

**IN THE MATTER OF THE REQUEST BY CITY INVESTORS IV, LLC TO EXTEND
APPROVAL OF THE VACATION OF A SUBTERRANEAN PORTION OF THE
ALLEY IN BLOCK 89 LYING BETWEEN JOHN STREET AND DENNY WAY IN THE
SOUTH LAKE UNION URBAN CENTER NEIGHBOHROOD OF SEATTLE**

**CLERK FILE 313984
CLERK FILE 314517**

The City Council amends its grant of approval of the petition from City Investors IV, LLC (City Investors or Petitioner) for the vacation of a subterranean portion of the Alley in Block 89 lying between John Street and Denny Way in the South Lake Union Urban Center neighborhood of Seattle, described as:

That portion of the alley bisecting Block 89, D.T. Denny's 5th Addition to North Seattle, according to the plat thereof, recorded in Volume 1 of plats, page 202, Records of King County, Washington, lying below an inclined plane situated 6.00 feet below, and parallel with, the finished grade elevation of said alley, said inclined plane being more particularly described as follows:

**Beginning at a point on the south right-of-way line of John Street at the north end of said alley, said point having an elevation of 57.8 feet;
Thence south along the course of the alley a distance of 100.00 feet to a point having an elevation of 62.4 feet;
Thence continuing south along the course of the alley a distance of 130.5 feet to a point having an elevation of 63.7 feet;
Thence continuing along the course of the alley a distance of 130.5 feet, more or less, to a point on the north right-of-way line of Denny Way and the terminus of said inclined plane, said point having an elevation of 61.4 feet.**

The inclined plane herein described spans the full alley and is bounded on the north by the south right-of-way line of John Street, on the south by the north right-of-way line of Denny Way, on the east by the west line of Lots 1 through 6 and on the west by the east line of Lots 7 through 12, all of said Block 89.

The elevations described herein are expressed in terms of North American Vertical Datum of 1988 (NAVD 88) and are based upon City of Seattle Benchmark No. SNV-5007, a 2 inch surface brass disk in the concrete walk, vicinity of the Northwest corner of Westlake Avenue and 9th Avenue, elevation 79.14 feet.

The street proposed for vacation includes approximately 5,776 square feet of right-of-way.

The City Council extends its grant of approval of the City Investors petition contained in Clerk File 313894 and approved on December 7, 2015, to December 7, 2030. Conditional approval of the vacation ends on December 7, 2030.

The vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate 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 September 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; nonstandard elements will require a Street Use Permit and indemnification agreement; 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, signage or wayfinding, and landscaping around the site.
 - Permitted encroachments in the public alley such as treatments to the surface of the alley and other elements as noted above.
 - Elements that distinguish public right-of-way from private property, including clear signage, property demarcation, and changes in paving treatment, street furniture and landscaping.
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. The City shall require indemnification for the private structure below the public alley. 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, and
 - CenturyLink Communications.
4. ~~It is expected that development activity will commence within 18 months of this approval and that development activity will be completed within five years.~~ Approval of this vacation shall expire on December 7, 2030. 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) for the project until SDOT Street Vacations 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 conditioning pursuant to various City codes and through regulatory review processes including SEPA.

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 Street Vacations. SDOT may request additional review by the Design Commission of the implementation of public benefit elements or the pedestrian enhancements in the alley, 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. Signage clearly marking public access areas must be reviewed by SDOT and shall be provided. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

Block 89 Subterranean Alley Vacation Public Benefits		
	Public Benefit Item	Description
1	Alley right-of-way improvements	Special paving, landscaping, pedestrian-scaled lighting, wayfinding, seating, and furnishings in the alley right-of-way between John St and Denny Way, which remains in public ownership. <ul style="list-style-type: none"> • Approximately 7,444 sf of alley improvements.
2	Improvements to the triangular portion of right-of-way at the corner of 9 th Ave and Denny Way	Paving based on 2'x2' City of Seattle standard sidewalk module, landscaping, lighting, and seating. <ul style="list-style-type: none"> • Approximately 4,506 sf of improvements.
3	Green Street improvements on John St	Relocation of existing curb between 9 and 16 feet to the north to expand pedestrian streetscape, including new paving, landscaping, lighting, and seating. <ul style="list-style-type: none"> • Approximately 6,968 sf of improvements.
4	Voluntary setback and streetscape improvements on Denny Way	Expanded street-level building setback, seating, landscaping, and lighting to implement some of the recommendations in the Denny Way Streetscape Concept Plan. <ul style="list-style-type: none"> • Approximately 3,933 sf of improvements.
5	Streetscape improvements on 9 th Ave N and Westlake Ave N	Relocation of existing curb to widen sidewalk, including new paving and additional landscaping. <ul style="list-style-type: none"> • Approximately 906 sf of improvements on Westlake and

		• 2,237 sf of improvements on 9 th Avenue N.
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7. Incorporate clear and obvious design cues to delineate between the public property and the private property. The design approach should clearly indicate, including to people with vision impairment, that the alley and the triangular portion of right-of-way at the corner of 9th Ave and Denny Way are public places. This could include (but is not limited to):

- the use of curbs, rolled curbs or other design approaches to obviously demarcate the public right-of-way from private property;
- modifying the proposed special paving proposed for the alley to more clearly and obviously differentiate it from the paving proposed on private property OR alter the proposed paving plan to use standard sidewalk paving design for all public right-of-way spaces (including the alley, sidewalks, etc.) and use a different paving scheme for the private property;
- additional wayfinding to ease navigation through and within the site; and
- additional elements such as landscaping; furniture including benches, planters, and seating; pedestrian lighting; signage; and art elements.

The petitioner shall present the proposed design strategy to address this condition to the Design Commission for review. The petitioner should also consult with the Commission for People with Disabilities on changes that include curbing or other physical elements to address any potential disability access issues. The final design shall require the review and approval of SDOT.

Signed by me in open session this _____ day of _____, 2023.

President _____ of the City Council