

**IN THE MATTER OF THE PETITION OF GRAND
STREET COMMONS LLC, FOR THE VACATION OF THE
ALLEY IN BLOCK 14, JOS C. KINNEAR'S ADDITION TO
THE CITY OF SEATTLE, BEING THE BLOCK BOUNDED
BY SOUTH GRAND STREET, 22ND AVENUE SOUTH,
SOUTH HOLGATE STREET AND 23RD AVENUE SOUTH**

CLERK FILE 314459

The City Council hereby grants the petition from Grand Street Commons LLC, now Grand Street Commons MBH LLLP, ("GSC", "Grand Street" or "Petitioner") for the vacation of the Alley in Block 14 Jos C. Kinnear's Addition to the City of Seattle being the alley in the block bounded by S Grand Street, 23 Avenue South, S Holgate Street, and 22nd Avenue South in the North Rainier Hub Urban Village, described as:

That certain alleyway, being 16 feet in width, created by Plat, between South Grand Street and South Holgate Street and lying between Lots 1, 2, and 3, and Lots 4, 5, and 6, Block 14, Jos C. Kinnear's Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 1 of Plats, Page 123, records of King County, Washington.

The alley proposed for vacation is approximately 180 feet in length by 16 feet in width for a total of approximately 2,880 square feet of right-of-way.

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 and all required fees paid before the street vacation ordinance is passed.

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. This approval constitutes the substantive Council approval of the vacation and the Petitioner may proceed with the permitting and development of the project, consistent with the conditions of this approval.

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 SDOT through a Street Improvement Permit, including:
 - Establishing curb lines, sidewalk dimensions and garage entry,
 - Proposed use of pavement scoring in the right-of-way,
 - Design features, dimensions, and material of curbless portion of S Grand Street,
 - Use of bollards,
 - Location of utility facilities, including SCL poles and SPU solid waste bins,
 - Landscaping, and

- Material use, signage, art elements and other public benefit features in the right-of-way.
3. Cooperation between Lake Union Partners and Mt Baker Housing shall continue on the review and implementation of the proposed and required regulatory elements such as the SIP and UMP, the recommendations from the SDC including the Art & Cultural Expression Plan and the vacation conditions. It shall be the responsibility of the 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 impact any vacation conditions, including the public benefit features, SDOT Street Vacations will facilitate a resolution of any conflicts. Lake Union Partners and Mt Baker Housing shall provide information to SDOT about the coordination activities before the passage of the final vacation ordinance.
 4. The utility issues shall be resolved to the full satisfaction of the affected utility before the final vacation ordinance is approved. Before starting any development activity on the site, the Petitioner shall work with the affected utilities and provide protection for 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. The utilities that may be impacted include SCL and SPU.
 5. It is expected that development activity will commence within approximately 24 months after 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 Petitioner shall provide SDOT with regular reports, following City Council vacation approval, providing an update on the development activity, schedule, and progress on meeting the conditions and anticipated date of project completion and opening. This report shall include an update on other elements of the development review. The Petitioner shall not request or be issued a Final Certificate of Occupancy until SDOT determines 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.
 6. 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 City codes through the regulatory review processes.
 7. The Petitioner shall work with the Office of Housing to implement the anti-displacement policy to give preference to renters already located in the neighborhood to the extent feasible.

8. 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 on-site vacation public benefit features. While engaged in allowed activities, members of the public shall not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying public access and allowed free speech activities shall be required at the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity spaces. Any violation of this condition by the Petitioner or its successors will be enforced through Chapter 15.90 of the Seattle Municipal Code.
9. Additional review by the SDC shall include the following:
 - If any substantive changes are proposed to elements of the public benefit package, including funding associated with any public benefit feature, removing, relocating, or changing the type of design features for the plaza or related right-of-way improvements, the size and orientation of any spaces provided for cultural or artistic activities, or any changes to the proposed street furniture, paving, landscaping, lighting, or any other similar feature, the revisions shall be brought to the SDC for review and approval. The review and approval by the SDC shall occur before issuing any associated street use permit or a building permit for GSC South needed to install or implement any such elements.
 - Before issuing any Certificate of Occupancy for GSC South, the SDC's Executive Director shall review and approve the agreement to between the Office of Arts & Culture and the Cultural Space PDA to create a condominium of approximately 1,500 square feet for the PDA to use as a community focused space that will help activate the public plaza throughout the year.
 - Within 180 days of issuing a building permit associated with GSC South (MUP 3035498-LU) the SDC shall review and approve the final Cultural Expression and Public Art Plan developed as a part of the vacation public benefit package. A member of the SDC shall be a voting member in the selection of artists.
 - Funds used to create items of cultural expression to be incorporated into the plaza designs shall result in the creation of elements that have a long-term or permanent quality as opposed to items that are temporary in nature.
10. 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.

11. Public amenities and 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 City Council Term Permit, a long-term permit from SDOT, a maintenance agreement, provisions in the SIP, or inclusion in the vacation PUDA.
12. Signage clearly identifying public access shall be required at the public open space elements and shall require the review of SDOT Street Vacations. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT Street Vacations may require additional review by the SDC as needed. Changes to the proposed public benefits require SDOT review and may necessitate additional SDC review. The public benefit requirements include the following features including approximate quantities and square footage dimensions, shall be described in the PUDA:

Public Benefit Matrix:

PUBLIC BENEFIT		CODE REQUIRED	APPROXIMATE VALUE	RESPONSIBLE PARTY (IMPLEMENTATION AND COST)
ROW Enhancements	Added 12,124 SF of ROW enhancements, for a total of 33,800 SF <ul style="list-style-type: none"> • Nine new bike racks • Two new street lights • Building setbacks • Pre-construction work (surveying, clearing, fencing, staking, erosion control) 	None	\$391,000	Mt Baker Housing
Onsite Art & Cultural Opportunities	Hired local BIPOC art consultant to oversee, manage and implement opportunities for onsite Cultural and Artistic Expression (\$50,000) Budget for hiring local artists (BIPOC priority) and materials to create art (\$190,000)	None	\$695,000	\$240,000 (Mt Baker Housing) \$455,000 (Lake Union Partners)

	<p>Cultural and Artistic Expression elements in the public plaza that are part of the artists' scope of work:</p> <ul style="list-style-type: none"> • 150 SF water feature (\$250,000) • 29 artistic plaza pole lights, 12 seats / benches (\$205,000) 			
Arts & Culture Community Space Fronting the Plaza	<i>Contract executed with the Cultural Space Agency (CSA) as year-round programming for the plaza, as well as community-focused opportunities and events</i>	None	N/A	Mt Baker Housing
Arts & Cultural Implementation	<i>Dedicating 1,500 SF of commercial space fronting the public plaza to the CSA for the life of the building</i>	None	\$250,000	Mt Baker Housing
South Public Plaza, Woonerf & Landscaping	<i>11,601 SF of New Plaza and 10,075 SF of woonerf. (\$250,000). 14 new trees, 412 new plants and groundcover plantings (\$47,000)</i>	None	\$297,000	Mt Baker Housing
North Public Plaza	<i>Additional 9,100 SF of extended plaza and special paving within the plaza</i>	None	\$307,000	Lake Union Partners
	TOTAL COST FOR PUBLIC BENEFITS		\$1,940,000	

Grand Street Commons Conditions, CF 314459
Beverly Barnett, SDOT
November 4, 2021
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Granted by the City Council the _____ day of _____, 2021,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2021.

President _____ of the City Council