

**IN THE MATTER OF THE PETITION OF ACORN DEVELOPMENT LLC FOR
THE VACATION OF THE ALLEY IN BLOCK 21 WHICH IS IN THE BLOCK
BETWEEN BELL STREET, 7TH AVENUE, BLANCHARD STREET, AND 8TH
AVENUE IN THE DENNY TRIANGLE NEIGHBOHOOD OF SEATTLE**

CLERK FILE 314278

The City Council hereby grants approval of the petition from Acorn Development LLC (hereafter Acorn Development or Petitioner) for the vacation of the Alley in Block 21 which is in the block between Bell Street, 7th Avenue, Blanchard Street, and 8th Avenue in the Denny Triangle neighborhood of Seattle, described as:

The alley in Block 21, Heirs of Sarah A. Bell's Second Addition to the City of Seattle, recorded in Volume 1 of Plats, page 121, Records of King County, Washington, being the block bounded by Bell Street, 7th Avenue, Blanchard Street and 8th Avenue.

The street proposed for vacation includes approximately 5,756 square feet of right-of-way.

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

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in November of 2015.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:

Street improvement plan showing sidewalks, street trees, bike racks, street furniture, lighting, art or artist-made elements, and landscaping around the site and the specific elements;

- 8th Avenue Hillclimb on site;
- Blanchard Street setback;
- Bell Street setback;

- 7th Avenue Improvements and cycle track;
 - 8th Avenue Improvements;
 - Blanchard Street Improvements;
 - Bell Street Improvements;
 - 8th and Bell intersection enhancements;
 - Bell Street cycle track; and
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted may include:
- Seattle City Light; and
 - CenturyLink Communications.
4. It is expected that development activity will commence within approximately 24 to 30 months of this approval and that development activity will be completed within 7 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) until SDOT has determined that all conditions have been satisfied and all fees have been paid as applicable.
5. Access to the buildings for vehicle parking, services, bicycles, and pedestrian and retail entries shall be provided as follows, changes to this proposal shall require the review of SDOT and DPD: three access points will be allowed; two driveways on 8th Avenue with one providing an in/out driveway to the parking garage and one providing an in/out driveway to the truck loading dock; one exit-only driveway on Bell Street will be allowed for vehicles exiting the parking garage.
6. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
7. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public 24 hours a day with temporary closures permitted for reasons such as maintenance,

safety or private functions, and to outline future maintenance obligations of the improvements. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed within these public benefit features. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying public access and allowed free speech activities is required at the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity space on the site. Any violation of these conditions will be enforced through Chapter 15.90 of the Seattle Municipal Code. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT may request additional review by the Design Commission of the implementation of the public benefit elements or the pedestrian enhancements, as necessary. Public benefit elements in the right-of-way require additional street use permits and indemnification, public and private areas must be distinguished and markers in the sidewalk shall be required. The public benefit requirements include the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

Public Benefit		Description
On Site		
1	8 th Ave Hillclimb	<ul style="list-style-type: none"> • 12,000 sf publically accessible open space including: <ul style="list-style-type: none"> ○ Accessible ramp from corner of 8th & Bell to mid-block plaza ○ 2854 sf of planting ○ 10 trees ○ 132 lf seating elements ○ Overhead soffit element
2	Blanchard Street Setback	<ul style="list-style-type: none"> • 1,100 sf setback along the Blanchard Green Street including: <ul style="list-style-type: none"> ○ 935 sf of planting ○ 5 trees ○ 59 lf seating elements
3	Bell Street Setback	<ul style="list-style-type: none"> • 1,000 sf setback along the Bell Green Street including: <ul style="list-style-type: none"> ○ 877 sf of planting ○ 4 trees ○ 20 lf seating elements
Adjacent Public R.O.W.		
4	7 th Ave Improvements and Cycle Track	<ul style="list-style-type: none"> • 4,700 sf expanded pedestrian streetscape including: <ul style="list-style-type: none"> ○ 1,366 sf of planting ○ 7' wide elevated cycle track running the length of the block ○ 6 street trees (11 total new trees) ○ Bus stop ○ 5 pedestrian light fixtures ○ Enhanced curb bulbs at each corner
5	8 th Ave Improvements	<ul style="list-style-type: none"> • 3,300 sf expanded pedestrian streetscape including: <ul style="list-style-type: none"> ○ 663 sf of planting ○ 5 street trees (7 total new trees)

		<ul style="list-style-type: none"> o 4 pedestrian light fixtures o 74 lf seating elements o Enhanced curb bulbs at each corner
6	Blanchard Street Improvements	<ul style="list-style-type: none"> • 750 sf expanded pedestrian streetscape including: <ul style="list-style-type: none"> o 258 sf of planting o 4 Street Trees (7 total new trees) o 4 pedestrian light fixtures o 74 lf seating elements o Enhanced curb bulbs at each corner
7	Bell Street Improvements	<ul style="list-style-type: none"> • 1,800 sf expanded pedestrian streetscape including: <ul style="list-style-type: none"> o 441 sf of planting o 4 Street Trees (5 total new trees) o 4 pedestrian light fixtures o 10 lf seating elements o Enhanced curb bulbs at each corner
Off-Site Benefits		
8	8 th & Bell Intersection	<ul style="list-style-type: none"> • 5,350 sf raised intersection and sidewalk to enhance pedestrian safety
9	Bell Street Cycle Track	<ul style="list-style-type: none"> • 4,500 sf buffered bike lane on the north side of Bell Street from Denny to 7th consistent with the Center City Bike Network including: <ul style="list-style-type: none"> o Buffered element to be planter or similar element approved by SDOT
10	Bell Street Concept Plan	<ul style="list-style-type: none"> • Development of conceptual street plan from 5th Ave to Denny Way to be adopted by Joint Director's Rule by SDOT and DPD. • Purpose of this Street Concept Plan is to inform future development to reinforce the Bell Street Park design character

Signed by me in open session this 11th day of January, 2016.

President _____ of the City Council