IN THE MATTER OF THE PETITION OF SEATTLE CITY LIGHT FOR THE VACATION OF PONTIUS AVENUE NORTH LYING BETWEEN JOHN STREET AND DENNY WAY IN THE SOUTH LAKE UNION URBAN CENTER NEIGHBORHOOD OF SEATTLE

CLERK FILE 313195

The City Council hereby grants approval of the petition from Seattle City Light (SCL or Petitioner) for the vacation of Pontius Avenue North lying between John Street and Denny Way in the South Lake Union Urban Center neighborhood of Seattle, described as:

> **All that portion of Pontius Avenue North lying between Block 12 of the Supplementary Plat of Fairview Homestead Association For the Benefit of Mechanics and Laborers, according to the Plat thereof recorded in Volume 7 of Plats, Page 3, in King County Washington; and Block 13 of Pontius Fourth Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 7 of Plats, Page 8, in King County, Washington.**

The street proposed for vacation includes approximately 22,090 square feet of right-of-way.

The vacation is granted upon the Petitioner meeting the following conditions. These conditions apply to the vacation of Pontius Avenue N and the development of the Denny Substation and do not apply to work on the electrical network distribution system or the high-voltage transmission line to Massachusetts substation.

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 July 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. The Petitioner shall ensure that the Brewster's utility services are protected as relocation work occurs. 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;
   - 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. 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. The Design Commission has requested additional review of the proposed off-site street enhancements and SDOT may request additional review by the Design Commission of the implementation of other public benefit elements, as necessary. Public benefit elements in the right-of-way may require additional street use permits. Signage of public benefit elements may be required. The public benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA:

Denny Substation Public Benefits

Public Benefit Item		Description	Quantity	Approximate Cost
1	Public open space & Community Meeting Space	The design includes programmed open space for public use resulting from generous setbacks. The open space includes: Off-Leash Area; event zone and spill-out space which will be a dedicated paved zone for rotating uses such as food trucks, street fair, farmers market, or spill out for the Community Meeting Space; and street furniture. Also included is an interior Community Meeting Space.	23,800 SF of open space, including: 6,000 SF Off-leash area, 1,540 SF event zone / spill out space, and 3,900 SF interior Community Meeting Space.	$3,630,000
2	Occupied use to activate street edge	A storefront space at the intersection of Denny Way and the alley in the southeast corner of the site is currently programmed to be the Energy Inspiration Center for Seattle City Light.	2,900 GSF	$2,900,000
3	Denny Way street crossings	Enhanced pedestrian crossing of Denny Way at the intersection of Denny Way & Stewart Street and a signalized pedestrian crossing at the intersection of Denny Way & Minor Ave N.	(2) crossings	$200,000
4	Off-site improvements	In collaboration with SDOT, streetscape enhancements along Pontius Ave N between John St and Republican St and along Thomas St between Yale Ave N and Minor Ave N. These improvements include curb bulbs, treated pavement crossings, planter strips and trees, a rain garden, and additional pedestrian lighting	Curb: 869 LF; Sidewalk: 778 SY; (13) new trees	$250,000

5	Bus shelter / transit hub	The design includes an integrated building overhang for shelter, passenger waiting lean rails, a passenger waiting bench, bike racks, receptacles, and a transit information kiosk.	566 sf overhang, (3) lean rails, (1) bench, (3) bike racks, (2) receptacles	$130,000
6	Alley improvements	The design includes paving enhancements, safety lighting, interactive micro-sound environments, and bio-retention planters.	9,350 SF alley paving enhancements, 220 LF of bioretention planter, (3) speaker locations, 250 LF of safety lighting	$250,000
7	Implementation of the intent of the Denny Way Streetscape Concept Plan	The design includes voluntary setbacks along the Denny Way frontage.	Sidewalk 5'0" wider & Planting 9" wider than minimum required. 47.5% increase over minimum development requirement	$33,000
8	John Street Green Street enhancements	The design includes increased pedestrian and planting zones north of the Brewster apartments and across the length of the project site, urban scale way-finding and site-related directional signage, and bicycle parking.	Sidewalk 4'0" wider & Planting 2'4" wider than minimum required. 53.4% increase over minimum development requirement	$67,000
9	Interpretive Walking Loop	A quarter-mile walking loop, seating elements, landscaped zones, viewing portals with interpretive graphics, and informational components are integrated into the walking loop experience.	15,700 SF interpretive walking loop; (7) sitting rails; (10) viewing portals; 1,400 SF of landscaping	$3,200,000

Signed by me in open session this 17th day of August, 2015.

President _____ of the City Council