

**IN THE MATTER OF THE PETITION OF DENNY & EASTLAKE
LIMITED PARTNERSHIP AND DENNY & STEWART LIMITED
PARTNERSHIP, FOR THE VACATION OF THE ALLEY LYING WITHIN
BLOCK 24, PONTIUS FOURTH ADDITION TO THE CITY OF SEATTLE,
EXTENDING FROM THE NORTHERN MARGIN OF DENNY WAY AND
THE EASTERLY MARGIN OF STEWART STREET**

CLERK FILE 314512

The City Council hereby grants approval of the petition of Denny & Eastlake Limited Partnership and Denny & Stewart Limited Partnership (“Petitioners”), for the vacation of the Alley in Block 24, Pontius Fourth Addition to the City of Seattle, being the alley in the block bounded by Stewart Street to the north, Denny Way to the south, and Eastlake Avenue E to the east, described as:

THE ALLEY LYING WITHIN BLOCK 24, PONTIUS FOURTH ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 8, RECORDS OF KING COUNTY, WASHINGTON, LYING BETWEEN FRACTIONAL LOTS SIX THROUGH NINE, INCLUSIVE, AND BETWEEN LOTS 10 THROUGH FRACTIONAL LOT 14, INCLUSIVE, EXTENDING FROM THE NORTH RIGHT OF WAY MARGIN OF DENNY WAY AND THE EASTERLY RIGHT OF WAY MARGIN OF STEWART STREET; CONTAINING AN AREA OF 2,698 SQUARE FEET, OR 0.0619 ACRES MORE OR LESS; SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

The vacation is granted upon the Petitioners meeting the following conditions. The petitioners shall demonstrate that all conditions imposed on the vacation by the City Council have been satisfied and all required fees paid before the vacation ordinance is passed.

1. The vacation is granted to allow the Petitioners 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 City Council.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and shall be reviewed and approved by the Seattle Department of Transportation (SDOT) through a Street Improvement Permit (SIP).
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 commencing 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 Petitioners.

4. It is expected that development activity will commence within approximately 2 years of this approval and that development activity will be completed within 7 years. To ensure timely compliance with the conditions imposed by the City Council, the Petitioners shall provide SDOT 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. If development activity has not commenced within 7 years the Petitioner must seek an extension of the approval from the City Council.
5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to review under the State Environmental Policy Act (SEPA) and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
6. The Petitioner and/or Development team shall continue to provide the information regarding the review and implementation of the proposed and required regulatory elements such as the Street Improvement Permit (SIP) and Utility Major Permit, the recommendations from the Seattle Design Commission (SDC), and the vacation conditions. It shall be the responsibility of the Petitioner or Development team to provide information to review bodies and make sure that the varying elements can be implemented as required by City Council. If project changes or regulatory provisions substantially impact any vacation conditions, including the public benefit features, SDOT Street Vacations will facilitate a resolution of any conflicts. SDOT may require review by the SDC staff to address substantial changes to public benefits or issues and confirm compliance with these conditions.
7. Public amenities and any 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 public amenity permit, provisions in the SIP, or inclusion of ongoing obligations in the vacation Property Use and Development Agreement (PUDA).
8. Any artistic elements or mural applied to structural walls that support Denny Way at or near lower Denny Way as part of the required public benefits must be maintained by the Petitioner for 50 years from the date of application as allowed by SDOT. At the end of the 50-year term or upon any request by SDOT for removal of the artistic element, the obligation for the Petitioner to provide and maintain the artistic endeavor on the structural walls as a public benefit will cease.

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 public realm. While engaged in allowed activities, members of the public may not be asked to leave public streets for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying that lower Denny Way is a public street and free speech activities are allowed in the public realm shall be provided. A mockup of the proposed signage and a map of the proposed locations shall be provided to SDOT Street Vacations for review and approval prior to the fabricating and installing the signage. Any violation of these conditions will be enforced through Chapter 15.90 of the Seattle Municipal Code.
10. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A 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 and insurance provisions. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT may engage with the SDC in this review. The public benefit requirements include the following features and corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

Public Benefit Description	Item	Quantity	Estimated Cost
1 - Pedestrian Crossing - Stewart and Denny New sidewalk areas, curb ramps, crosswalk striping to facilitate safe crossing of arterial streets.	City of Seattle (COS) standard sidewalk surfacing	629 SF	\$89,000
	COS standard curb ramp	4	
	COS standard crosswalk striping	Allowance	
2 - Pedestrian Crossing - Stewart and Eastlake New sidewalk areas, planting, curb ramps, crosswalk striping to facilitate safe crossing of arterial streets.	COS standard sidewalk surfacing and planting	1,232 SF	\$148,000
	COS standard curb ramp	6	
	COS standard crosswalk striping	Allowance	
3 - Eastlake Avenue East ROW Enhancements Extension of existing curb to create new space for pedestrians and bikes beyond SIP requirements. Improvements include bike facilities, on-street parking, planting and street trees, street and bike channelization, and pedestrian lighting.	COS vehicular concrete and sidewalk surfacing, planting, soil, and irrigation	8,509 SF	\$1,579,000
	Street Trees	9	
	Bike racks	4	
	Pedestrian light poles	8	
	Benches	6	
4 - Wayfinding Signage	COS standard signs and	3 signs	\$75,000

Public Benefit Description	Item	Quantity	Estimated Cost
Monetary contribution to the city's Seamless Seattle Wayfinding program for new signage near project site implemented by SDOT.	foundations implemented by SDOT		
5 - Lower Denny Way Pedestrian Street Conversion of lower Denny Way to Urban Curbless with restricted access for service and emergency vehicles. Improvements will include new surfacing, drainage, planting and irrigation, lighting, power and site furnishings.	COS vehicular concrete surfacing with specialty scoring, finish and color, planting, soil, and irrigation	5,874 SF	\$953,000
	Street Trees	8	
	Pedestrian Light Poles	7	
	Benches	18 LF	
	Removable Bollards	6	
6 - Private Infrastructure for Public Use Publicly-accessible infrastructure for public use including: a storage room, potable water and power for event use and a drinking fountain. Instructions and rules for accessing the publicly accessible infrastructure will be made publicly available prior to final Certificate of Occupancy.	Storage Room - Dedicated storage room with direct access to lower Denny Way	150 SF	\$80,000
	Power - wall mounted and pylon sources	2	
	Potable water – wall mounted hydrant	1	
	Bottle Filling Station	1	
7 - Artistic Endeavor (Mural) at Denny Way Overpass Urban Artworks led project to create mural on the northern face of Denny Way bridge structure and maintain for 50 years.	Painted mural surface for 50 years	3,200 SF	\$225,000
TOTAL ESTIMATED COST FOR PUBLIC BENEFITS			\$3,149,000

1305 Stewart St Vacation Conditions, CF 314512

Beverly Barnett/Lish Whitson

April 2, 2024

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Granted by the City Council the _____ day of _____, 2024,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2024.

President _____ of the City Council