

**IN THE MATTER OF THE PETITION OF BRE-BMR 6TH LLC,
FOR THE VACATION OF THE ALLEY IN LOTS 1 THROUGH 12,
INCLUSIVE, BLOCK 67, D.T. DENNY'S PARK ADDITION
TO NORTH SEATTLE, BEING THE BLOCK BOUNDED BY
JOHN STREET, THOMAS STREET, TAYLOR AVENUE NORTH AND
6TH AVENUE NORTH**

CLERK FILE 314497

The City Council hereby grants approval of the petition of BRE-BMR 6th LLC (“Petitioner”), for the vacation of the Alley in Block 67, Denny’s Park Addition to North Seattle, being the alley in the block bounded by Thomas Street to the north, 6th Avenue North to the east, John Street to the south, and Taylor Avenue N to the west, described as:

THAT PORTION OF BLOCK 67, D.T. DENNY’S PARK ADDITION TO NORTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 46, IN KING COUNTY, WASHINGTON; MORE PARTICULARLY DESCRIBED AS THE 16’ WIDE ALLEY OF BLOCK 67; BOUND TO THE NORTH BY THE SOUTHERN MARGIN OF THOMAS STREET; BOUND TO THE EAST BY THE WESTERN LOT LINES OF LOTS 1 THRU 6 OF SAID BLOCK 67; BOUND TO THE SOUTH BY THE NORTHERN MARGIN ON JOHN STREET; BOUND TO THE WEST BY THE EASTERN LOT LINES OF LOTS 7 THRU 12 OF SAID BLOCK 67; CONTAINING AN AREA OF 5,761 SQFT. OR 0.1323 ACRES, MORE OR LESS; SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.

The vacation is granted in order to facilitate the development of a phased project. The first phase to be constructed is located at 200 Taylor Avenue N (“Phase 1 West Building”) and will consist of approximately 239,000 gross square feet (gsf) of mixed-use office/lab buildings, 159 below grade parking stalls, bicycle parking, and construction of a northern plaza along the Thomas Street green street and a portion of a through-alley connection. The second phase is located at 205 6th Avenue N (“Phase 2 East Building”) and will complete the Project, including creating a southern plaza along John Street, and completing the through-alley connection and approximately 266,000 gsf of mixed-use office/lab buildings and 243 below grade stalls.

The vacation is granted upon the Petitioner meeting the following conditions. The petitioner shall demonstrate that all conditions set forth below that are specific to the Phase 1 West Building (and that would occur before passage of the street vacation ordinance) have been satisfied, and all required fees associated with the Phase 1 West Building paid before the vacation ordinance is passed.

1. The vacation is granted to allow the Petitioners to build a project substantially in conformance with the proposal reviewed by the City Council and for no other purpose.
2. All street improvements required as part of the Project shall be designed to City standards, as modified by these conditions to implement the public benefit requirements (as set forth in the table below) and be reviewed and approved by SDOT through a Street Improvement Permit.
3. The utility issues shall be resolved to the full satisfaction of the affected utility before the approval of the final vacation ordinance. Before commencing any development activity on the site, the Petitioner shall work with the affected utility 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.
4. It is expected that development activity for the Phase 1 West Building will commence within approximately 2-3 years after this approval and that development activity for both phases of the Project will be completed within 10 years. To ensure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide SDOT with reports semi-annually, following the City Council's approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the then-outstanding conditions applicable to the then-remaining portion of the Project. The Petitioner shall not request or be issued a Final Certificate of Occupancy for the Phase 1 West Building until SDOT has determined that all conditions applicable to the Phase 1 West Building have been satisfied and all fees applicable to the Phase 1 West Building have been paid. If development activity for the Phase 1 West Building has not commenced within 10 years after this approval, 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 SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
6. The Petitioner shall continue to provide informational updates to SDOT regarding reviewing and implementing the proposed and required regulatory elements such as the Street Improvement Permit, the recommendations from the SDC, and the vacation conditions. The updates shall continue through each phase of the Project until the final vacation ordinance is completed. It shall be the responsibility of the Petitioner to provide information upon request to applicable review bodies and make sure that the required elements of the Project can be implemented. If Project changes substantially impact any vacation conditions, including the public benefit features required under this approval, SDOT Street Vacations will facilitate a resolution of any conflicts. SDOT may require

review by the Seattle Design Commission staff to address substantial changes to public benefits or issues and confirm compliance with the conditions in this approval.

7. 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 not be prohibited by the Petitioner within the right-of-way surrounding the Project site. While engaged in allowed activities, members of the public may not be asked by Petitioner to leave public streets or sidewalks for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Any violation of these conditions will be enforced through Chapter 15.90 of the Seattle Municipal Code.
8. Interim improvements may be required if construction of the Phase 2 East Building does not commence construction within 8 months of receipt of the Final Certificate of Occupancy for the Phase 1 West Building, as determined through the Seattle Design Commission subcommittee process (the “Interim Improvements”).

If construction on the Phase 2 East Building does not begin within 8 months of receiving the Final Certificate of Occupancy for the Phase 1 West Building, the Interim Improvements shall be required.

If the Interim Improvements are required, they will remain in place until commencement of construction of the Phase 2 East Building. Once all the Phase 1 West Building conditions and the Interim Improvements, if applicable, are satisfied and approved by SDOT, the final vacation ordinance may be approved.

9. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council and shown below in Condition 10. Before approval of the final vacation ordinance, the Petitioner shall enter into a Property Use and Development Agreement (“PUDA”) or other binding mechanism to ensure that the public benefit elements required under this approval remain open and accessible to the public and to outline future maintenance and insurance obligations related to such public benefit elements. The PUDA will also ensure that any Interim Improvements, if required, remain in place until the commencement of Phase 2 East Building construction. The PUDA will require that Petitioner provide semi-annual updates regarding the Phase 2 East building and that all Phase 2 East Building public benefits must be completed as a condition of the Final Certificate of Occupancy for the Phase 2 East Building.

Petitioner may not be issued a Final Certificate of Occupancy for the Phase 2 East Building until SDOT has determined that all conditions applicable to the Phase 2 East Building have been satisfied.

10. The final design of the public benefit elements required under this approval shall require the review and approval of SDOT Street Vacations. SDOT may engage with the Seattle Design Commission administration in this review. The chart below outlines the public benefit elements required under this approval, indicates the phase in which they must be completed and outlines certain features and approximate square footage dimensions, all of which shall be outlined in the PUDA:

Public Benefit Component	Phase	Code Req'd	Item	Estimated Value
1: Off-Site Improvements Providing \$2.4 million to SDOT for the Thomas Street green street improvements at Taylor Avenue N to 5th Avenue	Phase 1	N	\$2.4 million voluntary nonrefundable payment to SDOT. Funds to be provided by December 15, 2024, with the possibility of a 90-day extension	\$2,400,000
2: Sidewalk Improvements Expanded sidewalk width at 6th Avenue N to allow for increased planting area and pedestrian zone	Phase 2	N	2,545 SF Planting / Amenity Zone	\$300,000
			2,197 SF Paving (CIP Concrete)	
3: Canopies Overhead canopies at Taylor Avenue N and 6th Avenue N are provided to enhance the pedestrian experience	Taylor Avenue N – Phase 1	N	Taylor Avenue: 3,425 SF of canopy	\$1,935,000
	6 th Avenue N – Phase 2		6 th Avenue: 2,575 SF (west) 850 SF (east)	
4: Tree Canopy Cover Increased tree planting along Taylor Avenue N	Phase 1	N	7 to 10 additional trees range in 2-3" caliper / 12-15' tall	
			25% of additional trees will be coniferous trees	
5: Pedestrian Amenities – Taylor Avenue N Enhanced landscaping to provide pedestrian respite and comfort	Phase 1	N	7-10 benches in parklets	\$159,000
			3 tables in parklets	
6: Pedestrian Amenities 6th Avenue N Enhanced landscaping to provide pedestrian respite and comfort.	Phase 2	N	7-11 benches in parklets	
Total Estimated Cost for Public Benefits				\$ 4,794,000

* Note: Square footages in the chart above are approximate.

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