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Yesler Terrace Street Vacation Conditions v3
August 13, 2012
Version 3

# IN THE MATTER OF THE PETITION OF SEATTLE HOUSING AUTHORITY FOR VACATIONS ASSOCIATED WITH THE REDEVELOPMENT OF YESLER TERRACE

## CLERK FILE 311389

The City Council hereby grants approval of the petition of the Seattle Housing Authority (hereafter SHA or Petitioner) for the vacation of various rights-of-way within the Yesler Terrace housing development. The site is roughly bordered by Alder Street, Broadway, East Fir Street, Boren Avenue, 12th Avenue South, South Main Street, and I-5. The rights-of-way proposed for vacation are described as:

- **Terry Avenue** - From the southern right-of-way margin of Alder Street to the western right-of-way margin of Broadway.
- **Spruce Street** - From the northeastern right-of-way margin of 9th Avenue to the western right-of-way margin of Broadway.
- **Alley in Block 84 of the Terry's 2nd Addition plat** - Alley from the northern right-of-way margin of Spruce Street to approximately 60-feet north of the northern right-of-way margin of Spruce Street.
- **Spruce Street and 9th Avenue Intersection** - A portion of the northwest corner of the intersection of Spruce Street and 9th Avenue to remove the radius.
- **Alley at Yesler Terrace Steam Plant** - From the eastern right-of-way margin of 8th Avenue to the southern right-of-way margin of Spruce Street.
- **8th Avenue Intersection** - A portion of the northwest corner of the intersection of 8th Avenue and Yesler Way to remove the radius.
- **8th Avenue South** - From the southern right-of-way margin of Yesler Way to the eastern right-of-way margin of Interstate 5.
- **South Main Street** - From the eastern right-of-way margin of Interstate 5 to the western right-of-way margin of 10th Avenue South.
- **9th Avenue South** - From the southern right-of-way margin of South Main Street to approximately 90-feet south of the southern right-of-way margin of South Main Street.
- **South Washington Street** - From the eastern right-of-way margin of 10th Avenue South to the western right-of-way margin of 12th Avenue South.

## CONDITIONS OF THE VACATION

The Council hereby grants the vacation upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied and all fees paid prior to the passage of the final 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 Yesler Terrace redevelopment proposal reviewed by the City Council between June and September of 2012 (the "Project").

2. The granting of the vacation petition is conditional and SHA must also secure other City Council approval for the Project, including a Land Use Code amendment, legislative rezone, Planned Action Ordinance, and Cooperative Agreement.

3. The proposed street vacations are to implement the redevelopment of Yesler Terrace, and future site development shall comply with the: street vacation conditions of approval, new and revised provisions of the Land Use Code that address Yesler Terrace, the Yesler Terrace Planned Action Ordinance, conditions and requirements of preliminary and final plat approval, and any agreements with SHA that are authorized by the Seattle City Council.

4. Following granting of the foregoing approvals, changes to the Project must be made in a manner consistent with the review procedures established in the Land Use Code, the Yesler Terrace Planned Action Ordinance, the preliminary and final plat, or adopted agreements.

**Right of Way and Transportation Conditions**

5. All Street Improvements (as defined in the following paragraph) 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 (SDOT), including minimum right-of-way and roadway widths, pedestrian and bicycle facilities, landscaping, and pedestrian and street lighting infrastructure.

6. SHA shall dedicate right-of-way, and construct right-of-way improvements, as set forth in this paragraph and these conditions. Without limitation, SHA shall construct street improvements, including the Public Benefit elements, to the street segments set forth in Table A such that those segments are improved to substantially match the configurations depicted in Exhibit B, with such changes as may be approved by SDOT through the Street Improvement Plan (SIP) review. The improvements referenced in these conditions shall be referred to as the "Street Improvements".

Table A below summarizes right-of-way, roadway, and sidewalk widths with reference to the street segments in Exhibit B. The roadway width for certain streets is stated as a range of 30-32 feet. The final roadway width shall be determined by SDOT in the Street Improvement Plan (SIP) process and in coordination with the preliminary plat application. Sidewalk width and/or Green Stormwater Infrastructure (GSI) width for those streets is stated as a range pending determination of the final roadway width.

**Table A**

| Street Segment # Per Exhibit B | Street | From | To | ROW Width (in feet) | Roadway Width (in feet) | Sidewalk Width (in feet) |
|---|---|---|---|---|---|---|
| 1a | Yesler Way | At bridge approach | At bridge approach | 64 | 39 | 7 (N side)<br>13 (S side) |
| 1b | Yesler Way | I-5 | 8th Ave. | 83 | 50 | 8 |
| 2 | Yesler Way | 8th Ave. | Broadway | 89 | 57 | 16 |
| 3 | E. Yesler Way | Broadway | 10th Ave. | 66 | 22 (streetcar platform not included) | 12 (streetcar platform not included) |
| 4 | E. Yesler Way | 10th Ave. | Boren Ave. | 66 | 39 | 8 (N side)<br>6 (S side) |
| 5 | 8th Ave. | Yesler Way | Fir St. | 66 | 36 | 7 |
| 6 | Broadway | Fir St. | Yesler Way | 80 | 38 | 8 |
| 7a | 10th Ave. | Fir St. | E. Yesler Way | 66 | 30-32 | 7-8 |
| 7b | 10th Ave. S. | S. Washington St. | E. Yesler Way | 53.5 | 30-32 | 7-8 |
| 7c | 10th Ave. S. | S. Main St. | S. Washington St. | 66 | 30-32 | 7-8 |
| 8 | S. Main St. | 10th Ave. S. | 12th Ave. S. | 66 (min) | 30-32 | 7-8 |
| 9 | S. Washington St. | Yesler Way | 10th Ave. S. | 66 | 30-32 | 7-8 |
| 10 | Fir St. | 9th Ave. | Broadway | 66 | 36 | 7 |
| 11 | 9th Ave. | Alder St. | Fir St. | 66 | 36 | 7 |

7. SHA shall submit a preliminary plat that is consistent with the standards adopted by the City Council for the zoning designation and with the street vacation conditions, including the Public Benefit elements. The preliminary plat, as approved by the Hearing Examiner, will establish the final right-of-way dimensions. Minor changes within the preliminary plat to the right-of-way dimensions established in these conditions shall be construed as consistent with these conditions.

**Utility Conditions**

8. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of a 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 the sole responsibility of the Petitioner. Utilities impacted include:

   a. **Puget Sound Energy:** In accordance with Puget Sound Energy requirements, SHA shall relocate the gas mains located in those portions of Spruce Street and Terry Avenue proposed for vacation. This work shall be done in conjunction with construction of the new segment of Fir Street.

   b. **Century Link Communications:** SHA shall either relocate Century Link facilities outside of street vacation areas and provide an easement for access, or if left in place at the time of passage of the final street vacation ordinance, provide for continued access by easement.

   c. **Seattle Department of Transportation:** All streets shall include street lighting that meets SDOT guidelines.

   d. **Seattle City Light:** All power lines that exist shall remain and have all rights reserved until a replacement route with lines relocated is provided. The following list of street segments proposed for vacation have existing power lines:

      - Terry Avenue-power located on east side of street.
      - Spruce Street-power located on the north side of the street.
      - 8th Avenue-power located from the southeast corner to northwest corner of proposed vacation area.
      - S. Main Street-power located crossing south to north approximately 1500 feet east of southwest corner of proposed vacation area.
      - S. Washington Street-power located on south side of street.

   e. **Seattle Public Utilities (SPU):** SHA shall provide surveyed centerline legal descriptions of all existing public utility facilities within the Project site, including those within streets and on SHA property. SHA shall provide easements adequate to provide SPU with maintenance, reconstruction, and operations access to the public utilities until such facilities are relocated. In addition:

      - SHA shall perform the appropriate geotechnical engineering studies as phases of development occur to determine what, if any, extraordinary measures may be necessary to develop above the existing drainage tunnels.

**Parks Conditions**

9. SHA shall undertake any platting, lot boundary adjustment, or other process needed to effectuate the property transfer between SHA and the Department of Parks and Recreation (Parks) related to the dedication of the new S. Washington Street right-of-way and this transfer shall be completed prior to approval of a final street vacation ordinance. Nothing in these conditions shall impose any obligations on the City to make street improvements by virtue of the City's ownership of the Yesler Community Center or the neighborhood park.

**Light, air, open space and view conditions**

10. A system of open spaces, including three pocket parks and Green Street treatment for the loop road, shall be constructed as outlined in the conditions in this document.

**Land Use Conditions**

11. Future development of Yesler Terrace shall conform to the Land Use Code, the Yesler Terrace Master Planned Community Design Guidelines, and the Yesler Terrace Planned Action Ordinance, including without limitation, the measures adopted in the Planned Action Ordinance to mitigate the land use and other environmental impacts of future development.

**Public Benefit Conditions**

12. SHA shall develop and maintain the public benefit elements required in this document. A Property Use and Development Agreement (PUDA) or other binding mechanism, recorded against the Property, shall be required to ensure that the Public Benefit elements remain open and accessible to the public and to outline future maintenance obligations, programming, and management of the improvements. All of the public spaces shall be designed to enhance public safety by considering Crime Prevention Through Environmental Design (CPTED) guidelines. The final design of the three pocket parks and the 10th Avenue Hillclimb shall require the review and approval of SDOT and the Design Commission. The Public Benefit requirement includes the following features as well as corresponding development standards, including specific dimensions, which shall be outlined in the PUDA. The public benefit elements are illustrated in Exhibit C.

13. The following public benefit elements shall be provided by SHA:

    a. **Three pocket parks** shall be provided, one each in the northwest, northeast, and southeast sectors of the site, in the approximate locations shown on Exhibit C, designed according to the following standards:

    1) The total size of the three pocket parks shall be at least one acre, and each pocket park shall be at least 12,000 square feet in size.

2) Each pocket park shall have at least 70 linear feet of frontage on a public street and the three pocket parks together shall have at least 250 linear feet of frontage on public streets.

3) The design and programming for the pocket parks shall be reviewed by the Design Commission at both the schematic and design development phases and shall require final approval by SDOT.

4) Each pocket park shall be designed and programmed to be inviting to and usable by the general public and shall not be designed to serve only residents in the immediate vicinity. The pocket parks shall be designed and programmed to accommodate spaces for passive activities, such as sitting, visiting, looking at the views, or reading, and also active play areas focused on children. Particular design elements shall vary in order that each pocket park is designed to complement adjacent uses.

5) Design elements that shall be included in each pocket park include: street furniture, facilities for children's play, pedestrian-level lighting, and for those pocket parks bounded in part by a private access drive, bollards or another form of separation between the roadway surface and the park space. Exercise stations may be included in some or all of the pocket parks.

6) Seating reserved for customers of restaurants or other commercial uses shall not be allowed in the pocket parks.

7) The pocket parks shall be open and available to the public during the same hours as the proposed Yesler Terrace neighborhood park. Signage shall be provided identifying the pocket parks as public open space and identifying the hours of operation. During open hours, property owners, tenants, and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, adjacent buildings, or adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Other management issues such as maintenance, addressing unlawful activity or implementing the Seattle Police Department's Criminal Trespassing Program shall be addressed in the PUDA.

b. **Green Street Loop**

1) The following rights-of-way shall be developed with Green Street treatment as the Green Street Loop: S. Washington Street from Yesler Way to 10th Avenue S.; 10th

Avenue S. from S. Washington Street to E. Yesler Way, 10th Avenue from E. Yesler Way to E. Fir Street; E. Fir Street from 10th Avenue to Broadway, Fir Street from Broadway to 8th Avenue; 8th Avenue from Fir Street to Yesler Way (as depicted in Exhibit C).

2) The purpose of the Green Street Loop is to:
   - Provide continuous pedestrian and bicycle circulation;
   - Enhance landscaping and tree canopy in the right-of-way;
   - Link the Yesler Terrace pocket parks; and
   - Create flexibility in the design of the streets to include public benefit amenities as described below.

3) The green street treatment is achieved through widened sidewalks, pedestrian-scale lighting, the presence of street trees and additional landscaping, and street furniture. In addition, no fewer than five exercise stations shall be placed along the Green Street Loop. Placement of amenities shall be subject to review by SDOT and all amenities shall be placed along the loop road.

4) The final configuration and elements of the Greet Street Loop shall be reviewed and approved by SDOT as part of the SIP process. Elements that constitute a public benefit may vary from standard design elements.

c. A **10th Avenue Hillclimb** shall be developed in order to provide for an enhanced pedestrian connection between Yesler Terrace and the Little Saigon neighborhood. The hillclimb shall be developed to the following standards:

1) The hillclimb shall be located within the 10th Avenue S. and S. Main Street rights-of-way extending from the north margin of S. Main Street to the improved portion of 10th Avenue S. (the "10th Avenue Hillclimb").

2) Sufficient open space shall be provided at the top of the hillclimb to provide for resting space and public gathering space and to create an opportunity for views.

3) A clear and continuous pathway between the top of the 10th Avenue Hillclimb and S. Main Street shall be provided no later than the completion of the 10th Avenue Hillclimb improvements.

4) The 10th Avenue Hillclimb shall be open and accessible to the public 24-hours per day.

5) SHA shall continue to work with the Yesler Terrace, Little Saigon, and the International District communities on the design of the hillclimb improvements. The design shall be reviewed by the Design Commission at both the schematic and design development phases and shall require final design approval by SDOT.

6) The 10th Avenue Hillclimb shall be designed to include design elements identified during community design charettes held on February 18 and May 12, 2012 and attended by Yesler Terrace residents and members of the Little Saigon and International District communities. Exhibit D depicts the two design concepts preferred by design charette participants.

7) SHA shall develop a final design option with consideration of the priorities established by the community. The following elements, identified by the community as priorities during the design charettes, shall be included in the final design of the 10th Avenue Hillclimb:

- Space for group activities and gathering;
- Wide steps for groups to walk together and for clear sightlines;
- Wide landings and flat areas especially for elderly users;
- Seating that allows for the enjoyment of views and provides for social interaction (while limiting furniture that encourages lying down in public);
- A space that is safe for users;
- Adequate lighting;
- A balance between hardscape and vegetation;
- Consideration for specific populations such as the elderly, children, and families;
- Functional public art, such as the integration of seating and art elements; and
- Abundant landscaping that provides cultural familiarity.

d. **Wider right-of-way than typical City requirements for the portion of Yesler Way west of Broadway** until the bridge approach (83 feet or 89 feet to be provided instead of the 66-foot standard width required for zones of comparable intensity of development), in order to create widened sidewalks on the north and south sides of Yesler Way and to accommodate bicycles, transit, and turn lanes.

e. **Wider right-of-way than typical City requirements on all of 8th Avenue** (66 feet to be provided instead of the 52-foot standard width required for zones of comparable intensity of development), and **Fir Street between 9th Avenue and Broadway** (66 feet provided instead of the 60-foot standard width required for zones of comparable intensity of development).

f. **Wider right-of-way than typical City requirements on 10th Avenue between E. Yesler Way and E. Fir Street, and on the new 10th Avenue S. between S. Washington Street and S. Main Street** (60 feet provided instead of the 52-foot standard width required for zones of comparable intensity of development) for improved pedestrian and vehicle access, and GSI facilities.

g. **Enhanced connection between Yesler Terrace and the Little Saigon community** by connecting 10th Avenue from S. Washington Street to S. Main Street with a new roadway and sidewalks.

h. **Intersections and mid-blocks shall include a "curb bulb"**, where SDOT determines it is feasible, to accommodate larger scale trees than minimum City requirements and to enhance the pedestrian environment.

i. **Wayfinding kiosks.** SHA shall provide no fewer than four way-finding kiosks within Yesler Terrace. Placement of the kiosks shall be subject to review by the Design Commission and approval by SDOT.

j. **Provide a tree protection tract and a multi-use trail** with a combined width of 23 feet along the south side of Yesler Way between 10th Avenue S. and Boren Avenue. The final dimensions of the tract and trail shall be determined by SDOT prior to preliminary plat approval and the combined area of the tree protection tract and the trail shall be shown as a separate tract on the approved preliminary plat and final plat for the land in the MPC-YT zone. A public access easement shall be executed and recorded for the trail area.

**Phasing and Timing Conditions**

14. SHA shall work with the City to develop phasing plans for the redevelopment that shall ensure the continuity of utility services and completion of street work for each proposed phase of development. Street segments and utility work must be done in logical phases that minimize impacts to residents and the adjacent community. The plans must set forth the required timing of completion of the street improvements relative to the timing of the adjacent development with the goal of providing for access and street connectivity as well as continuity of utility services at all times. In order to provide for continuity of utility services and adequate transportation access as the Project is phased, SHA or private developers may be required to provide street improvements for a larger section of street right-of-way than might otherwise be required.

15. If approval of a final plat within the MPC-YT zone occurs prior to final vacation approval being sought and obtained, then at the time of such final plat approval SHA and any other owners of the land within the final plat shall execute and record a PUDA or other agreement binding on successor owners that contains provisions ensuring maintenance of and public access to the public benefit elements, and if street improvements or required public benefit element have not been completed, appropriate provisions to ensure their completion.

16. In order to ensure timely compliance with the conditions imposed by the City Council, SHA shall provide SDOT with twice yearly reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. SHA shall not request or be issued a Final Certificate of Occupancy for any building within the Project until SDOT has determined that all conditions applicable to that building have been satisfied and all required fees have been paid.

17. In recognition that proposed development will be phased, right-of-way, public realm improvements, the Green Street Loop, and pocket parks are anticipated to be developed in phases. No Final Certificate of Occupancy shall be issued for any structure on a lot that abuts a pocket park until construction of the pocket park has been completed. No Final Certificate of Occupancy shall be issued for any structure on a lot abutting a street segment identified in Table A until the street improvements required under the platting and SIP process have been completed. The 10th Avenue Hillclimb improvements, including connecting the northern terminus of the Hillclimb improvements with an existing pedestrian pathway or sidewalk, shall be provided during the first phase of development and the improvements shall be completed no later than December 31, 2016.

18. SHA shall submit a preliminary plat application that will cover the entire portion of the Yesler Terrace property that is to be subdivided and shall address whether right-of-way and utility improvements are proposed to be constructed in phases. The timing of the provision of these improvements shall be established pursuant to the platting procedure outlined in the Land Use Code.

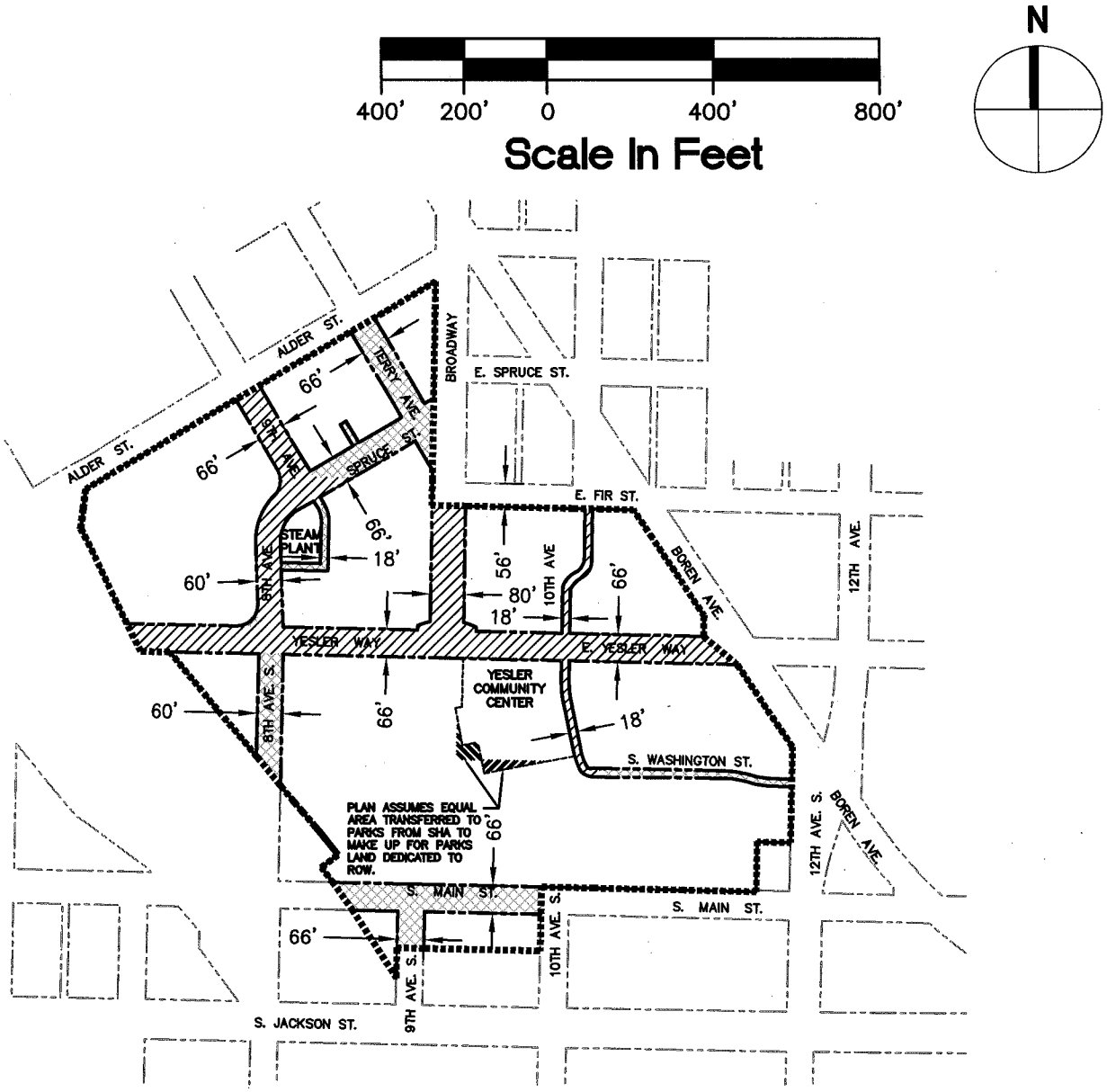
The completion of the vacation process by final ordinance may be accomplished in phases provided that SHA adequately demonstrates that all conditions on the development for a particular phase have been satisfactorily completed. This conceptual approval granted by the City Council shall expire twenty years after the date of Council approval.

Signed by me in open session this 4th day of September, 2012.

Honorable Sally J. Clark, President of the City Council

Exhibits

A. Proposed Vacations and Dedications
B. Development Plan Right-of-way Section Key and Street Cross Sections 1-11
C. Yesler Terrace Public Benefits Diagram
D. 10th Avenue Hillclimb Design Concepts




# LEGEND

- ROW TO BE VACATED
- EXISTING ROW UNCHANGED
- AREA BOUNDARY

# CITY RIGHT-OF-WAY

| | RIGHT-OF-WAY (SF) |
|---|---|
| VACATIONS | -106,685 |

Plotted: Jun 12, 2012 - 12:02:25pm By: jeffz
File: G:\08c\08037.04c YTPP\Current\Vac Dwl\YT_ROW and Easement Evaluation.dwg Layout: Vacations

JUNE 2012

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SEATTLE HOUSING AUTHORITY

Yesler Terrace

# DIAGRAM 2 PROPOSED ROW VACATIONS