IN THE MATTER OF A REQUEST OF PROJECT STEWART, LLC TO EXTEND THE TIME OF THE GRANT OF APPROVAL FOR THE PETITION FOR THE VACATION OF THE ALLEY IN BLOVK 54, HEIRS OF SARAH Q. BELL'S SECOND ADDITION TO THE CITY OF SEATTLE

CLERK FILE 309396
CLERK FILE 314290
CLERK FILE 314375

The City Council amends its grant of approval contained in Clerk File 309396 of the petition of 1221 East Denny Owner, LLC (Petitioner), for the vacation of:

The Alley in Block 54, Heirs of Sarah A. Bell's Second Addition to the City of Seattle.

Westbank Projects PP (US) Corp. as the sole member of Project Stewart, LLC that now owns the 1200 Stewart property and its associated permits; requests that the approval of the vacation granted conditionally by the City Council on July 19, 2010 and extended for two years on June 8, 2015, be extended for an additional five years. Clerk File 314375 is granted based on the following:

> 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 by the City Council have been satisfied, all fees paid, all utility agreements completed, and all documentation completed and recorded as necessary, prior to passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Sustainability and Transportation Committee in April 2017.

2. All street improvements shall be designed to City standards and shall be reviewed and approved by SDOT; elements of the street improvement plan and required street improvements to be reviewed include:
   - Street improvement plan showing sidewalks, street trees, , way finding kiosks, bike racks, street furniture, lighting and drought tolerant landscaping around the site; and
   - Limiting to one the number of curb cuts on the site.

3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to approving the final vacation ordinance. Before commencing any development activity on the site, the Petitioner 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 Petitioner. Utilities impacted include:
   - Seattle Public Utilities;

- Puget Sound Energy;
- Seattle City Light;
- CenturyLink Communications; and
- WAVE Communications

4. It is expected that development activity will commence within 12 months of this approval and the development activity will be completed within 5 years. If the vacation cannot be completed within 5 years, the Petitioner must request an extension of time from the Transportation Committee. 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 temporary or final Certificate of Occupancy for the project until SDOT has determined that all conditions have been satisfied and all fees have been paid.

5. 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 regulatory review and conditioning pursuant to various City codes.

6. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT, and SDOT may request additional review by the Design Commission if necessary. The public benefit requirement includes the following features and corresponding development standards, which shall be outlined in the PUDA. It is understood that the dimensions provided at this stage are approximate and the PUDA will provide final and updated dimensions for the following public benefit elements:

Urban Garden at Denny Way and Minor Avenue:
- Expands the curb bulb to narrow the pedestrian crossing from 130 feet to 48 feet-6 inches.
- Adds natural landscaping
- Provides drought tolerant landscaping
- Includes specialty paving

Urban Garden at Denny Way and Yale Avenue:

- Expands the curb bulb to narrow the pedestrian crossing from 60 to 30 feet
- Eliminates northbound traffic on Yale Avenue to create a larger Yale curb bulb
- Expands the bus stop area to 32 feet in width
- Rebuilds the bus stop waiting area, including a feature tree and seat walls

- Adds natural landscaping
- Provides drought tolerant landscaping
- Includes seating at the bus stop
- Includes pedestrian-scale lighting
- Includes specialty paving
- Provides alternative paving on Yale Avenue

Streetscape improvements

- Widen sidewalks to a minimum of 16 feet around the project
- Provide decorative seating, bus shelters with decorative paving , and bike racks
- Provide more than 50% of the street frontage as retail
- Incorporate drought-tolerant landscaping in planting strips
- Include wayfinding kiosks
- Provide pedestrian lighting beyond code requirements
- Provide landscaping beyond code requirements
- Provide $200,000 to support the Westlake Micro-Parks project.

Conditional approval of the vacation is extended for an additional five years from the date of this signing. The petitioner shall fulfill all the terms, conditions and public benefit obligations imposed by the City Council in its grant of approval dated _____ __, 2017

Signed by me in open session this _ day of _____, 2017.

_____

_____, President of the City Council