

**IN THE MATTER OF THE JOINT PETITION OF GID DEVELOPMENT
GROUP AND THE SEATTLE DEPARTMENT OF PARKS AND
RECREATION FOR THE VACATION OF THE ALLEY IN THE
BLOCK BOUNDED BY WESTLAKE AVENUE, 9TH AVENUE,
AND LENORA STREET IN BLOCK 24, HEIRS OF SARAH A.
BELL'S SECOND ADDITION**

CLERK FILE 313843

The City Council hereby grants approval of the vacation petition from GID Development Group (now Ninth and Lenora LLC) which is proposing a residential tower and the Seattle Department of Parks and Recreation (Parks) which is proposing a public park. Together the Petitioners are requesting the of the alley in the triangular block bounded by Westlake Avenue, 9th Avenue, and Lenora Street in the Denny Triangle neighborhood of the Downtown Urban Center, described as:

**The alley bounded by Westlake Avenue, 9th Avenue, and Lenora Street in
Block 24, Heirs of Sarah A. Bell's Second Addition in the Denny Triangle
neighborhood of the Downtown Urban Center**

The alley proposed for vacation includes approximately 2,400 square feet of right-of-way.

RECOMMENDATION

It is recommended that the vacation be granted upon the Petitioners meeting the following conditions. The Petitioners shall demonstrate, to the satisfaction of the City, that all conditions imposed by the City Council have been satisfied, all utility work including easement or other agreements is completed, all public benefit elements have been developed, and any other easement or agreements have been signed and recorded, and all fees paid, prior to the passage of the street vacation ordinance.

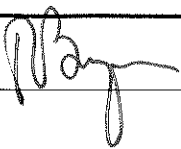
1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in June of 2015.
2. All 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, and landscaping around 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 City Light; and
 - CenturyLink Communications.
4. It is expected that development activity will commence within 18 months of this approval and that development activity on all three phases will be completed within five years. 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 City Council expresses its support for the division of the vacated right-of-way as outlined in the SDOT recommendation and anticipates that the eastern portion of the alley will be acquired by Parks and the western portion of the alley will be acquired by GID.
7. The City Council expresses its support for directing the GID vacation fee to the development of the Park at 9th and Lenora.
8. 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 and SDOT may request additional review by the Design Commission, as necessary. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

SEATTLE PARKS AND RECREATION		
Public benefit item	Description	
Expand and construct Westlake & Lenora Park	Parks will construct Westlake & Lenora Park.	
Expand events and programming	Inclusion in the weekday Buskers Program Monitoring by Parks' downtown concierge circuit Inclusion in Imagination Playground and other children's activities on select weekends Purchase of additional equipment	
GID		
Public benefit item	Description	
Storage area for Parks	GID shall provide an approximately 240-square-foot storage space adjacent to Westlake & Lenora Park.	This space is for Parks' use to store equipment and furniture for events, programming, and maintenance and shall be designed in coordination with Parks in order to meet its needs and will be available for Parks' use for the life of the project.
\$25,000 contribution to Parks	This contribution shall fund enhancements to the park edge.	These improvements go beyond the Design Review Board-approved design for the treatment of the wall on this edge. GID shall use this contribution to ensure the park edge reads as a public zone and not as a space associated with the adjacent residential tower.
Allocation to Parks of additional 175 square feet of vacated alley area	As a result of the proposed alternative approach to the future property line, Parks will acquire 175 square feet of additional property than if the new property line followed the currently alley center.	
Commitment to a street-activating use in the ground-level space adjacent to the park	GID commits to utilizing the space adjacent to the park as a street-activating use.	A condition of this public benefit item is a provision recorded in the property use and development agreement (PUDA) for ongoing and regular meetings and coordination among the tenant, the owner or property manager, and Parks to ensure the relationship between the commercial space and the park is successful. If SDOT cannot recommend that item this be included, the Commission recognizes the street-activating use as fundamental to the success of the park.

Green Street improvements on 9th Avenue	1,620 square feet of additional planting and 650 square feet of additional paving beyond code requirements.	
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Signed by me in open session this 29th day of June, 2015.

President  of the City Council