

November 28, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120724: Trailside Vacation

On December 5, 2023, the Transportation & Seattle Public Utilities Committee (Committee) will receive a briefing and may vote on [Council Bill \(CB\) 120724](#), which would grant final approval for the vacation of NE 48th Street, between the Burke Gilman Trail right-of-way and 24th Avenue NE, a block west of University Village (Council District 4). Council conditional approval of the vacation was granted on May 28, 2019, through [Clerk File \(CF\) 314380](#). Approval of the vacation facilitated the development of Trailside Student Living (Trailside), a mixed-use project containing three seven-story apartment buildings with 265 units targeted at University of Washington students.

The Council's decision at this point is to determine whether the project has satisfied the conditions of CF 314380. If those conditions have been met, the Council should approve the bill. This memorandum discusses the street vacation process and the Trailside vacation conditions.

Street Vacation Process

The Trailside vacation petition was filed in 2017 and was considered under the vacation policies in effect at the time of filing. A comparison between those policies and the City's current street vacation policies can be found attached to [Resolution 31809](#).

Under those policies, when a petition for a street or alley vacation is filed by a property owner, City departments, the Seattle Design Commission, and other interested parties reviewed the petition and made recommendations on whether the vacation should be approved and whether the proposed conditions are appropriate. The Seattle Department of Transportation (SDOT) compiled and transmitted their recommendations to the City Council alongside a recommendation from the SDOT Director to the City Council.

Once the Council received this recommendation, the Council held a public hearing and reviewed the petition. The Council then decided (1) to grant the petition, and (2) which conditions to place on the vacation. This conditional approval allowed the petitioner to build in the right-of-way and to complete their project.

After the project is complete, SDOT confirms that the conditions have been met and transmits a bill to Council that would finalize the vacation. At this phase of Council's review, the Council's role is to determine that the conditions have been met. Passage of the bill allows for the official transfer of ownership of the right-of-way to the petitioner.

Review of Vacation Conditions

The Council's [approval](#) of the Trailside vacation included nine conditions. These conditions required that:

1. The vacation be built substantially as presented to the Council;
2. Street improvements must be designed to City standards and reviewed by SDOT;
3. A trail connection to the Burke Gilman Trail, which is one of the public benefits provided by the project, must be subject to a Property Use and Development Agreement (PUDA) or other mechanism ensuring permanent public use of the connection and approval by Seattle Public Utilities, which possesses a utility corridor crossed by the trail connection.
4. Utilities adjacent to the site and on site must be protected.
5. Development should be started within approximately 18 months of approval and completed within five years of approval.
6. Street vacation approval does not eliminate other conditioning through regulatory reviews and State Environmental Protection Act review.
7. Free speech activities must be permitted in public spaces on site and signage must indicate to the public that those activities are allowed.
8. The Petitioner must develop and maintain the public benefit elements listed below and must adopt a PUDA or other mechanism to ensure they are open and accessible to the public.
9. Signage identifying public access is required at the public open spaces.

The project's public benefits are as follows:

Public Benefit	Description
1. Enhanced Burke-Gilman Trail Connection (including 47 th Ave ROW enhancements)	Burke-Gilman Trail connection within property (3,040 S.F.) 5 fixtures pedestrian-scale lighting 1 bollard
2. Enhanced ROW improvements (24 th Ave NE and NE 47 th St)	<u>24th Ave NE:</u> Surfacing up to SDOT curbless street standards (17,000 S.F.) Additional Planting (525 S.F.) 7 additional street trees 2 additional streetlights <u>NE 47th St right-of-way enhancements (north side) for bikes/peds between 24th Ave NE and 25th Ave NE:</u> Sidewalk (3,000 S.F.) Planting area (630 S.F.) 5 Street Trees

Public Benefit	Description
3. Burke-Gilman Amenities – SPU and SPR Property	Concrete surfacing at amenity and trail (2,075 S.F.) 2 benches 1 water fountain/fill station 1 bike fix-it station 75 feet of split-rail fencing 1 trash and 1 recycling receptacle 1 fixture - pedestrian scale lighting Striping and traffic control markings
4. Burke-Gilman Trail Landscape Restoration	New native landscape plantings in SPR property (approx. 4,900 S.F.) New native landscape plantings in SPU property (approx. 7,600 S.F.) Maintenance agreement
5. Wayfinding	4-6 wayfinding signs 1 information kiosk

SDOT has confirmed that the petitioner has met all the conditions included in CF 314380 and provided the public benefits described above. CB 120724 would (1) accept a PUDA that reflects the conditions included in CF 314380, ensuring the long-term maintenance of the public benefit improvements, and (2) vacates the 48th Avenue NE right-of-way.

Next Steps

If the Committee recommends approval of CB 120724 at its December 5 Committee meeting, the City Council could consider the bill on December 12. Council approval of the bill would allow for the recording of the PUDA and final vacation of the right-of-way.

cc: Esther Handy, Director
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