

July 11, 2018

MEMORANDUM

To: Sustainability and Transportation Committee
From: Lish Whitson, Council Central Staff
Subject: Seattle City Light Street Vacation proposals

On Tuesday, July 17, the Sustainability and Transportation Committee will receive briefings on two street vacations proposed by Seattle City Light: (1) the Diagonal Ave S Vacation, located in the Duwamish Manufacturing/Industrial Center west of 4th Avenue S and south of the Spokane Street Viaduct, and (2) the Broad Street Vacation, located in the Uptown Urban Center, just south of the Gates Foundation campus.

These briefings are being held in response to the new [Street Vacation policies](#) which call for an “early Council briefing or forum.” The purpose of the briefing is to: (1) provide the public with “an early opportunity to provide input on the vacation to the Council, the petitioner, and City reviewers;” and (2) provide “an opportunity for the Council to hear about the vacation, and to provide early feedback regarding the process.”

This memo provides a brief description of each proposed street vacation and identifies issues Councilmembers and the petitioners should consider in proceeding with these petitions.

Diagonal Way Street Vacation

Seattle City Light intends to petition for the vacation of the western half of Diagonal Ave S between of 4th Ave S and 2nd Avenue S, at the south end of the City Light South Service Center campus. This segment of the street is bounded on the west by rail lines and is not used for general transportation purposes. Seattle City Light owns property on both sides of the right of way (ROW) for this portion of the street. They have a street use permit that allows them to use the ROW as an auxiliary yard to store low-value materials. The stated purpose of the vacation is to merge the vacated ROW into the South Service Center campus to provide more efficient, secure and high-value use.

Seattle City Light proposes to provide underutilized property in the Georgetown neighborhood to the Seattle Parks Department in exchange for the street to be vacated.

Key policies

The Street Vacation Policies provide guidance that is particularly relevant to this proposed street vacation. The petitioner should address these policies as it proceeds:

Vacations are not considered a solution to security problems and shall not normally be approved for this reason absent extraordinary circumstances. (p. 11)

...petitions for vacations in Manufacturing/Industrial Centers should demonstrate how they support the industrial character intended for those areas. (p. 14)

Many streets in Manufacturing/Industrial Centers (MICs) provide crucial transportation for freight transport, loading, and delivery. Impacts on freight routes, intersections, and access points as a result of street vacations may impact supply chains that serve areas outside of the MIC or city and may be of state-wide and international economic significance. The capacity and functionality of these critical corridors will be preserved. (p. 15)

The policies provide the following guidance regarding transfers of property as part of a street vacation petition:

The review of any vacation may consider the opportunity for exchange of property. Any proposed property exchange shall identify property the City is willing to accept. The Petitioner shall be responsible for providing, as needed, title insurance, environmental site assessment or environmental clean-up, deeds in a form acceptable to the City, and filing and recording fees or escrow. Additionally, the petitioner shall be responsible for any taxes resulting from the transfer. Exchanges may be considered when the property:

- a. Would be useful to mitigate or enhance the various aspects identified in the property proposed to be vacated, such as exchanging an alley vacation for a wider street;
- b. Would result in better circulation and access than is provided for by the current street grid, for example by aligning misaligned streets;
- c. Would exchange property identified as open space for property that would create a contiguous open space parcel; or
- d. Would shift development from property identified as open space to a property with less environmental impact. (p. 20)

The City may accept real property as a public benefit. The property proposed to be conveyed must be property the City will accept. The petitioner is responsible for any costs associated with the conveyance including appraisals, title work, environmental site assessment, deeds or other document production, taxes on the transaction, or other expenses related to the conveyance of real property, including environmental remediation. (p. 25)

The policies also direct the Council to consider whether a street use permit is a viable option to meet the petitioner's needs (p. 20). The petitioner should address why a street use permit is no longer a viable way to meet its goals.

Broad Street Vacation

Seattle City Light has filed a [petition](#) for the vacation of a portion of Broad Street between Taylor Avenue N and Harrison Street, the northwest corner of the Broad Street substation. The petition was filed prior to the Council's action on the new street vacation policies and will be reviewed under the [previous](#) street vacation policies. The vacation will allow for system improvements at the Broad Street Substation. This corner of Broad Street has been closed in order to recreate the street grid following the Alaskan Way Viaduct Replacement and Mercer Street projects. The curb, gutter and sidewalk improvements have been established around the northwest corner of the site, however a triangular remnant of the former Broad Street remains.

Public benefits currently identified are focused on improvements to the Thomas Street Green Street, implementing the [Thomas Green Street Concept Plan](#) on the south side of the substation.

Key Policies

The Street Vacation Policies provide guidance that is particularly relevant to the proposed street vacation. The petitioner should address these policies as it proceeds:

Light, air, open space and view functions provided by the right-of-way will be identified for each proposed vacation and the effects of their loss analyzed... Any potential impacts of vacation on light, air, open space or view will be compared with similar impacts that would result from development without the vacation. Means of retaining these functions may be considered. (Guideline 3.1, p. 13)

In general, streets and alleys in commercial areas will be preserved in order to aid in the movement of goods and people, unless it can be demonstrated that the vacation meets another important public purpose without jeopardizing the functioning of the commercial area and its compatibility with surrounding areas. Such petitions shall be reviewed according to the provisions of the Comprehensive Plan, particularly its land use, urban village, and transportation elements. (p. 25)

- C. The public benefit must exceed elements required by the SMC or mitigation required by SEPA or other regulations and is in addition to the fees and other obligations. The Petitioner's public benefit proposal should recognize the loss of the benefits provided by the right-of-way to the public and the gains achieved by the vacation to the petitioner. The public benefit should balance what the public loses through the vacation with what the public will gain from the project. The comparison is intended to be an element of the evaluation of the adequacy of a

public benefit proposal. The public benefit should not merely be compensatory and should clearly provide a benefit to the general public.

The proposal to provide a public benefit does not entitle a Petitioner to a vacation; the decision whether to grant a vacation is based on a review of all the elements identified in these Policies.

- D. It is the obligation of the Petitioner to demonstrate that the public benefit proposed be proportional to the benefits gained by the Petitioner and to the scale and impacts of the project. The Petitioner shall provide information regarding the increase in the development potential from the vacation and the assessed value of the adjacent property. In addition, the Petitioner shall provide objective information about the public benefit proposal such as budget information, dimensions or other factual information. A significant public benefit must be provided by major projects, that is those that are large in scale, require a large amount of public right-of-way, have identified impacts or those where the vacation contributes to a significant increase in the scale of the project. Minor projects are only required to provide a more moderate public benefit.

As part of the petition process, the Petitioner shall provide information to the City regarding the public benefit proposal. The City will assist the Petitioner in refining and developing the public benefit proposal. The City Council shall make the final determination as to whether the public benefit is acceptable to the City. (pp. 29-30)

Next Steps

Seattle City Light plans to submit a petition for the Diagonal Way Street Vacation pursuant to the new Street Vacation Policies this fall. It would then be reviewed by City department and the Seattle Design Commission and would return to the Council when that review is complete.

The Broad Street Vacation petition is currently under review by City departments and the Seattle Design Commission and will return to Council when that review is complete.

cc: Kirstan Arestad, Central Staff Director
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