

**IN THE MATTER OF A REQUEST TO EXTEND THE TIME OF THE GRANT  
OF APPROVAL FOR THE PETITION OF 1221 EAST DENNY OWNER, LLC  
FOR THE VACATION OF THE ALLEY IN BLOCK 54, HEIRS OF SARAH A.  
BELL'S SECOND ADDITION TO THE CITY OF SEATTLE**

**CLERK FILE 309396  
CLERK FILE 314290**

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.**

Stewart-Denny Holdings, LLC as the sole member of 1221 East Denny Owner, LLC that owns the 1200 Stewart property and its associated permits; requested that the approval of the vacation granted conditionally by the City Council on July 19, 2010 be extended for an additional two years. Clerk File 309396 was 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 Transportation Committee in July of 2010.
2. All street improvements shall be designed to City standards and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:
  - Street improvement plan showing sidewalks, street trees, rain gardens, wayfinding kiosks, bike racks, street furniture, lighting and landscaping around the site;
  - Limiting to three the number of allowable curb cuts on the site.
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. 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; and
  - Qwest Communications.
4. It is expected that development activity will commence within 18 months of this approval and the development activity will be completed within five years. If the vacation cannot be completed within five years, the Petitioner must request an extension of time from the Transportation Committee. 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 Certificate of Occupancy (C of O) 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 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 and SDOT may request additional review by the Design Commission, if necessary. The public benefit requirement includes the following features as well as corresponding development standards which shall be outlined in the PUDA. It is understood that dimensions provided at this stage are approximate and that 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 24 feet.
- Reconfigures Virginia Street to connect at Minor Avenue but not Denny Way.
- Adds natural landscaping.
- Provides curb-side rain gardens.
- Includes specialty paving.

Urban Garden at Denny Way and Yale Avenue:

- Expands the curb bulb to narrow the pedestrian crossing from 60 feet to 30 feet.
- Eliminates northbound traffic on Yale Avenue.
- Expands the bus stop area to 32 feet in width.
- Rebuilds the bus stop waiting area, including art installations and seat walls.
- Adds natural landscaping.
- Provides curb-side rain gardens.
- Includes seat walls at the bus stop.
- Provides alternative paving on Yale Avenue.

Streetscape enhancements:

- Widen sidewalks to a minimum of 16 feet around the project.
- Provide decorative seating, bus lean bars, and bike racks.
- Provide more than 50% of the street frontage as retail.
- Incorporate rain gardens in planting strips.
- Include wayfinding kiosks.
- Provide pedestrian lighting beyond code requirements.
- Provide landscaping beyond code requirements.

Conditional approval of the vacation is extended for an additional two years from the date of this signing. The Petitioner shall fulfill all of the terms, conditions, and public benefit obligations imposed by the City Council in its grant of approval dated July 19, 2010.

Signed by me in open session this 8<sup>th</sup> day of June, 2015.

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Tim Burgess, President of the City Council