

July 9, 2025

MEMORANDUM

To: Transportation Committee
From: Lish Whitson, Analyst
Subject: Council Bill 121026: Grand Street Commons Vacation

On July 15, 2025, the Transportation Committee (Committee) will receive a briefing on Council Bill (CB) 121026, a bill to grant final approval of the vacation of the alley on the block bounded by S Grand Street on the north, S Holgate Street on the south, 23rd Avenue S south on the east, and 22nd Avenue S/Rainier Avenue S on the west. The vacated alley is located southeast of Colman Playground, three blocks south of Interstate 90 in the Judkins Park neighborhood (Council District 3). Council conditional approval of the vacation was granted on November 15, 2021, through Clerk File (CF) [314459](#). Approval of the vacation facilitated the development of Tahoma Valley Apartments, a mixed-use building, containing 206 affordable residential units. Tahoma Valley Apartments are part of a three-building mixed-use development containing a total of 775 units, including 364 affordable units and 50,000 square feet of commercial space.

The Council's decision at this point is to determine whether the project has satisfied the conditions of CF 314459. If those conditions have been met, the Council should approve the bill and grant final approval of the vacation. This memorandum discusses the project and the conditions placed on the alley vacation. Attachment 1 provides background on the City's street vacation policies.

Grand Street Commons

The Grand Street Commons project redeveloped three blocks in the Judkins Park neighborhood. The project included extensive remediation of polluted properties. The alley that would be vacated by CB 121026 ran through the southernmost block.

On that block, Mount Baker Housing has built Tahoma Valley Apartments, a seven-story mixed-use building with 206 affordable residential units, ground floor commercial space, and the Cultural Space Agency's Launch Space incubator space. Between the apartments and Rainier Avenue, the project has reconfigured S Grand Street and 22nd Avenue S to create a public plaza.

Review of Vacation Conditions

The Council's conditional approval of the vacation included 13 conditions. These conditions required that:

1. The vacation be for the project presented to the Council.
2. Street improvements must be made pursuant to City standards.
3. Mount Baker Housing and their development partners will continue to work on development of the plaza and project conditions.
4. Utility issues in the right-of-way shall be resolved.
5. Development should start within 24 months of approval and be completed within seven years.
6. Street vacation approval does not eliminate other conditioning through regulatory reviews and State Environmental Policy Act review.
7. Mount Baker Housing will work with the Office of Housing to give preference to renters already living in the neighborhood.
8. Free speech activities must be permitted in public spaces on site and signage must indicate to the public that those activities are allowed.
9. The Seattle Design Commission will review: changes to public benefit features; agreements with the Cultural Space Agency regarding space in the project; the final Cultural Expression and Public Art Plan; long-term or permanent cultural features included in the plaza area.
10. A Property Use and Development Agreement (PUDA)¹ or other binding agreement is required to ensure that the public benefit elements remain open to the public and maintained.
11. A binding agreement will ensure public elements in the right-of-way remain open and accessible and maintained.

¹ The PUDA is included as [Exhibit 1](#) to the bill.

12. The Petitioner must provide signage identifying public access; SDOT must review and approve the final design of public benefit elements of the project; changes to the public benefit elements will require SDOT approval; and the PUDA must describe the following public benefits:

PUBLIC BENEFIT		RESPONSIBLE PARTY
ROW Enhancements	Added 12,124 SF of Right-of-Way enhancements, for a total of 33,800 SF <ul style="list-style-type: none">• Nine new bike racks• Two new street lights• Building setbacks• Pre-construction work (surveying, clearing, fencing, staking, erosion control)	Mt Baker Housing
Onsite Art & Cultural Opportunities	Hired local BIPOC art consultant to oversee, manage and implement opportunities for onsite Cultural and Artistic Expression	Mt Baker Housing & Lake Union Partners
Arts & Culture Community Space Fronting the Plaza	Contract executed with the Cultural Space Agency (CSA) as year-round programming for the plaza, as well as community-focused opportunities and events	Mt Baker Housing
Arts & Cultural Implementation	Dedicating 1,500 SF of commercial space fronting the public plaza to the CSA for the life of the building	Mt Baker Housing
South Public Plaza, Woonerf & Landscaping	11,601 SF of New Plaza and 10,075 SF of woonerf. 14 new trees, 412 new plants and groundcover plantings	Mt Baker Housing
North Public Plaza	Additional 9,100 SF of extended plaza and special paving within the plaza	Lake Union Partners

13. The project shall pay the required street vacation fees but is not required to compensate the City for the value of the right-of-way.

SDOT has confirmed that the petitioner has met all of the conditions included in CF 314459 and provided the public benefits described above. CB 121026 would (1) accept a PUDA that reflects the conditions included in CF 314459, ensuring the long-term maintenance of the public benefit improvements, and (2) vacates the City's interest in the alley right-of-way.

Next Steps

The Committee will receive a briefing on the bill at its July 15 meeting. Council approval of the bill would allow for the final vacation of the alley right-of-way.

cc: Ben Noble, Director

Attachment:

1. Summary of Seattle's Street Vacation Policies

Attachment 1 – Summary of Seattle’s Street Vacation Policies

Street Vacation Policies

From time to time, property owners seek to permanently acquire the street or alley next to their property from the City, typically to facilitate a proposed development. 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 City Council’s [Street Vacation Policies](#). In 2018, the City Council updated its street vacation policies to provide greater clarity for petitioners, members of the public and decision-makers in proposing and reviewing street vacation petitions. The policies identify two related but independent questions that the Council must consider in reviewing a street vacation petition:

- are the “public trust functions” of the right-of-way maintained? and
- will the public receive a 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. (p. 7)

Public benefits are a required component of street vacations to offset 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. (p. 22)

After a petitioner files a complete vacation petition with the City Council, it is sent to the Seattle Department of Transportation (SDOT), the Seattle Design Commission per SMC Chapter [3.58](#), and other agencies 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, SDOT returns the petition, and the City Council considers the petition. 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 Clerk File alongside the vacation petition. That conditional approval allows the petitioner to begin developing in the right-of-way.

After the petitioner meets all the conditions and pays all fees, SDOT drafts an ordinance for Council consideration that transfers ownership of the right-of-way to the petitioner. Council's review of that final ordinance is generally limited to confirmation that the conditions set in the Street Vacation conditional approval have been met. If all conditions have been met, the Council should pass the ordinance granting the vacation.