by bus routes that maintained high ridership throughout the pandemic. The three COVID Recovery Bus Lane Projects projects are in different stages with work advancing in 2022, with Rainier Ave entering Phase 2 design, 15th Ave/Elliott Ave expected to be complete in 2023, and Aurora Ave expected to be completed by the end of 2023, TEF 8.1).

TEF Value: COVID-19

Tactic 8.1: Identify COVID-19 transit-related practices that will continue as part of recovery and determine how SDOT can support, supplement, and or increase their value.

Rainier Ave S Bus Lane Project

Rainier Ave S is a critical transit corridor served primarily by Route 7. Route 7 is one of Seattle's busiest bus routes, serving 9,000 riders per day (11,200 riders per day prior to the pandemic). While route 7 is a very frequent route with buses running at least every 10 minutes, buses are frequently delayed due to significant traffic congestion on Rainier Ave S. STM funds are being used to improve transit reliability on this important corridor in the near-term by adding bus lanes in two phases:

Phase 1 (completed July 2022) SDOT installed a northbound bus lane between S Alaska St and S Walden St, and a southbound bus lane between S Oregon St and S Edmunds St. A travel lane was converted into the new bus lane and no existing on-street parking was removed. Continued monitoring of traffic volumes on Rainier Ave S and on other nearby streets may lead to future adjustments to help manage and calm traffic. Phase 1 saves over 1 minute for people on the bus traveling north between S Alaska St and S Walden St and more during congested peak times.

Phase 2 (outreach in 2022) SDOT conducted outreach in late 2022 to gather community feedback about two options to expand bus-only lanes further north on Rainier Ave S. It is estimated that new bus lanes on Rainier Ave S between S Grand St and S Walden St will save people riding the bus 5 minutes during congested morning hours. This phase is estimated to save nearly 5 minutes of travel time for buses when conditions are more congested than usual.

Aurora Ave N

Aurora Ave N is home to the highest ridership route in King County Metro's network, the RapidRide E Line. Carrying over 17,000 rides per day before the pandemic and roughly 10,500 rides per day in 2022, the E Line is a workhorse, often plagued by peak-period delays getting into and out of Downtown Seattle. In coordination with the Washington State Department of Transportation, this project would install northbound bus lanes

between Roy St and Halladay St to help maintain travel time and reliability even during the most congested times of the day. Construction is estimated to begin in the second half of 2023.

15th Ave W and Elliott Ave W

RapidRide D is the principal route traveling the 15th Ave W/Elliott Ave W corridor through Interbay. Before the pandemic, an average of 23,000+ people rode the bus through this area each weekday. Currently, an average of 11,000+ people ride the bus each weekday. This project expands on the existing peak-period, peak-direction transit lanes. The expanded transit lane hours are now in place during morning and afternoon peak periods in both directions improving transit operations and reliability. Updated signage was installed in the first quarter of 2023. STM continues to work closely with businesses along the corridor to minimize impact by relocating load zones, adding better parking signage and developing other business access mitigation measures.





SPOT IMPROVEMENTS

The Transit Spot program is led by the SDOT Transit and Mobility Division, with support from several teams within the department. Spot improvements are defined as smaller-scale transit capital investments that improve the operating environment for transit, making trips faster, safer, and more reliable for transit riders. Because many of the spot improvement projects are delivered by SDOT crews, the program has a quicker turnaround and is often more cost-effective.

During 2022, four transit spot improvement projects were delivered with STM funds, improving safety and the rider experience for transit users in Seattle. These projects represent only a small portion of all transit spot improvements delivered by SDOT, the majority of

which are funded by the Levy to Move Seattle and other funding sources. STM funded transit spot improvement projects delivered in 2022 are listed below. The improvements to the first three stops were being used by about 1,000 people a day getting on and off the bus.

- Bus Island on southbound Roosevelt Way between NE 67th Street and NE 66th Street. This project created a much larger waiting area for bus riders on routes 67, 73, 322, and 522. It also improved safety for people walking, riding and rolling with a new protected bike lane over the length of the block and pedestrian crossing improvements. (See picture above)
- New bus shelter pad northbound Lake City Way and NE 113th Street serving routes 20, 320, 322, and 372.

- New bus shelter pad allowing three door boarding and alighting, eastbound North 39th Street and Greenwood Ave N, serving route 28.
- Bus Lane Painting on Pine St between 3rd Ave and 9th Ave, the project involved adding red paint treatment to existing bus lane. STM capital covered construction costs. This section of Pine St is served by routes 7, 10, 11, 43, 49, and 162. Usage of the stops in this corridor is close to 1,750 boardings and ons and offs daily, and recent data from the field found that the violation rate (percent of drivers using the bus lane in private vehicles) for the Pine St bus lane was only 1%.



Figure 6: Red bus lanes on Pine St

TRANSIT CORRIDOR PLANNING AND DESIGN

SDOT's Transit & Mobility Transit Corridors team at SDOT is responsible for delivering Transit Plus Multimodal Corridor improvements and other larger-scale transit corridor projects. Given the length and complexity of funding these large corridor projects, a contribution of STM funds during the planning and design stage can provide local funds to initiate new projects and leverage grants, paving the way for them to obtain other capital funding that will allow them to move to construction. Below is a list of the transit corridor projects STM funded in 2022, with some details about transit and safety elements that are being planned:

- **NE 130th St/NE 125th St Transit Plus Multimodal Corridor Improvements** This project will improve multimodal access to the new Link station at NE 130th St. Project elements to include transit, bike, and pedestrian improvements along NE 130th St from approximately 1st Ave NE including the I-5 overpass to accommodate people accessing the 130th St Light Rail station. It includes pedestrian crossing improvements at existing intersections along the Roosevelt Way NE and NE 125th St corridor between 10th Ave NE and Lake City Way. Improvements may include transit signal priority, leading pedestrian intervals, accessible pedestrian signals, and optimizing corridor signal timing. The project also includes safety improvements to reduce bike and bus conflicts and calls for a connection between Roosevelt Way NE and the future 8th Ave NE Neighborhood Greenway. STM provided local funds to initiate planning in 2022 and provides critical local match to leverage grant funds for design and delivery of this project.

- **Harrison St Transit Corridor** Planning and design phase for a new east-west transit corridor in the South Lake Union neighborhood to support future transit service. The scope includes design elements such as transit priority treatments (bus lanes, transit signal priority), bus stops with amenities, pavement reconstruction, traffic signals, and pedestrian access improvements. STM provided local funds to initiate planning in 2022.
- **Rt 48 Transit Plus Multimodal Corridor (TPMC) Design** The 23rd Ave/24th Ave corridor is one of the main north-south transit routes (King County Metro Route 48) in the heart of Seattle serving and connecting the Mt Baker, Central District, Montlake, and University District neighborhoods. Project elements include: bus-only lanes to separate the bus from traffic, improvements to crossings at

intersections to help people access transit safely, and signals that prioritize transit with queue jumps that give buses a head start and “smart signals” that activate or extend green lights for buses. STM contributed local funds to support the design phase, supplementing Move Seattle Levy funds that also support the design phase and serve as match for grants for the construction phase of the project. The STM contribution allowed the Rt 48 TPMC project to deliver a larger investment, including access to transit and transit signal priority investments, in the corridor than would have been possible without this funding.

The table below sums up STM’s capital spending in 2022, with projects distributed between COVID Recovery Lanes, Spot Improvements, and Transit Corridor Projects.

STM Capital Projects	Project type	Stage	2022 STM Funding
Rainier Ave Bus Lanes	COVID Recovery Lanes	Phase 1 complete; Phase 2 in design	\$992,130
Aurora Ave Bus Lanes		Design	\$303,327
15th/Elliott Bus Lanes		Complete (2023)	\$307,932
Rt 48 TPMC Design	Transit Corridor Planning and Design	Design	\$173,285
130th/Roosevelt/125th Design		Design	\$46,453
Harrison St Planning		Design	\$47,446
Spot Improvements	Spot Improvements	Complete	\$259,304
Pine Street Red Bus Lane		Complete	\$77,296
Other Capital Planning and Design			\$56,250
Total STM Capital			\$2,263,422

FINANCIAL INFORMATION



STM, approved by Seattle voters in November 2020, is funded by a 0.15% sales tax (the equivalent of 15 cents on a \$100 purchase) and is expected to generate on average over \$50 million annually over the life of the program (2021 – 2027). Note that STM funding is a shift from STBD Prop 1, which levied a 0.1% sales tax and \$60 vehicle license fee (VLF). In 2022, Seattle slowly began to emerge from the period of uncertainty and rapidly changing financial conditions brought on by the onset of COVID-19. After scaling back service investments in the transition from STBD Prop 1 to STM and generally reducing spending overall, 2022 was a year in which the STM

program regrouped and focused on an evolving set of opportunities and constraints. Several discrete factors described below impacted the finances of this program during 2022.

- **COVID-19:** The sweeping economic impacts of the COVID-19 pandemic resulted in a near 20% reduction in projected sales tax revenue in 2020. Effects continued into 2021, but by 2022 the actual revenue rose above \$50 million and is projected to increase slowly through the life of the measure. (See Figure 7 below)

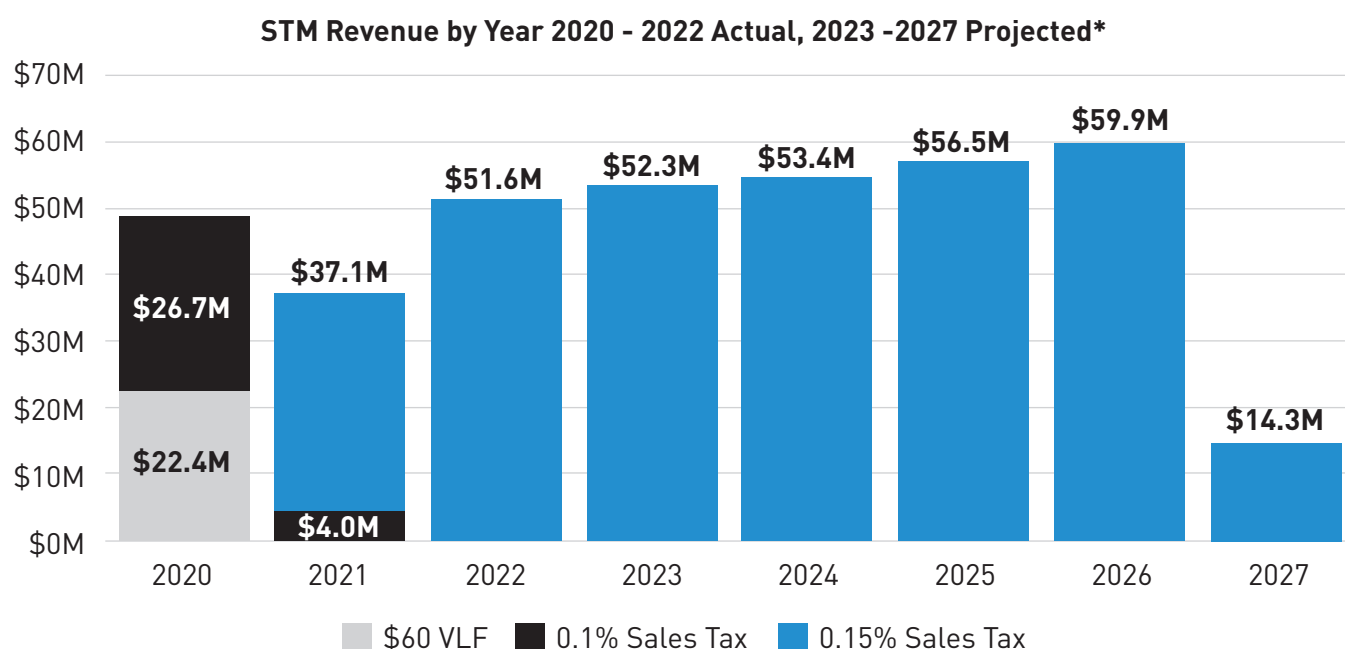
- **Federal Relief Funds:** Relief funds specifically designated for transit agencies to offset high operational costs and maintain service levels also helped offset the cost of STM service investments in 2022. These funds are received by Metro, and STM's allocation is proportional to the amount of Metro's network the program funds. These relief funds will be applied annually to SDOT's service payments to Metro through 2025.
- **Metro Capacity Constraints:** Metro, like countless transit agencies nationwide, continues to contend with a transit operator shortage and bus maintenance workforce constraints, and supply-chain issues. Numerous routes continue to operate with service reductions or suspensions in place. As a result, additional STM investments in Metro-operated fixed route service hours were limited in 2022.
- **STM Reserves:** During the life of STBD Prop 1, \$20 million of the program's revenue was reserved in case of sudden revenue shifts or potential program ramp-down. The balance of this fund was used in 2020 to delay service cuts and maintain programmatic commitments. Maintaining this \$20 million reserve balance is essential to ensure that the STM program can weather future changes and uncertainties. A reserve fund sufficient to ramp down service in the event a replacement ordinance is not passed is part of the funding agreement between SDOT and Metro.
- **STM Budget Changes:** Each November, the Seattle City Council adopts the budget for the coming year. In 2022, the Council adopted the 2023 budget which includes several changes to STM. The STM capital spending cap was raised from \$3 million to \$15 million as part of the 2023 adopted budget. The budget also specified that STM funds for use in the Vision Zero program and for improvements at 41st Ave NE and

Roosevelt. The adopted budget also includes a proviso on \$12 million of the \$15 million capital funds available, which are to be used "solely for bridge-related or structures-related transit improvements." In the coming year, SDOT will be working to understand effects on STM capital spending.

Moving into 2023, STM staff are working to understand and plan around the effects of the 2023 budget season on STM capital spending. Larger capital projects often take years to plan, design, and build. As a result, STM will support a mix of large and small projects to ensure that infrastructure improvements for transit riders continue to be built every year with STM funds. On the service side, STM will continue to work with Metro to maximize fixed route investments and to explore alternative transit modalities such as investments in Metro Flex service in Seattle.

As a voter-approved initiative, STM provides annual budget spending information in this report. To ensure transparency and accountability, a detailed budget is included (Figure 8).

As mentioned throughout the report, development of the STM replacement measure occurred during a time fraught with uncertainty. One element of uncertainty – the constitutionality of voter Initiative 976 – presented a unique challenge for how to structure revenue collection under the new program. Given this uncertainty, the City decided to shift revenue collection away from a combined vehicle license fee and sales tax towards a sales tax-only revenue source. While voters ultimately approved the measure which allowed the program to continue delivering important service investments and programmatic commitments, it also highlighted the impact that sales tax can have on households across the income spectrum. The Institute on Taxation and Economic Policy describes sales tax as "inherently regressive... requiring lower and middle-income taxpayers to spend a larger



*2022 to 2027 based on November 2022 City Budget Office Revenue Forecast

Figure 7: STM Revenue by Year

share of their household budgets in tax than their wealthier neighbors.” This holds true for Washington state, where the bottom 20% of earners pay an effective tax rate between three- and eight-times the effective rate paid by the top 20% (TEF 49.1).

Understanding and acknowledging this does not undermine the importance of the transit service and access improvements funded through the program. This report clearly documents the ways in which the expenditure of these funds are materially improving mobility and access for residents, workers, and visitors throughout Seattle. This fact presents an opportunity – and even obligation – to think more carefully and critically about who is benefiting most from

those improvements. STM aims to ensure specific programming activities and funding decisions are predominantly benefiting those most impacted by the inequitable revenue collection used to support them. This is already reflected in the transformative work of the Transportation Access Program, but also in the program’s development of an Investment Prioritization Methodology. STM will work closely with stakeholders – including the Transit Advisory Board and SDOT’s Transportation Equity Workgroup – to continually evaluate and evolve programmatic activities in pursuit of a program structure that matches its additive benefits to individuals and communities most impacted by its revenue collection.

TEF Tactic

49.1 Formalizing and acknowledging in the Seattle Transportation Benefit District (STBD) Annual Report on the burden increases in sales tax places on lower-income communities and households.

STM 2021-2026 SPEND PLAN ¹						
	2021 Actual ²	2022 Actual	2023 Budget	2024 Endorsed	2025 Projected	2026 Projected
Program Resources						
Beginning Funding Balance ³	\$37,673,749	\$43,529,370	\$59,790,851	\$51,552,950	\$44,268,033	\$36,982,620
Sales Tax Revenues ⁴	\$37,326,917	\$51,946,433	\$52,254,429	\$53,880,858	\$55,305,229	\$57,458,884
<i>Revenues Total</i>	\$75,000,666	\$95,475,803	\$112,045,280	\$105,433,808	\$99,573,262	\$94,441,504
O&M/Programmatic Spending						
Transit Service	\$19,676,555	\$17,261,691	\$29,651,262	\$27,925,051	\$34,787,881	\$42,686,339
Emerging Needs	\$1,451,188	\$5,201,349	\$8,000,000	\$8,000,000	\$8,000,000	\$8,000,000
Transportation Access Programs	\$2,947,868	\$4,091,906	\$5,500,000	\$9,000,000	\$9,000,000	\$9,000,000
Planning & Analysis	\$723,443	\$652,113	\$1,341,068	\$1,240,724	\$1,302,760	\$1,367,898
VLF Rebate	\$132,042	-	-	-	-	-
<i>O&M/ Programmatic Spending Subtotal</i>	\$24,931,096	\$27,207,059	\$44,492,330	\$46,165,775	\$53,090,641	\$61,054,237
Capital Spending						
Transit Infrastructure & Maintenance	\$3,639,464	\$2,263,422	\$15,000,000	\$15,000,000	\$9,500,000	\$9,500,000
Restored VLF \$60 Projects ⁵	\$2,900,736	\$6,214,471	\$1,000,000	-	-	-
<i>Capital Investments Subtotal</i>	\$6,540,200	\$8,477,893	\$16,000,000	\$15,000,000	\$9,500,000	\$9,500,000
Total Expenditures	\$31,471,296	\$35,684,952	\$60,492,330	\$61,165,775	\$62,590,641	\$70,554,237
Reserve Funds						
Reserve Fund (VLF \$60)	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
Reserve Fund (0.15% Sales Tax)		\$14,000,000	\$14,000,000	\$14,000,000	\$14,000,000	\$14,000,000
Reserve for Future Ballot Measure					\$1,500,000	\$500,000
<i>Reserve Subtotal</i>	\$6,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$21,500,000	\$20,500,000
Year End Unreserved Fund Balance⁶	\$37,529,370	\$39,790,851	\$31,552,950	\$24,268,033	\$15,482,620	\$3,387,267

Assumptions

Spend plan reflects 2021 and 2022 actuals, 2023 adopted budget, and high-level planned spending for 2024 - 2026 (as of mid-2022)

"Transit Service" expenditures reflect COVID relief funds received from federal relief acts, by way of King County Metro, in 2021-2025

"Emerging Needs" expenditures in 2022 include temporary transit service investments (~\$4.8M) and transportation demand management strategies to respond to the closure of the West Seattle Bridge

"Transportation Access Programs" expenditures include the ORCA Opportunity program, the Recovery Card program, and other low-income access to transit programming

The VLF Rebate program ended when STBD Proposition 1 expired at the end of 2020. The renewed measure is not funded by any VLF dollars, and therefore does not include a rebate program

Footnotes

¹2027 plan subject to renewal of the measure - not shown here

²2021 actual values have been updated from the 2021 annual report because of a reporting error

³In 2021, \$37,673,749 was carried forward from STBD Proposition 1 and several other spending categories under the Seattle Transportation Benefit District Fund (19900); Carryforward in 2022 to 2026 includes STM funds and other STBD funds such as VLF.

⁴STM 2020 0.15% tax + STBD 2014 0.10% tax in 2021 only; 2024 through 2026 revenue updated to reflect City Budget Office projections as of April 2023.

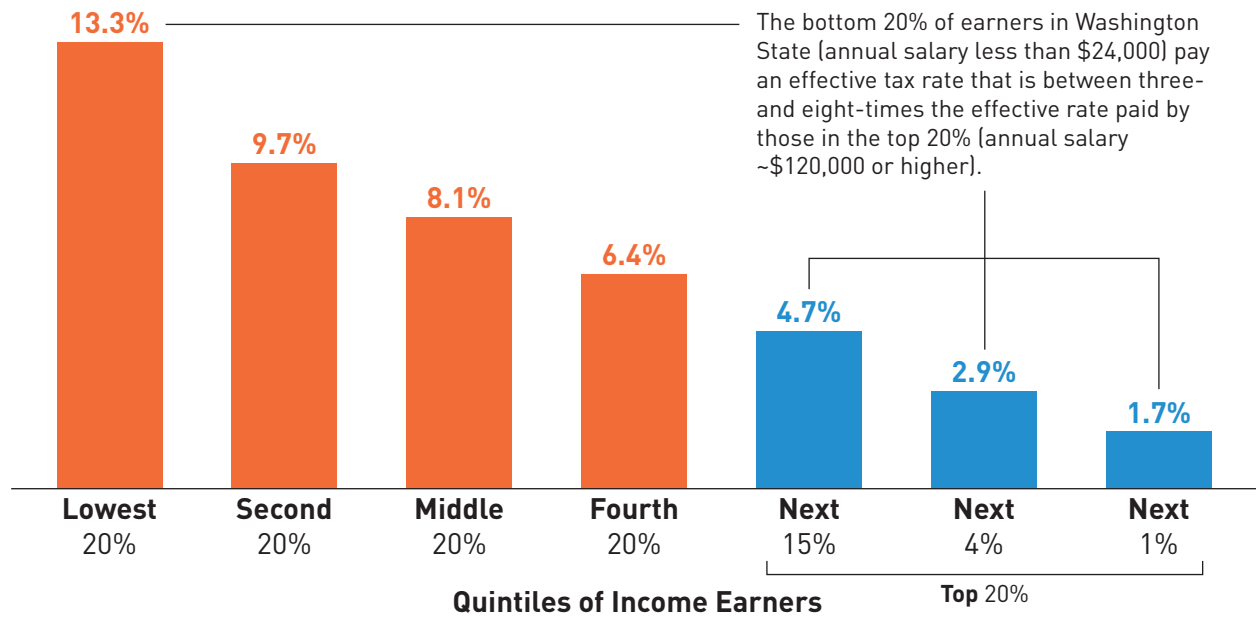
⁵2023 Adopted Budget Restored VLF \$60 does not include \$4.68M of carryforward from 2022.

⁶The Year End Unreserved Fund includes STM funds and funds from other programs in the Seattle Transportation Benefit District Fund (19900)

Figure 8: Program Spend Plan

Note: VLF funds are not included in the calculation of the 50% service spend requirement.

Effective Sales Tax Rate in Washington State Portion of Income Spent on Sales Tax by Income, 2015



Source: Institute on Taxation and Economic Policy, "Washington: Who Pays?" 6th Edition, 2015



OVERSIGHT



SEATTLE CITY COUNCIL

The governing board of the Seattle Transportation Benefit District Proposition 1 (STBD) is the Seattle City Council. Seattle City Council Ordinance 125070 (approved in June 2016) authorized the City of Seattle to assume the rights, powers, immunities, functions, and obligations of the Seattle Transportation Benefit District. This consolidation of the STBD board into City Council simplifies administration and improves transparency. As a result, decisions regarding the Seattle Transportation Benefit District (STBD) and the 2020 Seattle Transit Measure (STM) will

be made through City Council legislation and reflected in the City of Seattle's budget.

As of December 2022, the City Council consisted of:

- Lisa Herbold | District 1
- Tammy J. Morales | District 2
- Kshama Sawant | District 3
- Alex Pedersen | District 4
- Debora Juarez | District 5
- Dan Strauss | District 6
- Andrew J. Lewis | District 7
- Teresa Mosqueda | Citywide
- Sara Nelson | Citywide

TRANSIT ADVISORY BOARD

With the approval of City of Seattle Proposition 1 by voters in November 2014, the Seattle City Council established a public oversight board to increase accountability. In early 2015, the Council created the Transit Advisory Board (TAB), through Resolution 31572, and later affirmed the boards' role in the 2020 renewal measure (STM). The board's charge includes:

- Advising the City Council, the Mayor, and all departments and offices of the City on matters related to transit
- Commenting and making recommendations on City policies, plans, and projects as they may relate to transit capital improvements, transit mobility, and transit operations throughout the city
- Acting as the public oversight committee of revenues collected under STBD Proposition 1, as described in Resolution 12 of the STBD
- Reviewing and providing input on STBD's annual report to the public regarding King County Metro's provision of transit service in Seattle and county-wide, as described in Resolution 12 of the STBD

The Transit Advisory Board is made up of five council-appointed and six Mayor-appointed positions, and one youth Get Engaged member. As of December 2022, TAB consisted of:

- Xander Barbar | Member
- Ashwin Bhumbla | Secretary
- Josh Hirschland | Member
- Art Kuniyuki | Co-chair
- McKenna Lux | Vice chair
- Christiano Martinez | Member
- Reese McMichael | Get Engaged Member
- Chris Miller | Move Seattle Levy Oversight Committee Liaison
- Sandro Pani | Co-chair
- Erin Tighe | Member
- Michelle Zeidman | Member

Additional members who served during the reporting period but who are no longer on the board include:

- Enjoleah Daye
- Lynn Hubbard
- Bryce Kolton
- Jennifer Malley-Crawford
- Andrew Parker
- Alex Wakeman Rouse
- Carla Saulter
- Bryan Stromer
- Emily Walton Percival
- Andrew Martin
- Amin Amos
- Keiko Budech
- Barbara Wright

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Seattle, WA 98124-4996
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Seattle
Department of
Transportation

7.2023

A nighttime photograph of a city street in Seattle. In the background, the Space Needle is illuminated against a dark sky. In the foreground, several people are walking on a wet sidewalk, holding umbrellas. A bus stop shelter is visible on the right side of the frame. The entire image has a blue color overlay.

Seattle Transit Measure (STM) 2022 Annual Performance Report (Year 2)

Transportation & Seattle Public Utilities Committee
August 15, 2023

Jen Malley-Crawford, Transit Service & Strategy Manager

Matt Yarrow, STM Program Manager

Laura Lee Sturm, Transportation Access Program Manager

Our Vision, Mission, Values, & Goals

Seattle is a thriving equitable community powered by dependable transportation. We're on a mission to deliver a transportation system that provides safe and affordable access to places and opportunities.

Core Values & Goals:

Equity, Safety, Mobility, Sustainability, Livability, and Excellence.

Seattle Department of Transportation

SEATTLE TRANSIT MEASURE 2022 PERFORMANCE REPORT



 **Seattle**
Department of
Transportation

Today's Presentation

- STM Background and History
- Overview of 2022 STM Performance Report
 - Transit Service Investments
 - Transportation Access Program (TAP)
 - Emerging Needs
 - Transit Capital Programs
- What's Next and Future Spending
- Transit Advisory Board Report Out

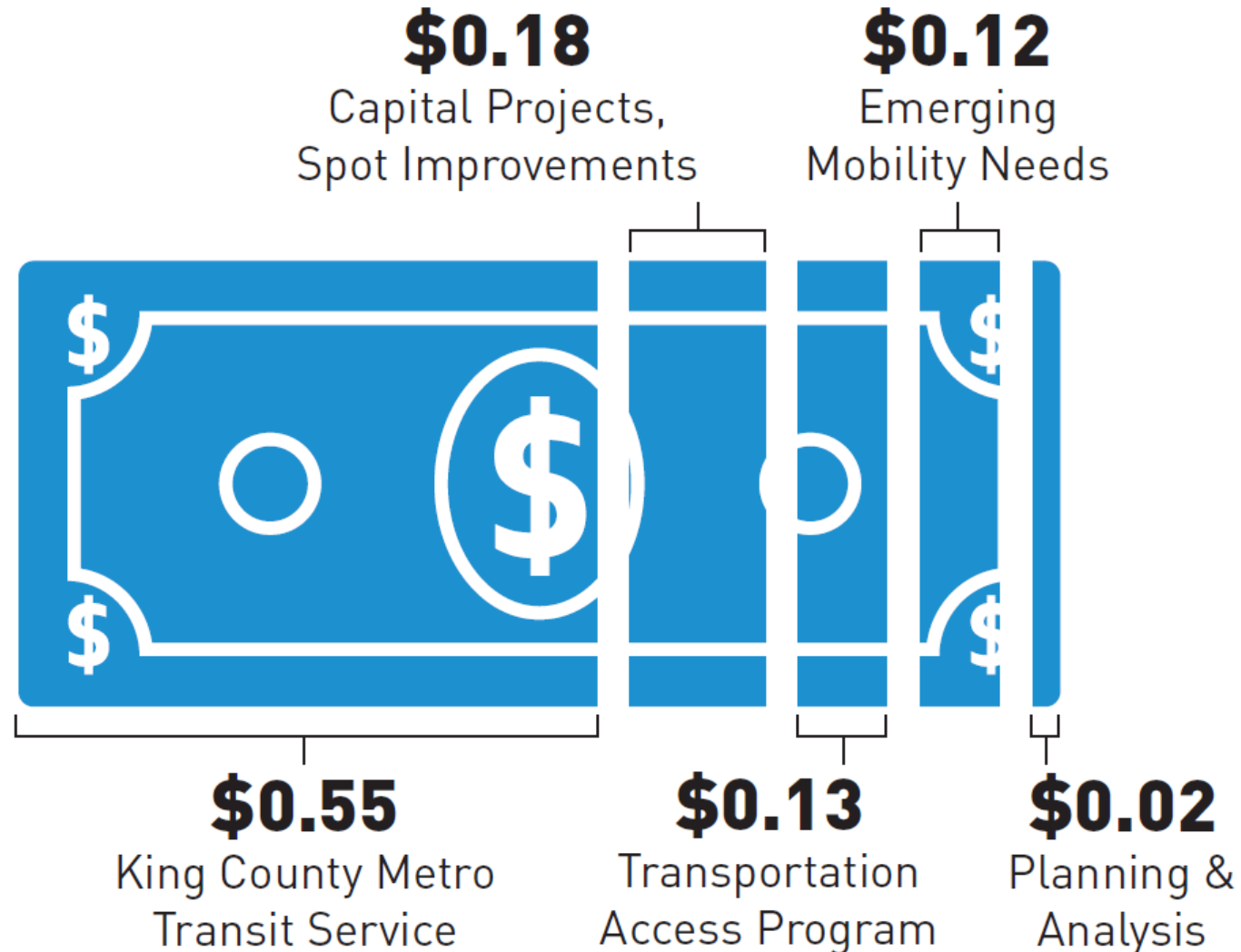
STM Background

- Seattle Transit Measure (STM) approved in November 2020 with 80% voter approval
- Replaced the 2014 STBD Prop 1 (expired 2020) and continues much of the same programming
 - 2014 STBD Prop 1 was funded by a 0.1% sales tax and \$60 vehicle license fee
- Levies a 0.15% sales and use tax (equivalent of \$0.15 on a \$100 purchase) from April 2021 – March 2027
- Raises ~\$50M/year on average for transit service and access improvements, capital and emerging needs
- Oversight provided by the Transit Advisory Board
- STM expires April 1, 2027



STM Background

STM Spending Breakdown in a Typical Year, per Dollar
2021 - 2026



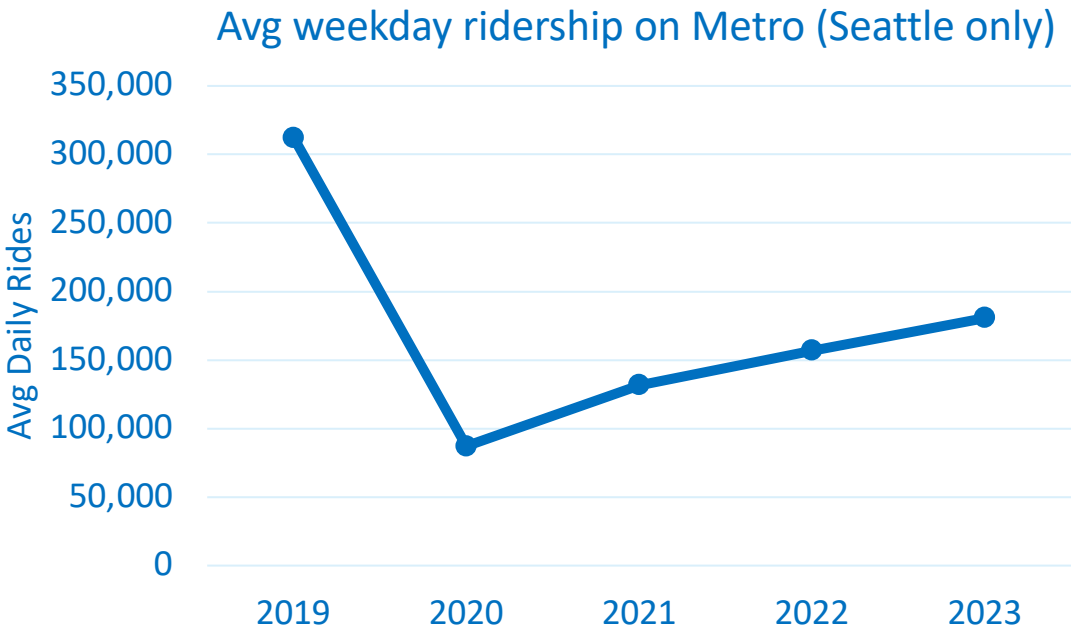
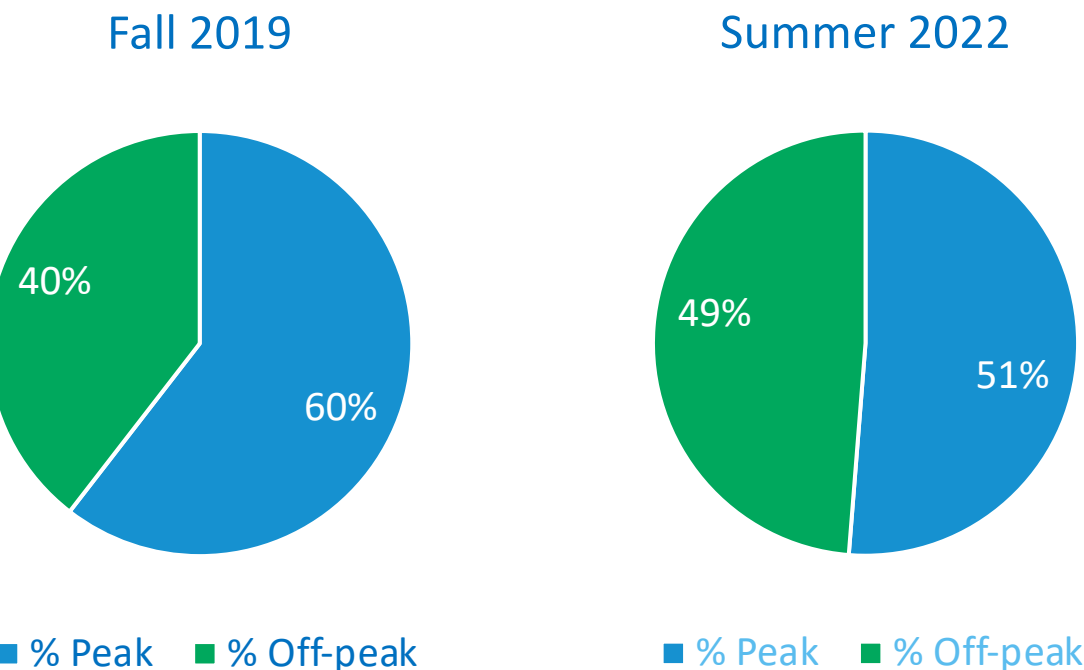
Transit Service Investments

The Seattle Transit Landscape

- Most bus service in Seattle operated by **King County Metro Transit**
 - Additional bus service through **Sound Transit & Community Transit**
 - Light rail and commuter rail operated by **Sound Transit**
 - Passenger and car ferry service operated by **Washington State Ferries**
 - Other modes/operators: Water taxi, Monorail, Streetcar, and more
- The Seattle Transit Measure (STM) primarily purchases additional bus trips on existing King County Metro routes
- Compliments SDOT's other transit-related activities
 - Fare programs for youth, seniors, low-income, transit capital projects
 - Transit-Plus Multimodal Corridor projects, Transit Spot Improvement projects

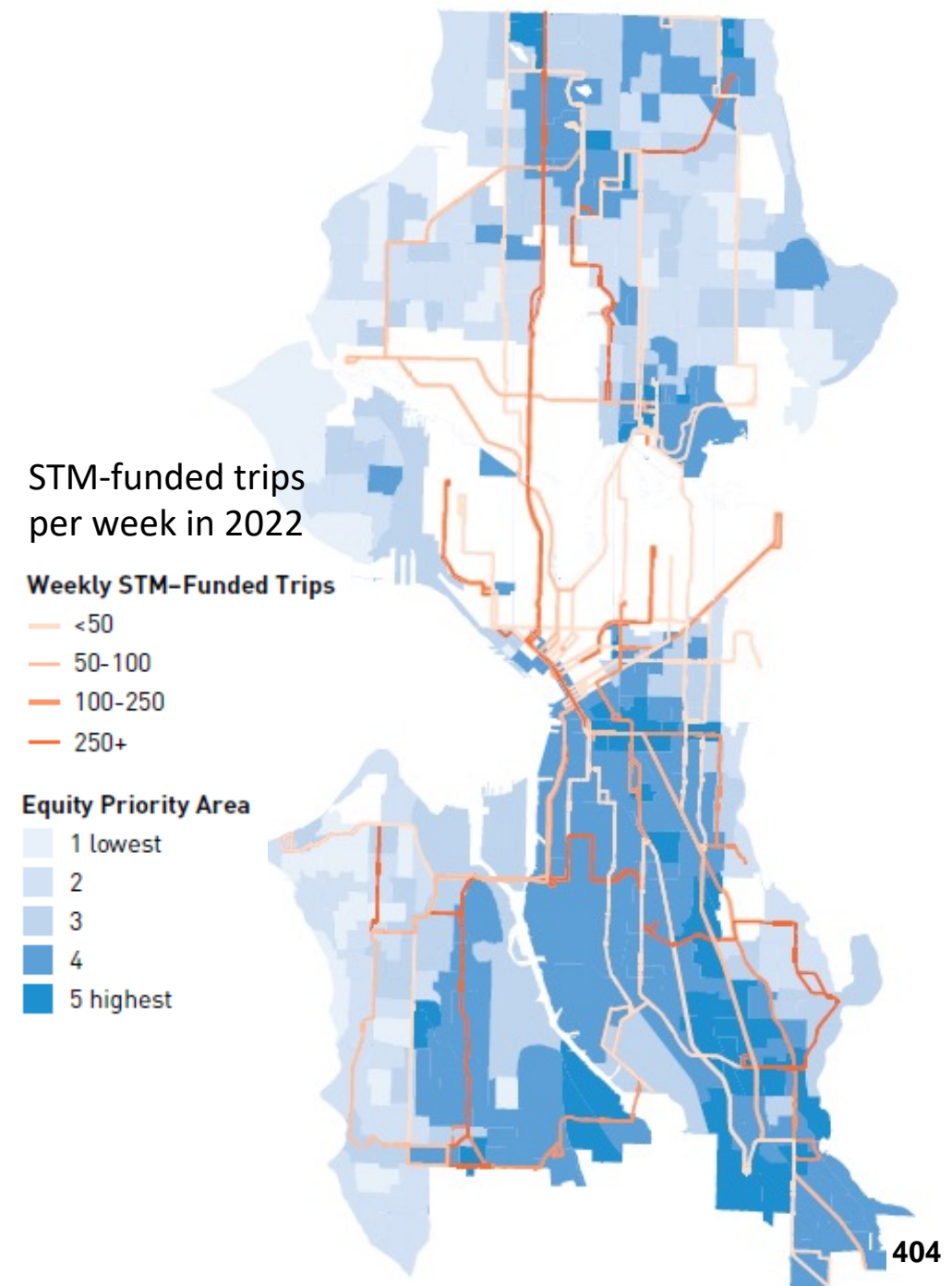
TRANSIT SERVICE TRENDS

- In 2022, STM invested in 135,000 annual service hours on Metro’s system
 - STM is invested in about 7% of total amount of Metro service operated in Seattle
- Transit ridership in Seattle followed national trends from 2020 through 2022.
 - A slow, steady increase from about 30% to 60% of pre-COVID levels.
- Ridership in off-peak times (midday, night, weekends) is higher than pre-COVID



FREQUENT TRANSIT NETWORK (FTN) INVESTMENTS

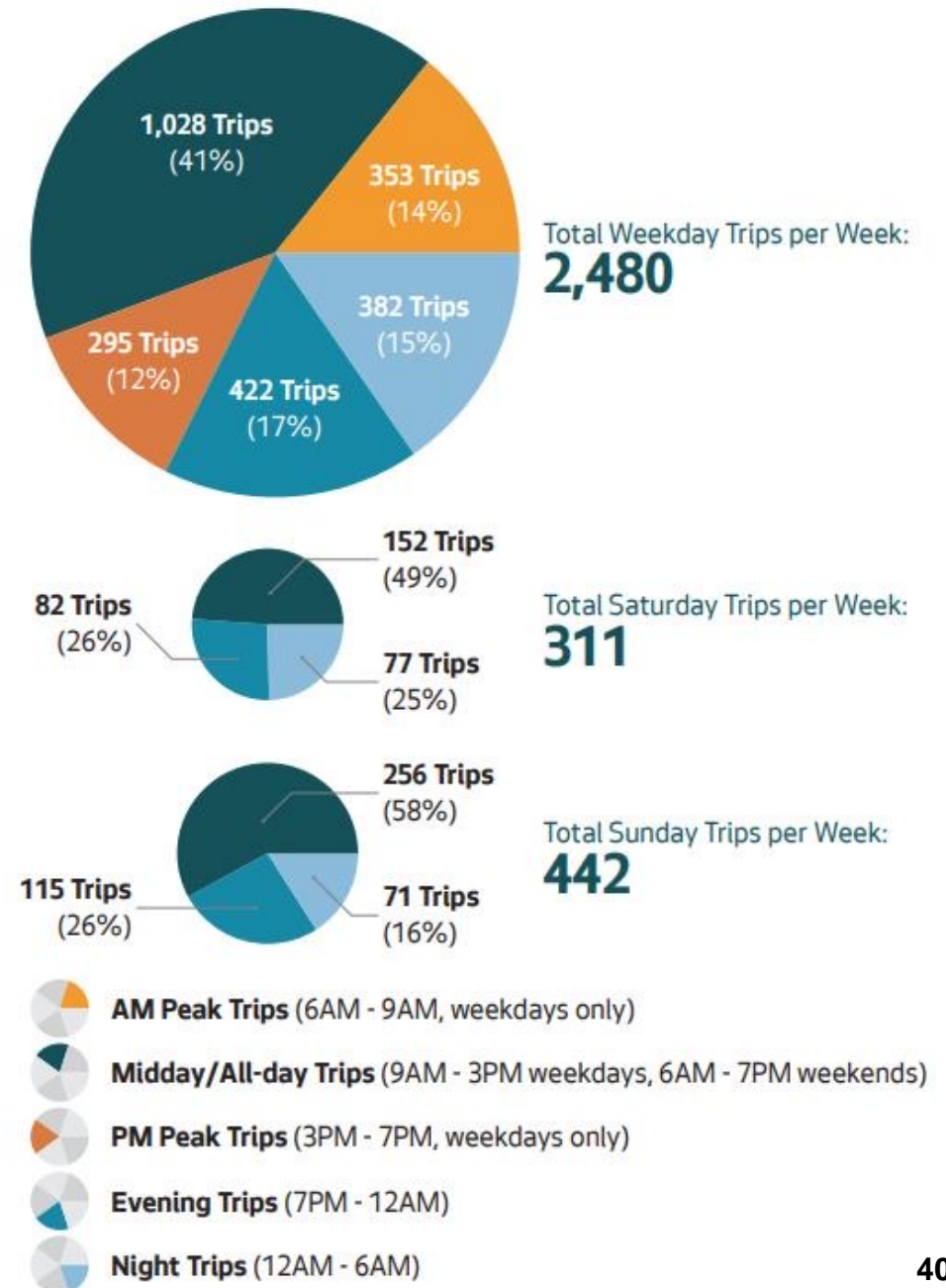
- The FTN envisions a network of frequent and reliable routes that provide robust mobility options and transfer opportunities, at all times of day and all days of the week
- STM team and Transit Advisory Board (TAB) collaborated on equity-centered Investment Prioritization Methodology in 2022
- Over half of STM funded routes meeting FTN targets and 73% of routes at 95+% of FTN targets



TRANSIT SERVICE INVESTMENTS

- In 2022, STM funded 3,233 additional weekly bus trips on Metro routes operating within Seattle.
 - 2,480 trips on weekdays (496 per day)
 - 311 on Saturdays
 - 442 on Sundays
- Only 20% of these trips were during AM or PM peak commute periods
- 80% of trips supported off-peak travel in the midday, evenings, nights, and weekends.

Weekly STM-Funded Transit Service Spring 2022



Transportation Access Programs

Transportation Access Program (TAP) Overview

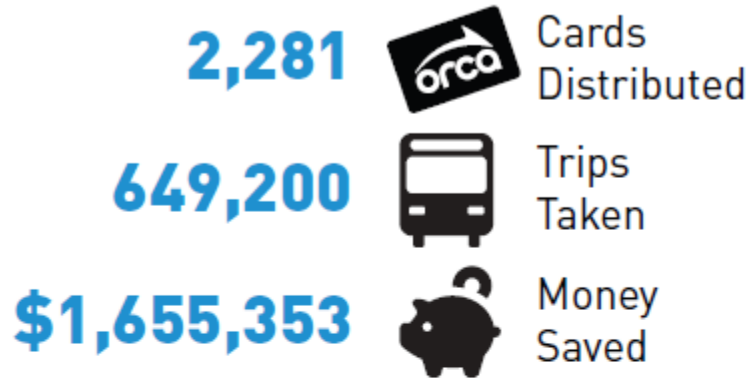
Mission: To provide affordable, safe, and equitable access to public transportation by providing transit resources and community-centered programming to diverse Seattle communities.

- TAP operated nine programs in 2022
- Focus Populations: Low- and No-Income Residents, Low-Income Workers, Students and Youth, Seniors
- ORCA subsidy programs to remove financial burden from accessing transit
- Educational programs to improve rider confidence

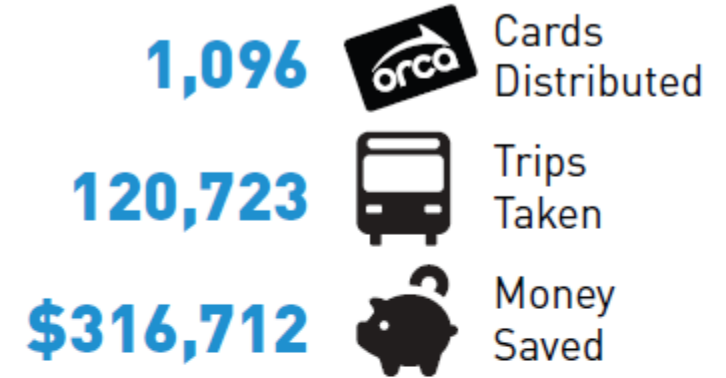


TAP Fare Subsidy Program Performance in 2022

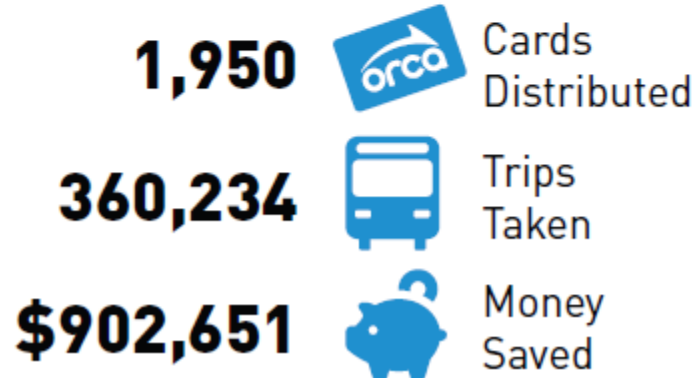
Recovery Card Program Performance



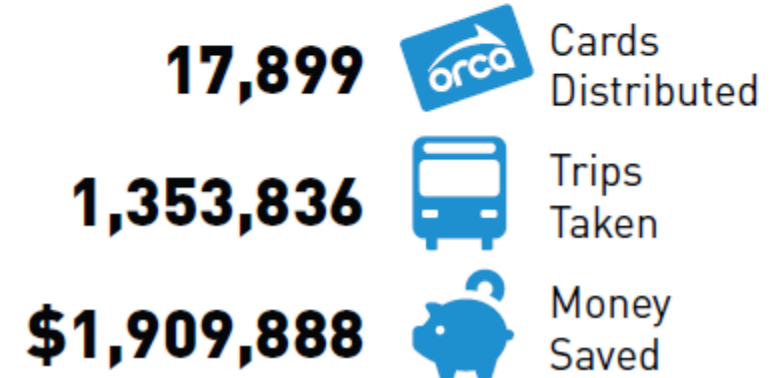
ORCA Opportunity Promise Scholars Performance¹



ORCA Opportunity Seattle Housing Authority Performance



ORCA Opportunity Youth Performance²



¹330 participants were added in or after August 2022 - the rest were added August 2021.

²These numbers are for Jan 2022 - Aug 2022, before Free Youth Fares took effect.

TAP – Educational and Other Programming

Youth Ambassador Program

- In 2022 new partnership with Seattle Youth Employment Program (SYEP)
- October 2022, the TAP team launched a Youth Ambassadors cohort with 9 participants.

Senior Programming

- Partnerships with Hopelink and individual senior centers throughout Seattle
- In 2022, re-evaluation of programming – focus on field trips with a diverse group of senior centers throughout Seattle.

Uplift Seattle's Equitable Access to Transit (U-SEAT)

- New partnership with Uplift Northwest and the University of Notre Dame's Lab for Economic Opportunities (LEO)
- Evaluate the effect of free transit on low-income worker's employment outcomes.

Downtown Circulator

- Partnership with the local nonprofit Solid Ground and King County Metro
- Free, fixed-route, day-time shuttle meant to connect low/no income and disabled people to services downtown (32 health and human service providers)



TAP Makes A Difference – Participant Perspectives

“You don’t know how much this program has helped me out. When I first got the Recovery card, I was close to having to shut off my phone (which I needed for work). Covering my transit costs has allowed me to keep my job and pay my bills. Having a card that is cross agency has also allowed me to see more of my friends and family that live in neighboring counties. Thank you so much!”

“Having this card has drastically cut down on how much I’m driving and spending on the bus fare out of pocket. It’s transformed the way I navigate the city!”

“My family has never been on a train (any rails), ferry, let alone a streetcar and have never seen so many different forms of transportation! Not only do we want to discover where and what different places can be discovered, but my goal is to ride every King County Metro Transit bus, etc. so that we can see and explore the locations of where the transportation begins, ends, and where they go.”

When asked to summarize their time in the Youth Ambassadors Program, they responded that it was “educational, enjoyable, fun, and really cool to learn about green spaces.”

“I’m extremely grateful about this program and it has saved me a ton of money in transportation to get to and from work which really helped offset the costs of living in Seattle.”

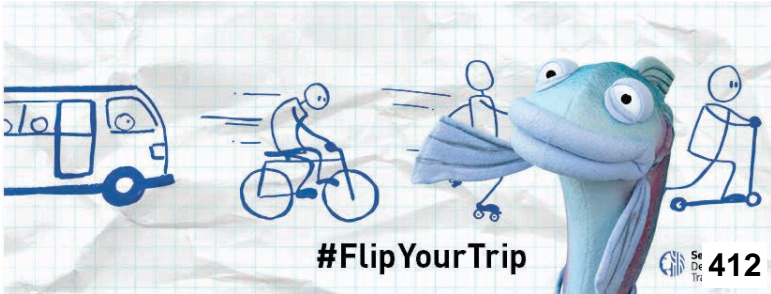
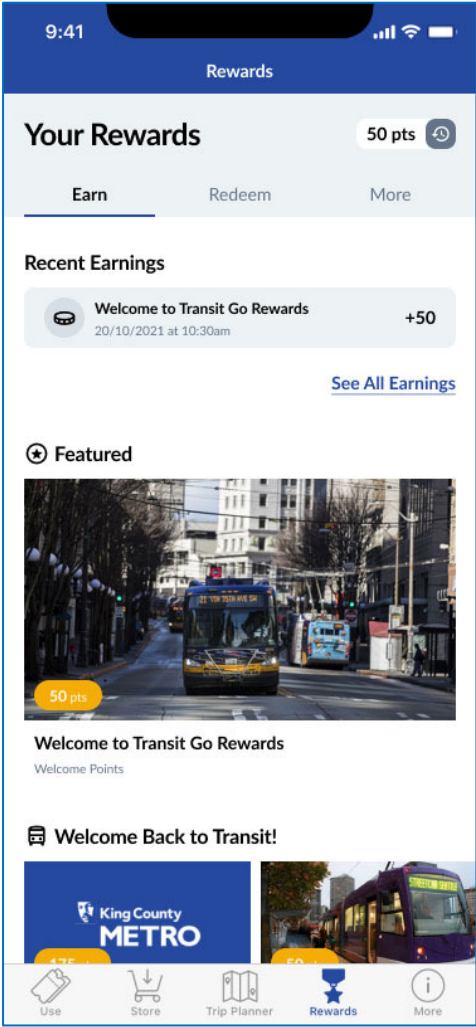
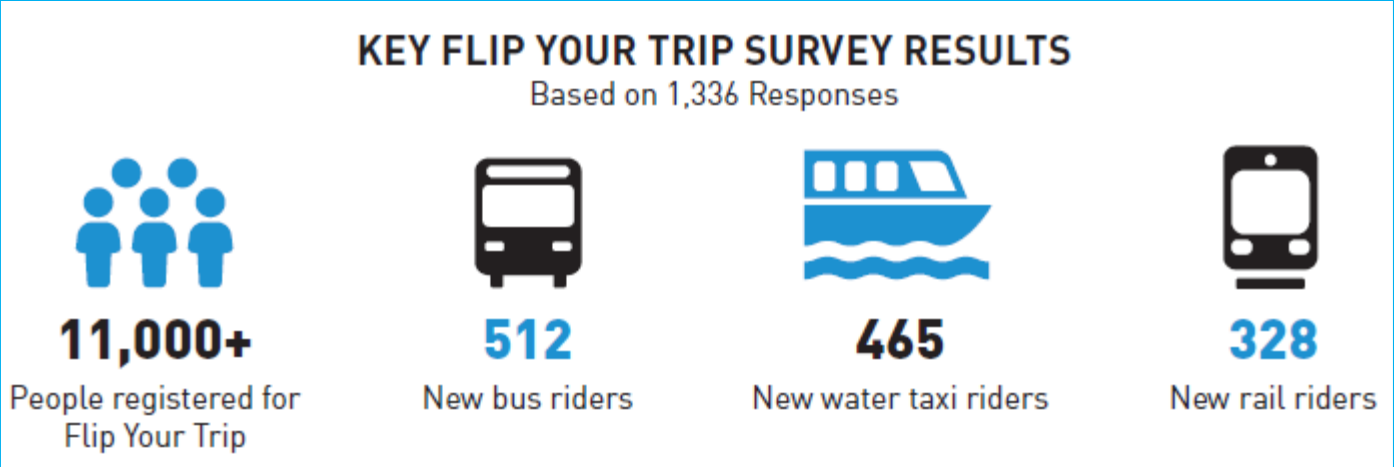
Emerging Needs

West Seattle Bridge

Additional Transit Service: Starting in 2021 through bridge opening in Sept. 2022, STM funded ~25,000 annual hours of transit service on routes 50, 60, 120, and RapidRide C Line. STM also funded additional hours on water taxi and the water taxi shuttle.

Flip Your Trip: Mode shift incentives during the bridge closure, including transit, vanpooling, biking, scooting, staying local, or driving at non-peak hours. ~11,250 participants – exceeded expectations.

TransitGOTicket Rewards: Users earn points they can redeem on transit and micromobility. Used to support West Seattle Bridge Closure.



Transit Capital Projects



COVID RECOVERY BUS LANE PROJECTS

- **Rainier Ave S Bus Lane Project**

- **Phase 1 (completed July 2022):** northbound bus lane between S Alaska St and S Walden St, and a southbound bus lane between S Oregon St and S Edmunds St.
- **Phase 2 (outreach in 2022):** expand bus-only lanes further north on Rainier Ave S., S Walden St to S Grand St
- **Time savings for transit riders:** estimated to save bus riders 6 minutes during peak congestion and 2 minutes at other times.

- **15th Ave W and Elliott Ave W**

- Expands on the existing peak-period, peak-direction transit lanes, improving transit operations and reliability. Signage installation was completed in the first quarter of 2023.

- **Aurora Ave N**

- Continuing to work with WSDOT for approval to install northbound bus lanes between Roy St and Halladay St

- **Note:** Spending on transit capital projects limited to a \$3M spending cap in 2022

Transit Spot Improvements

- Transit Spot Improvements delivered with Move Seattle Levy funds and STM funds
- In 2022 – four spot improvements delivered with STM funds
- Positive impact on 15 routes in Seattle and ~2,750 people daily
- **Locations:**
 - Bus island on Roosevelt Way
 - Bus shelter pads on Lake City Way/ NE 113th St and 39th St/Greenwood Ave N
 - Bus lane painting on Pine St between 3rd Ave and 9th Ave



Transit Corridor Planning and Design

- Large transit corridor projects such as Transit Plus Multimodal Corridor improvements are complex
- Role for STM during the planning and design stage: provide local funds to initiate new projects and leverage grants
- 2022 Projects with STM funding:
 - NE 130th St/NE 125th St Transit Plus Multimodal Corridor Improvements
 - Harrison St Transit Corridor
 - Rt 48 Transit Plus Multimodal Corridor (TPMC) Design



What's Next & Future Spending

What's Next for STM

- **Transit Service:**

- Working with Metro on two route restructures for Fall 2024 associated with RapidRide G Line (Madison) and Lynnwood Link
- Evaluate past investments with equity-based investment prioritization methodology
- Explore all potential service investment opportunities with Metro

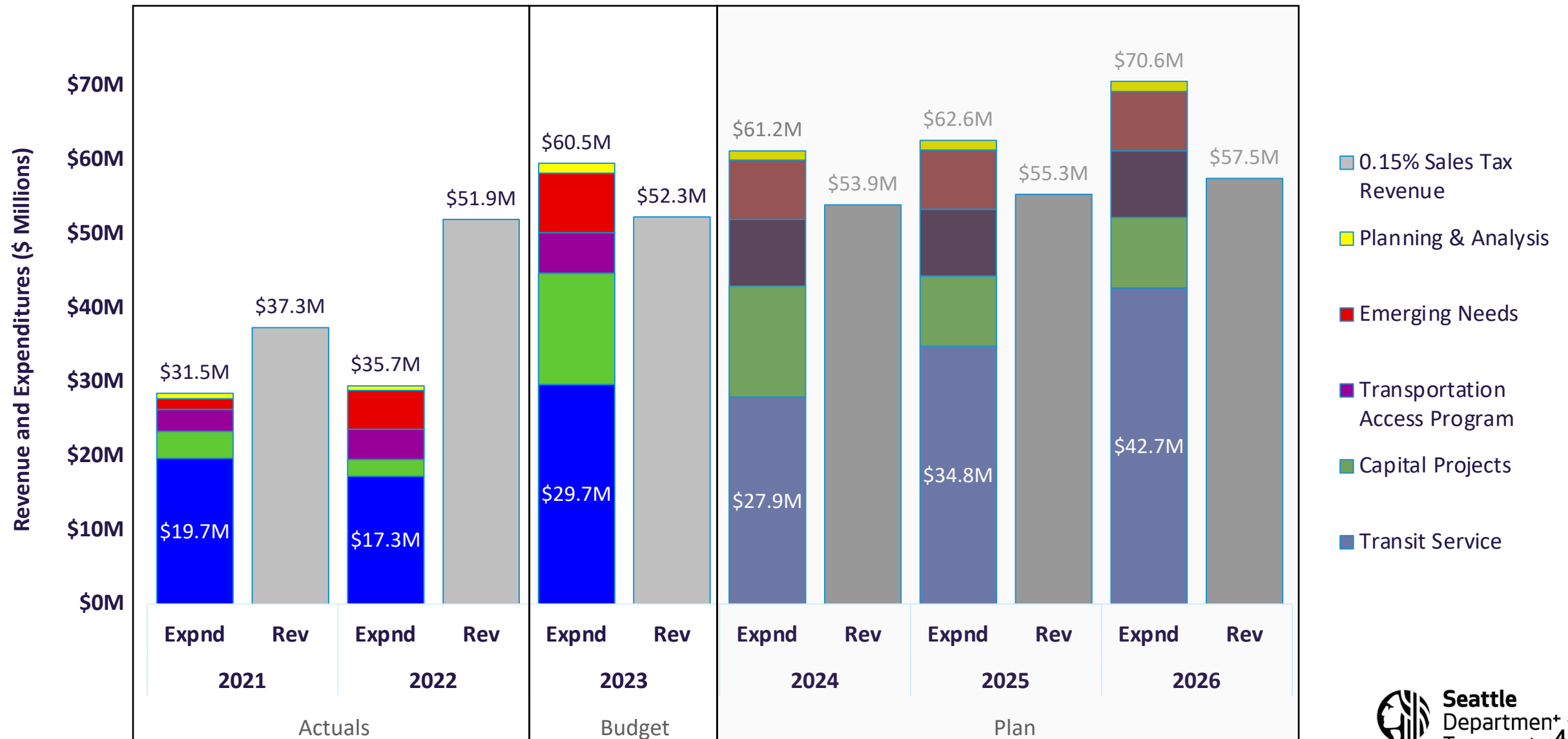
- **Transportation Access Program:**

- Evaluate possible future iterations of ORCA Recovery Program
- Focus on successful implementation of Seattle Housing Authority Transit Pass expansion

- **Capital:**

- Developing long-term plan for transit-supportive improvements

2022 STM Annual Report Spend Plan



A blue-tinted photograph of a city street scene. In the foreground, a white and green tram with a colorful mural is stopped at a crosswalk. The mural features the text "The Jim Henson Exhibition", "MUSEUM OF POP CULTURE", and "Imagination Unlimited". A group of pedestrians is waiting on the sidewalk to the left. In the background, there are modern buildings, a yellow construction crane, and traffic lights. The title "Transit Advisory Board Response to STM Annual Report" is overlaid in large white text.

Transit Advisory Board Response to STM Annual Report

- Art Kuniyuki, TAB Co-chair
- Ashwin Bhumbra, TAB Secretary

Questions/Discussion