

## Seattle Street Vacation Stakeholder Workgroup

# FINAL REPORT

August 2017



*Prepared by:*

Office of Councilmember Mike O'Brien

Cedar River Group

## Acknowledgements

*With thanks to:*

Beverly Barnett, Seattle Department of Transportation

Lish Whitson, Seattle City Council staff

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# Final Report of the Seattle Street Vacation Stakeholder Workgroup

## I. Executive Summary

### Stakeholder Workgroup Formation

In early 2017, Seattle City Councilmember Mike O'Brien, Chair of the Council Transportation Committee, assembled a Street Vacation Stakeholder Workgroup to advise the Council before it began considering revisions to the City's street vacation legislation. In his appointment letter, Councilmember O'Brien asked the workgroup to: (1) help identify areas of consensus around potential process improvements for street vacations; (2) surface differences of opinion; and (3) help crystallize the policy questions the Council will ultimately decide upon to revise the street vacation policies. The workgroup was not expected to come to consensus on all matters or to draft specific policy language.

The Seattle City Council first adopted street vacation policies in 1985; the current policies date from 2009. A "street vacation" is a process in which a property owner whose property is adjacent to a public right-of-way (street or alley) can petition the City Council to acquire that right-of-way for private use, so long as it is in the public interest to do so. Street vacations are City Council decisions, as provided by state statute. Council policies outline three components of the public interest that guide review of a street vacation petition: (1) the public trust function of the street (circulation/access, utilities, and light/air/open space/views); (2) land use impacts; and (3) public benefits.

### Workgroup Membership and Meetings

The 19 Stakeholder Workgroup members represented differing perspectives on the subject. The workgroup met five times between January and early June 2017. Meeting summaries were prepared after each meeting. Meeting materials and summaries were posted on the Councilmember O'Brien's webpage at <http://www.seattle.gov/council/meet-the-council/mike-obrien/street-vacation-stakeholder-workgroup>.

### Recommendations

The workgroup developed an introduction on the issues addressed in the recommendations, a set of recommended principles, and recommended enhancements to the street vacation process.

#### Introduction on Issues Addressed

The Stakeholder Workgroup identified the challenges to be resolved as the need to:

- A. Provide greater clarity for all parties about the type of public benefits that will be supported/funded as part of a street vacation process.
- B. Create clear expectations for community engagement, with improved understanding about the communities that should be engaged in discussions with the project proponents. Also, ensure that project proponents and communities are having meaningful dialogue throughout the street vacation process.

- C. Provide opportunities for the community and the City Council to provide comments on a proposed project earlier in the process, when their comments can be incorporated into the planning for a project.
- D. Look for opportunities to make the street vacation process easier to understand and more transparent.

## Principles

The Stakeholder Workgroup developed recommended principle statements with the following topic headings:

1. Public Benefit
2. Transparency
3. Community Engagement
4. Predictability
5. Consideration for Mission-Driven Applicants

## Recommended Enhancements to Street Vacation Process

The Stakeholder Workgroup recommended the following enhancements to the street vacation process. There was unanimous consensus on these recommendations unless noted otherwise below.

### Public Benefit

1. Per the principle regarding public benefit, **expand the definition** to include support for actions that will enhance race and social equity objectives for project stakeholders. *(NOTE: The group did not have unanimous agreement on whether the public benefits provided by the applicant should be permanent.)*

### Community Engagement

2. Amend the current policy to **require community engagement** (the existing policy requires notification of communities).
3. Project proponents must develop a **community engagement plan**.
4. Outreach to communities **may be focused on the neighborhood in the immediate vicinity of the proposed project, or on the broader community**, particularly those communities with low access to opportunity (as defined by the City). *(NOTE: The group did not have unanimous agreement on who should determine where community engagement should be focused.)*
5. **City staff should provide guidance** to project proponents, and support other stakeholders, regarding engagement strategies and best practices for reaching communities with low access to opportunity, including translation services. *(NOTE: The group did not have unanimous consensus on this recommendation.)*
6. The Advisory Group discussed several different structural ideas to formalize engagement with communities regarding discussions with project proponents. *NOTE: There was not a consensus around any of the following approaches:*
  - a. Use an ongoing **community-based standing committee**.

- b. Include community representatives as **third party participants in the Design Commission's review** of a proposed project.
  - c. **Each project could have a community-based committee** that reviews the individual projects and the associated public benefits.
  - d. **Do not create a new structure**, but require project proponents to engage with communities in the variety of ways described above and in their community engagement plan.
7. Project **proponents should document whom they have engaged with, and how the results of that engagement have been incorporated** into the project plans.

#### **Role of the City Council**

8. Create an opportunity for the **Council to provide reactions and guidance early in the street and alley vacation application process** at a session open to the public, regarding expectations for community engagement and public benefits. *(NOTE: There was not unanimous agreement on this recommendation.)*

#### **Role of the Design Commission**

9. The Design Commission's **review should align with the City's Race and Social Justice Initiative (RSJI) objectives** (or subsequent City policies).
10. Develop **strategies that make it easier for the public to attend and/or comment** on street vacation proposals.

### **Next Steps**

Advisory Group members suggested that it would be helpful to create an implementation plan for these recommendations that would include some additional detail to provide guidance for both project applicants and stakeholders. They also noted that some recommendations have budget implications for City departments and encouraged the City to provide the necessary resources to support the recommendations.

Following the initial stakeholder workgroup process, workgroup recommendations will be presented to the Council's Sustainability and Transportation Committee by the fall of 2017. The Council and City departments will draft changes to the street vacation policies during the last quarter of 2017 with the hope of finalizing legislation by early 2018. Council will continue to engage with members of the workgroup as well as with other stakeholders through the drafting of policy options.

## II. Stakeholder Workgroup Formation and Charge

In early 2017, Seattle City Councilmember Mike O'Brien, Chair of the Council Transportation Committee, formed a Street Vacation Stakeholder Workgroup as a first step in considering revisions to the City of Seattle's street vacation legislation. In a January 18, 2017, letter to Stakeholder Workgroup members (Appendix A), Councilmember O'Brien asked the workgroup to:

- Help identify areas of consensus around potential process improvements for street vacations
- Surface differences of opinion
- Help crystallize the policy questions the Council will ultimately decide upon to revise the street vacation policies.

Councilmember O'Brien's letter also stated that the workgroup was not expected to come to consensus on all matters or to draft specific policy language.

## III. Background

The Seattle City Council first adopted policies for street vacations in 1985; the current policies date from 2009. (See Appendix B for the summary in the policies and a link to the full text of the legislation.)

The term "street vacation" refers to the process in which a property owner whose property is adjacent to a public right-of-way (street or alley) can petition the City Council to acquire that right-of-way for private use, so long as it is in the public interest to do so. Street vacations are City Council decisions, as provided by state statute.

Council policies outline three components of the public interest that guide review of a street vacation petition: (1) the public trust function of the street (circulation/access, utilities, and light/air/open space/views); (2) land use impacts; and (3) public benefits. (See Appendix C. Street and Alley Vacations presentation.) There is a set process for street vacation petitions, including filing a petition with the Seattle Department of Transportation (SDOT), review by the Seattle Design Commission, and a public hearing at the City Council. (See Appendix D. General Project Review Steps for a Vacation.) In addition, the Seattle Design Commission's review of public facilities and public space includes how outreach initiatives influenced and equity is expressed in the project's design. (See Appendix E. Seattle Design Commission: Equity in the design of public space or public facilities.)

An SDOT review conducted for the City Council in 2016 found that the Council had approved approximately 90 street vacation petitions in the prior 10 years (1995 – 2015). Of these, 40 were for public, government or nonprofit purposes, the rest for private purposes. The review detailed the public benefits received as part of these street and alley vacations. (See Appendix F. SDOT memo to Councilmembers O'Brien, Johnson and Sawant, dated 3/31/16.)



## IV. Stakeholder Workgroup Membership

The 19 Stakeholder Workgroup members were selected as representing differing perspectives on the subject. Below is a list of the members and their constituencies.

**Table 1. Street Vacation Stakeholder Workgroup Members**

<b>NAME</b>	<b>ORGANIZATION/CONSTITUENCY</b>
Mark Brands	Consultant/Landscape Architect
Alex Brennan	Capitol Hill Housing
Sally Clark	University of Washington
Theresa Doherty	University of Washington
Howard Greenwich	Puget Sound Sage
Alex Hudson	First Hill Improvement Association
Michael Jenkins	Design Commission
Ellen Kissman	Yesler Community Collaborative
Michael Laslett	SEIU 925
Abby Lawlor	UNITE HERE Local 8
Shannon Loew	Consultant/Design Commission
Xochitl Maykovich	Washington Community Action Network
Leslie Morishita	Interim Community Development Association
Murphy McCullough	Skanska
Eric Oliner	Providence Health & Services
John Pehrson	South Lake Union Community Council
John Savo	NBBJ/Design Commission
John Schoettler	Amazon
Ross Tilghman	Transportation Consultant/Design Commission
Mike Woo	Vulcan

## V. Meetings and Topics Discussed

Councilmember O'Brien requested a short timeline for the Street Vacation Stakeholder Workgroup, proposing four meetings between January and March 2017. In the end, the workgroup needed to add a fifth meeting and to extend to early June in order to complete its work. They created ground rules for their meetings, developed a set of principles to guide revisions to the street vacations policy, and recommended enhancements to the process. Meeting summaries were prepared after each meeting. Meeting materials and summaries were posted on the Councilmember O'Brien's webpage at <http://www.seattle.gov/council/meet-the-council/mike-obrien/street-vacation-stakeholder-workgroup>. The table below shows the topics discussed and products developed by meeting date.

**Table 2. Workgroup Meetings, Topics and Products**

<b>Meeting Number, Date</b>	<b>Main Topics Discussed</b>	<b>Products</b>
#1, 1/18/17	<ul style="list-style-type: none"> <li>• Charge to the workgroup</li> <li>• Draft ground rules</li> <li>• Background on current street vacation policies and process</li> </ul>	
#2, 2/1/17	<ul style="list-style-type: none"> <li>• Ground rules</li> <li>• Draft values and principles for shaping recommendations</li> <li>• Issue identification</li> </ul>	Final Ground Rules
#3, 3/15/17	<ul style="list-style-type: none"> <li>• Draft Principles to Guide Potential Changes to Street Vacation Policies and/or Process</li> <li>• Draft list of potential modifications to policies or process</li> </ul>	
#4, 4/7/17	<ul style="list-style-type: none"> <li>• Revised principles</li> <li>• Draft list of potential modifications to policies or process, focusing in three areas:               <ul style="list-style-type: none"> <li>○ Public engagement</li> <li>○ Design Commission</li> <li>○ Process improvements</li> </ul> </li> </ul>	Revised Principles to Guide Potential Changes to Street Vacation Policies and/or Process
#5, 6/2/17	Draft Recommendations: <ul style="list-style-type: none"> <li>○ Problem Statement</li> <li>○ Recommended Principles</li> <li>○ Recommended Enhancements to Street Vacation Process</li> </ul>	Draft Recommendations

## **VI. Principles and Recommendations**

The workgroup developed an introduction about the issues addressed, a set of recommended principles, and recommended enhancements to the street vacation process.

### **Introduction on Issues Addressed**

The Stakeholder Workgroup identified the challenges to be resolved as the need to:

- A. Provide greater clarity for all parties about the type of public benefits that will be supported/funded as part of a street vacation process.
- B. Create clear expectations for community engagement, with improved understanding about the communities that should be engaged in discussions with the project proponents. Also, ensure that project proponents and communities are having meaningful dialogue throughout the street vacation process.
- C. Provide opportunities for the community and the City Council to provide comments on a proposed project earlier in the process, when their comments can be incorporated into the planning for a project.

- D. Look for opportunities to make the street vacation process easier to understand and more transparent.

## Principles

The Stakeholder Workgroup developed the following set of recommended principles.

### I. Public Benefit

A street or alley vacation petition must include a proposal for public benefits to offset the loss of the right of way—a public asset. Expand the definition of public benefits to include support for actions that will enhance race and social equity objectives for project stakeholders, consistent with and defined by City policies and goals.

The public benefits provided can have but do not necessarily have to have a direct relationship to the loss of functions of the right of way that will result from the vacation. Decisions about the nature of the public benefits will be made based on the specific circumstances of each case. Early community engagement (see III below) will be a factor in determining the nature of the project's public benefits.

### II. Transparency

It should be clear to the applicant and the public how street and alley vacation policies and process will be applied. Street and alley vacation policies should clearly articulate the range of potential public benefits so all parties (communities and applicants) know the possibilities at the beginning of the process. Be transparent about establishing the value of the vacation and the value of public benefits. Distinguish between code requirements, required project mitigation and how the provision of public benefits exceeds either requirement.

### III. Community Engagement

Enhance broad community engagement in the vacation process, including at early stages of the process. Create opportunities for applicants to engage directly with communities. In some cases the City may provide assistance on approaches for reaching historically or systemically excluded communities. Ensure that engagement includes diverse communities and those most impacted by the proposed vacation, particularly those communities with low access to opportunity (as defined by the City).

### IV. Predictability

Create greater predictability in the process to reduce uncertainty and risk for both the developer/ applicant and affected communities. Increase clarity about the definition of public benefit, and the role and timing of community engagement to provide more predictability, in an effort to shorten the approval process.

### V. Consideration for Mission-Driven Applicants

*Option A.* Consider the mission of the applicant for a street or alley vacation when reviewing the required public benefits. The missions of major institutions and non-profits should be considered

differently from profit-driven organizations because the former already provide some benefits to the public.

*Option B.* All applicants, whether public, non-profit, for profit, or institutional, should be treated the same in terms of process and public benefits.

*Option C.* When considering potential public benefits, all applicants should be treated the same. However, when evaluating the urban design merit of a non-profit project, consider whether the street or alley vacation is mission-critical (e.g., does the proposed design make the applicant's work more efficient or effective?).

*NOTE: The group did not have unanimous consensus on these options. A large majority of the group favored Option B. However, several participants felt that the public benefits provided by non-profit mission-focused organizations should be considered when determining the appropriate level of required public benefits for a street vacation.*

## **Recommended Enhancements to Street Vacation Policies and Process**

The Stakeholder Workgroup recommended the following enhancements to the street vacation process. There was unanimous consensus on these recommendations unless noted otherwise below.

### Public Benefit

1. Per the principle regarding public benefit, **expand the definition** to include support for actions that will enhance race and social equity objectives for project stakeholders. The benefits provided may be physical attributes, or they may be programmatic. The public benefit could be provided on-site or off-site.

Examples of public benefits that meet race and social equity objectives include, but are not limited to, the provision of or support for childcare services, affordable housing, local hiring and training for quality jobs for communities with low access to opportunity (as defined by the City), health care, education and transit improvements.

*NOTE: The group did not have unanimous agreement on whether the public benefits provided by the applicant should be permanent. Some of the group desired to see benefits be permanent as a response to the loss of public access that results from a street or alley vacation, while others thought there should be flexibility for non-permanent benefits, especially if those benefits are programmatic.*

### Community Engagement

2. Amend the current policy to **require community engagement** (the existing policy requires notification of communities). Engagement should be characterized by a two-way communication between the project proponent and the community regarding their respective needs and interests. The goal should be to identify and address community impacts resulting from the proposed project. Communities may include residential, business or industrial stakeholders.

3. Project proponents must develop a **community engagement plan**. The plan should be included as part of the application materials and will be reviewed by relevant City staff as needed. Proponents should use the City's Racial Equity Tool Kit as a resource for developing the plan. The plan will address which communities the proponent will engage with, and how and when they will interact with those communities. Some of the ways engagement might occur include, but are not limited to: individual meetings, negotiations, group meetings, public meetings, focus groups, creation of a Community Benefits Agreement\* (CBA), and working through community-based organizations to reach particular communities. When appropriate, community engagement should include going to communities where underserved populations are located.

\* A Community Benefits Agreement is a tool that could be used to demonstrate to the Design Commission and the City Council that significant community outreach was accomplished. A CBA would not be required, but could be a way to reach agreement with communities regarding the public benefits provided by a project applicant.

4. Outreach to communities **may be focused on the neighborhood in the immediate vicinity of the proposed project, or on the broader community**, particularly those communities with low access to opportunity (as defined by the City). The City's Racial Equity Tool Kit should be used when engaging with communities with low access to opportunity. The communities the project proponent engages with will depend on the location and scale of the project, and some stakeholders will self-identify as wanting engagement.

*NOTE: The group did not have unanimous agreement on who should determine where community engagement should be focused. A majority felt that decision should be made by the applicant. But a number of participants felt the community should self-select based on the impacts anticipated from the proposed development.*

5. **City staff should provide guidance** to project proponents, and support other stakeholders, regarding engagement strategies and best practices for reaching communities with low access to opportunity, including translation services. The City departments with knowledge and expertise may vary depending on the project and its location. City departments that could provide advice to proponents and other stakeholders include, but are not limited to: Department of Neighborhoods (DON), Office of Economic Development (OED), Office of Planning and Community Development (OPCD), Human Services Department (HSD), Office of Labor Standards (OLS), Mayor's Office, or the City Council. If City departmental staff support community engagement activities for the proponent, that cost should be included in the application fee structure.

*NOTE: The group did not have unanimous consensus on this recommendation. A large majority of participants favored this recommendation. However, several members felt that on some occasions the City should lead the outreach activities and at other times the developer should lead community engagement activities.*

6. The Advisory Group discussed several different structural ideas to formalize engagement with communities regarding discussions with project proponents. There was not a consensus around the following approaches:
  - A. Use an ongoing **community-based standing committee** to review proposed projects. This would be like the approach used to review street and alley vacations proposed by major institutions. The standing committee would review proposed public benefits associated with the project. It could include ad hoc members from the neighborhood where a project is located or from broader community groups.
  - B. Include community representatives as **third-party participants in the Design Commission's review** of a proposed project. Community members could temporarily join with the Commission in reviewing individual projects.
  - C. **Each project could have a community-based committee** that reviews the individual projects and the associated public benefits. Because each project will have unique circumstances and needs, committee membership will be specific to that project.
  - D. **Do not create a new structure**, but require project proponents to engage with communities in the variety of ways described above, and described in their community engagement plan.
7. Project **proponents should document whom they have engaged with, and how the results of that engagement have been incorporated** into the project plans. That should be reviewed by relevant City staff as needed, to compare against the community engagement plan.

#### Role of the City Council

8. Create an opportunity for the **Council to provide reactions and guidance early in the street and alley vacation application process** at a session open to the public, regarding expectations for community engagement and public benefits. This could be accomplished through the appropriate Council committee at the beginning of the petition process, after the Design Commission makes a recommendation regarding the urban design merit of a project. This would enable the Council to discuss public benefits and community engagement before the Design Commission or Council are engaged in their final project deliberations. The process for securing approval for a proposed street vacation was estimated at approximately a year, from pre-submittal conference to City Council approval. The Council does not engage with the proposed street vacation in a formal way until the very end of the process. By that time, proponents have engaged in discussions/negotiations with City staff and the Design Commission. Council members and the community can feel that there is little ability to influence the terms of the project, particularly the public benefits provided by the proponent.

*NOTE: There was not unanimous agreement on this recommendation. A large majority supported this recommendation. The alternative view expressed was that the early involvement of the Council could overly politicize the street vacation process.*

## Role of the Design Commission

9. The Design Commission's primary role in review of street vacation requests is to review the design and urban form of the proposal, but the Commission should also be mindful of broader City objectives. The Design Commission should continue to apply the goals outlined in the Equity in Design policy adopted in November 2016. **Their review should align with the City's Race and Social Justice Initiative (RSJI) objectives** (or subsequent City policies).
10. Develop **strategies that make it easier for the public to attend and/or comment** on street vacation proposals. Commission meetings are downtown, typically during work hours, and the process can be intimidating to those not familiar with the work of the Design Commission. As reflected in their November 2016 equity policy, the Commission should expect applicants to describe at their first public meeting how community engagement occurred, and how any outcomes from that engagement were incorporated into the project proposal.

## **VII. Next Steps**

Advisory Group members suggested that it would be helpful to create an implementation plan for these recommendations that would include some additional detail to provide guidance for both project applicants and stakeholders (e.g., criteria for determining where to focus outreach activities—on the immediate neighborhood or a broader group of stakeholders). They also noted that some recommendations have budget implications for City departments and encouraged the City to provide the necessary resources to support the recommendations.

Following the initial stakeholder workgroup process, workgroup recommendations will be presented to the Council's Sustainability and Transportation Committee by the fall of 2017. The Council and City departments will draft changes to the street vacation policies during the last quarter of 2017 with the hope of finalizing legislation by early 2018. Council will continue to engage with members of the workgroup as well as with other stakeholders through the drafting of policy options.

## Appendix A.

# Letter from Councilmember O'Brien to Stakeholder Workgroup



SEATTLE CITY COUNCIL | DISTRICT 6

**COUNCILMEMBER MIKE O'BRIEN**

January 18, 2017

Hello,

Thank you all for participating in this Street Vacation Stakeholder Workgroup. I have wrestled with street and alley vacations, both at a policy level, and a project-by-project level, for several years, and with input from many of you at this table. I have heard the call from some folks for a more streamlined and efficient process, and also concerns that the process does not adequately address public benefits for a larger public. I see this processes as an opportunity to learn together and work to create better street vacation policy.

Your participation at this workgroup is intended to represent a variety of perspectives we've received on the process, and to help us identify areas of consensus around potential process improvements. At the same time, we also want to surface differences in opinion, and help crystalize the policy questions that Council will ultimately decide upon when we revise the policies.

We do not expect consensus on all these matters, nor do we expect specific draft policy language from this group. We want to have an open and honest discussion across the table about areas of agreement and difference from your particular perspectives. Toward that end, this process will not delve into questions about what is allowed by case law, especially as that can be subject to interpretation. At the end of March, after meeting as a group 4 times, we will take the perspectives aired in this group into serious consideration, and work to draft legislation. We will aim to have legislation by the end of Summer, which will be vetted by the City Attorney's Office.

Thanks again for your participation. As we look to revise the street vacation policies, I see this as an opportunity to help clarify and update the process to make it more efficient, as well as to more clearly address the question of what constitutes public benefit, or at least how can we better arrive at public benefits in this process. I look forward to working with you in the coming months.

Best,

Councilmember Mike O'Brien  
Chair, Council Transportation Committee

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## **Appendix B.**

### **Current Street Vacation Policies**

The current City of Seattle Street Vacation Policies are Resolution 31142 filed with the Clerk July 3, 2009. The full policies can be found in [Clerk File 310078](#). The following is the summary from the beginning of the policies.

#### “SUMMARY OF STREET VACATION POLICIES

“In order for a petition for the vacation of public right-of-way to be approved, the City Council must determine that to do so would significantly serve the public interest. Seattle Department of Transportation (SDOT) administers the review process at the request of the City Council and analyzes the impacts of a proposed vacation and the consistency of the proposal with the street vacation policies and other adopted policies goals. The Street Vacation Process is provided for in SMC 15.62 and RCW 35.79.

“SDOT will, as necessary, seek input from a variety of reviewers, including the Seattle Design Commission. The Petitioner should begin working with community organizations in the area where the project is located prior to beginning the formal process with SDOT. At the time of the petition, the Petitioner should provide SDOT with information about its community contacts and how the development will address community concerns, if any. Prior to the formal process to petition the City Council for the vacation, SDOT will make a threshold assessment of the feasibility of a potential vacation whenever possible. As part of this threshold assessment, SDOT will consider the impact of the proposed vacation on street functions and may recommend that the petition not proceed. The City Council may, for certain petitions, consider a vacation at an early stage of the review process in order to provide guidance to the Petitioner or to City staff.

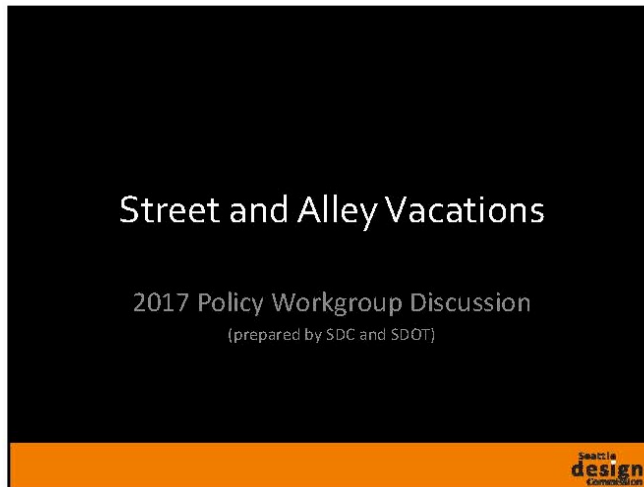
“Following the review of a vacation petition, SDOT will make a recommendation to the City Council, including conditions to address the impact of the proposed vacation and to ensure the provision of the required public benefit. This recommendation will include comments from other reviewing agencies, including the Seattle Design Commission, and may include a recommendation whether to grant or deny the vacation. In making this determination, the City Council and City reviewers will weigh three components of the public interest described as follows:

“I. Public Trust Functions: First, the City will consider the impact of the proposed vacation upon the circulation, access, utilities, light, air, open space, and views provided by the right-of-way. These are defined by these policies as the public trust function of the right-of-way and are give primary importance in evaluating vacation proposals. The policies require mitigation of adverse effects upon these public trust functions. What constitutes adequate mitigation will be determined ultimately by the City Council.

“II. Land Use Impacts: Secondly, the City will consider the land use impacts of the proposed vacation. Potential development involving the vacated right-of-way must be consistent with city land use policies for the area in which the right-of-way is located.

“III. Public Benefit: Finally, benefits accruing to the public from the vacation of the right-of-way will be considered. The proposal must provide long-term benefit for the general public.”

## Appendix C. Street and Alley Vacations Presentation – Seattle Design Commission and Seattle Department of Transportation



### Council review process

Street and alley vacations follow the same process:

- Applicant files **vacation petition** with SDOT
- Petition distributed to City departments, other public agencies, neighborhood and community organizations
- Reviewers identify issues in report to SDOT
- Design Commission review → recommendation to SDOT
- SDOT works to resolve issues and forwards recommendation and suggested conditions to **City Council**
- City Council Public Hearing
- Council briefing on SDOT recommendation
- **Council action** → **concept approval**

2

Seattle  
design  
Commission

This is a slide titled 'Council review process'. It lists the steps of the process in a bulleted format. The steps are: 1. Applicant files vacation petition with SDOT. 2. Petition distributed to City departments, other public agencies, neighborhood and community organizations. 3. Reviewers identify issues in report to SDOT. 4. Design Commission review → recommendation to SDOT. 5. SDOT works to resolve issues and forwards recommendation and suggested conditions to City Council. 6. City Council Public Hearing. 7. Council briefing on SDOT recommendation. 8. Council action → concept approval. The slide has a white background with a black border and an orange footer bar containing the Seattle Design Commission logo and the number '2'.

## Council vacation policies

### Policy framework

- Council Policies adopted in 1985
- Expresses City's value for its streets and alleys
- Promotes consistency, equity, and predictability in vacation process
- City government acts as trustee over streets and alleys
- Safeguard public's present and future needs
- Goal: retain right-of-way unless compelling need to vacate



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## Council vacation policies

Council outlined 3 areas of analysis to guide vacation review:

### A. Public trust function

1. Circulation and access
2. Utilities
3. Light, air, open space, and views

### B. Land use impacts

### C. Public benefits

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## Council vacation policies

### Policy A: Public Trust Function

**Circulation and access**

**Guideline: Protect use of streets and alleys for circulation and access**

**Streets**

- Access and circulation to properties
- Retain street system continuity
- Consider vehicular, bicycle, and pedestrian circulation

**Alleys**

- Retain for their purpose – access, loading, utility services
- Don't disrupt established patterns in its vicinity
- Generally prohibited in residential zones
- In commercial or downtown zones, retain on-site loading, service and access



5

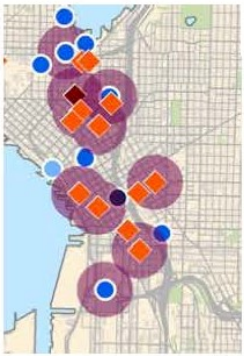

## Council vacation policies


### Policy A: Public Trust Function

**Circulation and access**

**Guidelines:**

- Don't disrupt existing or potential bike or pedestrian routes
- Retain unimproved right-of-way for recreation purposes
- Don't create conflicts with traffic code
- Assess cumulative effects of vacation on circulation and access
- Council can condition vacation to mitigate negative impacts



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## Council vacation policies

### Policy A: Public Trust Function

#### Utilities

##### Principles:

- Rights-of-way provide corridors for utility services
- Value for utilities increasing due to increased density and undergrounding

##### Guidelines:

- Review by affected utilities
  - Identify existing and future interest in right-of-way
  - Leave utility in similar position before vacation
  - Impose conditions to ensure continued access to utility infrastructure
- Council may impose conditions



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## Council vacation policies

### Policy A: Public Trust Function

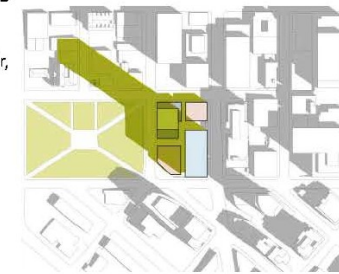
#### Light, air, open space, and views

##### Principles:

- Right of way provides access to light, air, open space and views
- Contributes to quality of life as City increases density

##### Guidelines:

- Analyze how loss of right way affects these features
- Evaluate vacation impacts on public parks and open space
- Follow Comprehensive Plan policies



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## Council vacation policies

### Policy A: Public Trust Function

#### Light, air, open space, and views

##### Guidelines – open space:

- Analyze impacts of vacation on open space
- Remaining access to sun, light, and air
- Lot size, block configuration, and streetscape pattern
- Relationship to surrounding open space areas
- Green Streets
- Urban trails or boulevards



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## Council vacation policies

### Policy A: Public Trust Function

#### Light, air, open space, and views

##### Guidelines – view considerations:

- Evaluate view impacts compared to no vacation alternative
- Do not vacate protected view corridor when development blocks protected views
- Consider non-designated views from right-of-way:
  - parks
  - open spaces
  - territorial views
  - landmarks
  - built environment



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## Council vacation policies

### Policy A: Public Trust Function

#### Light, air, open space, and views

##### Guidelines – partial right-of-way vacations:

- Undeveloped rights-of-way
- Subterranean vacations
- Aerial vacations

##### Discourage vacating undeveloped right-of-way in order to:

- Retain setbacks and open space in residential zones
- Provide for pedestrian or bike amenities in neighborhood commercial zones
- Provide for natural scenery along view corridors or boulevards
- Provide buffers between land use and zoning districts
- Continuity of wildlife corridors

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## Council vacation policies

### Policy A: Public Trust Function

#### Light, air, open space, and views

##### Allow subterranean vacations only when:

- Protect against future impairment of the right of way
- Protect existing and potential utility functions
- Protect City from any potential liability from failure of road surface arising from underlying structure

##### Aerial vacations:

- Aerial portion of right-of-way provides light, air, and open space
- May be allowed only for public institutions, facilities, or nonprofits
- Allow when skybridge cannot meet petitioner's needs
- Evaluate impacts of aerial structure



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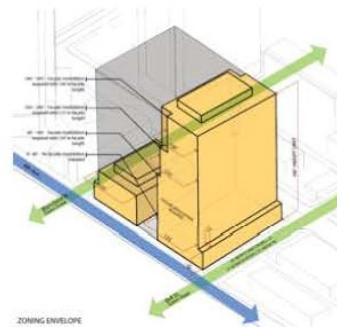
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## Council vacation policies

### Policy B: Land Use Impacts

#### General principles

- Protect land use and development patterns
- Provide information on expected project density and development potential
- Provide a feasible no vacation alternatives
- Recommend approval only when consistent with adopted land use policies



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## Council vacation policies

### Policy B: Land Use Impacts

#### Guideline: Land use considerations

- Evaluate short- and long-term effects of resulting development on remaining right-of-way function
- Is change in development pattern consistent with Comprehensive Plan?
- Evaluate development potential against existing development and zone potential
- Determine if post-vacation lot is consistent with surrounding properties and patterns

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## Council vacation policies

### Policy B: Land Use Impacts

#### Guideline: Land use information

- Evaluate change in development potential through project-specific plans
- Evaluate environmental impacts using street vacation policies
- Consider no-vacation alternative
- Project specific information should include:
  - Building footprint
  - Elevations
  - Uses
  - Parking and Access



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## Council vacation policies

### Policy B: Land Use Impacts

#### Guideline: Land use condition of vacation impacts

- Conditions to mitigate negative impacts of vacating a rights-of-way
- Consider development controls (e.g., FAR, height, bulk) to address land use impacts
- SEPA conditions
- Conditions for the life of the use
- Conditions included in permit decision published after Council concept approval
- 5-year term for concept approval

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## Council vacation policies

### Policy C: Public Benefits

**General principles**

- Rights-of-way provide important public benefit to the community:
  - Predictable street grid
  - Light and air
  - Open space and views
  - Predictable place for utilities
  - Predictability for movement of goods and services
- City government acts as trustee for the public

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## Council vacation policies


### Policy C: Public Benefits

**For any project...**

- Must **exceed** any code requirement
- Recognize **loss** of benefits provided by the ROW
- Balance developer **gains** with public **loss**
- Long-term public benefit for the general public

**Public benefit is not...**

- *A short-term benefit*
- *Providing or facilitating economic activity*
- *Sole benefit of individuals*
- *Mitigation of an adverse impact*
- *Meeting code requirement*
- *Paying vacation fee*
- *Supporting a government activity*
- *Provision of a public, government or educational service*

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## Council vacation policies

### Policy C: Public Benefits

#### 1. Physical improvements

- On- or off-site open space such as public plaza
- Streetscape, pedestrian, and bicycle enhancements beyond code requirements
- Green Street improvements
- On- or off-site art
- View easement or corridors
- Preservation of landmark buildings
- Neighborhood Plan elements
- Wayfinding



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## SDC actions on vacations

### Two-step process

- Urban Design Merit
- Public Benefits

**Goal: clear recommendations to SDOT & Council on two separate questions:**

1. Should the vacation request be approved given its impacts?
2. What kind of public amenities should be provided to offset the loss of the right-of-way?

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## Public Benefit

- Public benefit proposal required to offset the loss of right-of-way
- Must exceed code-required project elements or elements to mitigate environmental impacts
- Commission considers if the proposed public benefits are proportional to the benefits gained by the applicant, including increased property value or development potential
- The Commission evaluates the public benefit package to reach one of two results:
  1. Recommend that the petitioner has proposed an adequate public benefit package
  2. Recommend that the petitioner has not proposed an adequate public benefit package by identifying the inadequacy

**Appendix D.**  
**General Project Review Steps for a Vacation**

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# Design Review & Design Commission – General Project Review Steps for a Vacation\*

working draft 1.4.17

STEPS	Pre-submittal Conference EDG Application EDG Meeting(s)	Pre-Petition Submittal & Submit Vacation Application	Design Commission Briefing: Urban Design Merit	MUP Application Initial Review	Design Review Recommendation Meeting(s)	Design Commission Briefing: Public Benefit Package	Design Review Recommendation Meeting(s)	Design Commission Briefing: Public Benefit Package	SDOT Recommendations to Council	Council Public Hearing	Publish MUP Decision & Issue MUP Building Permit Review
DEPT	SDCI	SDOT	OPCD	SDCI	SDCI	OPCD	SDCI	OPCD	SDOT	Council	SDCI/SDOT
WHAT OCCURS	<p><u>At pre-submittal phase:</u> Invite DC staff and Beverly Barnett to pre-submittal meeting.</p> <p>Applicant submit abbreviated EDG packet showing development with no vacation plus three alternatives and introduce conceptual benefits package. Packet routed to DC staff and circulated to designated sub-group for review. Memo provided to DPD staff for distribution to DRB.</p> <p><u>At EDG phase:</u> Review development objectives, context analysis, urban design analysis, three feasible architectural concepts, including code compliant scheme.</p> <p>Discussion of pros and cons of each, as well as potential departure requests. Board identifies guidelines of highest priority provides guidance.</p> <p>Staff writes meeting report (14-day target).</p>	<p>Pre-petition submittal meeting with SDOT and DC staff to review proposal and process.</p> <p>Submit application and Introduce file at City Council.</p> <p>Identify technical issues up front.</p> <p>Encourage 30% SIP.</p>	<p>Analyzes the urban design considerations both with and without the vacation and evaluate the consequences of the loss of the alley/street on the neighborhood.</p> <p>The vacation should serve the public interest and not negatively affect the urban fabric.</p> <p>May occur in more than one meeting.</p> <p>DR Planner attends DC briefing.</p> <p>Staff writes meeting minutes (14-day target).</p>	<p>Initial zoning, land use, design reviews.</p> <p>Review transportation analysis.</p> <p>DC and DR staff meeting to discuss project and issues.</p>	<p>Review how project has evolved in response to guidance. Discussion of architectural details, such as materials, colors, as well as landscape design. Vote on departure requests. Identify and recommended conditions.</p> <p>DC staff attend DR meeting.</p> <p>Staff writes meeting report (14-day target).</p>	<p>The benefits should offer a distinct set of features beyond existing conditions and as-of-right development.</p> <p>Typically occurs in a minimum of 2 meeting sessions.</p> <p>DR Planner attends DC briefing.</p> <p>Staff writes meeting minutes (14-day target).</p>	<p>Repeat as needed.</p>	<p>Repeat as needed.</p>	<p>If EIS required, EIS must be published prior to the Recommendations submitted to Council</p>	<p>Transportation Committee holds public hearing to review and discuss SDOT's recommendations, and hear public comment.</p> <p>Committee takes action on petition to Grant, Deny or Grant as Conditioned.</p> <p>Committee may add conditions.</p> <p>Generally one session.</p>	<p>The MUP decision must be consistent with the Council conditions. Review SIP and building permit to be consistent with Council conditions.</p> <p>Applicant provides quarterly updates to SDOT on construction progress.</p> <p>Applicant must complete vacation (payment, provision of conditions, etc.) process prior to issuance of the Certificate of Occupancy. C of O approval provided by Beverly Barnett and Assigned Planner</p>
PUBLIC NOTICE	LUIB, mailer, post site	Notice of petition in LUIB, circulate to city depts.		LUIB, POR, white sign	LUIB, POR, post site		LUIB, POR, post site		21-day Notice in LUIB		LUIB, POR
STAFF	Assigned Planner	Beverly Barnett Moira Grey	Michael Jenkins	Assigned Planner	Assigned Planner	Michael Jenkins	Assigned Planner	Michael Jenkins	Beverly Barnett	Beverly Barnett	Assigned Planner/Beverly Barnett
PREP MATERIAL (hyperlinks)	<ul style="list-style-type: none"> <li>Tip 238</li> <li>EDG Packet Checklist</li> <li>Develop Joint DPD SDOT Tip</li> </ul>	<ul style="list-style-type: none"> <li>Vacation Q &amp; A</li> <li>SDOT Street Vacation Checklist</li> <li>Adopted Street Vacation Policies</li> </ul>	<ul style="list-style-type: none"> <li>DC Project Review Handbook p 7-8</li> <li>Prep Meetings</li> <li>Develop Joint DPD SDOT Tip</li> <li>DC packet checklist</li> </ul>		<ul style="list-style-type: none"> <li>Tip 238</li> <li>REC Packet Checklist</li> <li>Develop Joint DPD SDOT Tip</li> </ul>	<ul style="list-style-type: none"> <li>DC Project Review Handbook p 7-8</li> <li>Prep Meetings</li> <li>Develop Joint DPD SDOT Tip</li> </ul>	<ul style="list-style-type: none"> <li>Tip 238</li> <li>REC Packet Checklist</li> </ul>	<ul style="list-style-type: none"> <li>DC Project Review Handbook p 7-8</li> <li>Prep Meetings</li> </ul>		<ul style="list-style-type: none"> <li>Street Vacation Policies</li> </ul>	

\* Applicant should work with Staff to identify project-specific issues and timing of additional meetings. This process document does not include steps for the SIP or environmental review process.

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## Appendix E. Seattle Design Commission – Equity in Design of Public Space

### Equity in the design of public space or public facilities November 2016



#### **Purpose**

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The City of Seattle has advanced the issue of equity as a cornerstone in its planning and development efforts, and in the provision of public services across all City departments. The Seattle Design Commission (SDC) holds the notion of equity as a fundamental component in its review of public facilities and spaces that are under its jurisdiction. Public facilities or public space, including their buildings, landscapes, and related programming, must be designed to address the needs and desires of all individuals, regardless of physical or mental capability, social or economic standing, and gender, racial or cultural identity. Designs of public facilities should arise from sophisticated and inclusive public outreach strategies, with an emphasis on outreach to groups or individuals that may have been historically or systemically excluded or marginalized in the public process, inadvertently or otherwise.

#### **Applicability**

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The SDC will evaluate how designs of public facilities or public space were influenced by learning from outreach initiatives, and how concepts of equity are then reflected in the design of public facilities or public space. The SDC will continue to evaluate how equity is expressed in designs of public facilities or public space throughout all applicable phases of a project review.

#### **Process**

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The SDC generally reviews capital improvement projects (CIP) at three distinct phases – concept (30%), schematic (60%) and design development (90%). The SDC also reviews projects that include publicly accessible open space or other improvements to the public realm for public benefit packages related to street or alley vacations and skybridges.

At its initial review of a CIP project, or at its initial review of public realm improvements related to a street or alley vacation or a skybridge, the SDC will ask the applicant for their summary of their approach towards addressing equity, how the applicant conducted its outreach on equity, and how that outreach influenced the design concept. Throughout project development, for street or alley vacations, the SDC will review how the concepts of equity have been further

developed and embedded within the project. Some of the questions that may be posed include:

1. A summary of the specific issues of equity the project will address
2. Understanding who is affected - who are the groups or individuals potentially impacted by this project
3. Your process for learning and engagement, including strategies for outreach and engagement:
  - a. How did you engage with the community?
  - b. What techniques did you use?
  - c. Were any third-party consultants used?
4. What organizations and/or public agencies did you contact to help with this engagement. What were the findings?
5. How is your outreach reflected in the project designs, including:
  - a. site selection,
  - b. the site design,
  - c. landscape and open space,
  - d. building exterior and/or interior, and
  - e. public art program.
6. How are ongoing operations, maintenance and programming influenced by the learning from the outreach?

The SDC will also inquire about how the proposal complies with City department policies, including outcomes resulting from application of the City's racial equity toolkit, developed through the City's Race and Social Justice Initiative.

**Appendix F.**  
**SDOT Memo on Public Benefits from Street and Alley Vacations**



City of Seattle  
Edward B. Murray, Mayor

**Department of Transportation**  
Scott Kubly, Director

**Date:** March 31, 2016

**To:** The Honorable Mike O'Brien, Chair, Sustainability and Transportation Committee  
The Honorable Rob Johnson  
The Honorable Kshama Sawant

**From:** Scott Kubly, Director, Seattle Department of Transportation  
Ben Noble, City Budget Director

**Subject:** Response to 2016 Statement of Legislative Intent 101-1-A-1; an Inventory of Public Benefits provided by Street and Alley Vacations

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As a part of the 2016 budget process, the City Council adopted a Statement of Legislative Intent (SLI) requesting that Seattle Department of Transportation (SDOT) develop a report detailing the public benefits received from street and alley vacations since 1995. The report is to include the following:

1. An inventory and map of publicly-accessible plazas, art, pedestrian ways, and green spaces built as a result of street and alley vacations, and an indication of whether they are located on public or private property;
2. A complete inventory of all public benefits received, including the assessed value of those benefits;
3. The types of public benefits that are most commonly provided through the street and alley vacation process;
4. An inventory of the square footage of street or alley land conveyed and the amount of money paid to the City for that right-of-way, not including funds conveyed as part of public benefits; and
5. A scope of work for further qualitative analysis of public benefits received from street and alley vacations, to measure the impact of these public benefits on the general public.

### **Background on Street Vacations**

The power to vacate streets was granted by the State Legislature to the legislative bodies of cities and towns by RCW Chapter 35.79. The statute provides some procedural and other

parameters that cannot be changed locally. Seattle enacted an ordinance, codified at SMC Chapter 15.62, which conforms to the statutory requirements.

The State has established some procedural requirements relating to vacations, such as defining the signatures necessary for a valid petition, the requirement for a public hearing, and has specified that legislative bodies may charge a vacation fee. However, with the exception of shoreline street ends, the State has not established guidelines for when vacations should be granted or denied.

The City Council has established vacation guidelines in the adopted Street Vacation Policies. These guidelines are intended to provide consistency in decision making and guidance as to the information the City Council will consider when reviewing a petition for a street or alley vacation. The Street Vacation Policies were first adopted in 1986 by Resolution 27527 and have been revised and updated numerous times.<sup>1</sup>

However, at its core the Policies remain the same, expressing the City's values relating to vacations and take a conservative posture, specifically stating that right-of-way will be retained unless there are "compelling reasons" for the vacation and the vacation serves "the public interest in a significant way." The Policies are clear that there is no right to vacate or develop public right-of-way and that to do so; a discretionary legislative approval must be obtained from the City Council. The Street Vacation Policies provide for a three-step review of any vacation petition in order to determine if the vacation is in the public interest.

The Policies define the components of public interest as:

1. Protection of the public trust, defined as providing for circulation, access, utilities, light, air, open space, and views;
2. Protection from adverse land use impacts, defined as assuring that the project is consistent with City policies; and
3. Provision of public benefit, defined as providing a long-term benefit for the general public.

The Street Vacation Policies provide that during the review of the petition, the public trust and land use effects of a vacation should be weighed against the mitigating measures and the public benefits provided by the vacation to determine whether the vacation is in the public interest. In balancing these elements of the public interest, primary importance should be placed upon protecting the public trust the City holds in rights-of-way.

## **SLI Response**

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<sup>1</sup> A few sections of the policies were revised in 1991 by Resolution 28387, in 1993 by Resolution 28605, and again in 2001 by Resolution 30297. Significant revisions were made to the Vacation Policies in 2004 by Resolution 30702. The Policies were again amended in 2009 in Resolution 31142 and the Policies are currently in Clerk File 310078.

SDOT began by looking at the number of vacations approved between 1995 and 2015 and found that the City Council has approved approximately 90 petitions. Of the 90 approved petitions, five petitions were withdrawn by the Petitioner and the project was not developed. For these projects the final vacation ordinance was never passed and the right-of-way remains as public right-of-way. In addition, approximately seven petitions were denied. Of these denied petitions, six were in single family areas and one was a partial vacation in an industrial area.

The 90 projects approved by the City Council includes: 18 multi-family residential projects; 19 office or commercial projects; 4 projects for industrial purposes, 4 in other categories, and 40 projects for public, government or non-profit purposes. Historically, a slight majority of vacations are for private projects at approximately 53% percent and just under ½ of the projects are in the public, government, or nonprofit category at around 47%.

As SDOT began to review the records to develop the inventory we were able to find accessible electronic records for about the last ten years and the inventory matrix and case studies are based on these records which includes 39 projects. These 39 project files formed the core data base for the response on the public benefit elements. <sup>2</sup>

Past vacation discussions were more focused on the vacation and post-vacation development as a whole. The discussion focused on whether the project was consistent with the Street Vacation Policies. The discussion did not provide a specific articulation of design requirements, mitigation, and public benefit elements. The project, and its design and amenities, were presented as shown in the Master Use Permit (MUP) submittal. Once the vacation was approved by the City Council, the MUP that was issued needed to reflect the project as approved. An example is the 1997 approval for two alleys in Clerk File 301530, for Fred Hutchinson Cancer Research Center (FHCRC) in the South Lake Union neighborhood. The vacation of two alleys had the following conditions:

- All utilities issues be resolved to the satisfaction of the affected utilities; and
- Space for all service and delivery functions shall be provided on the FHCRC site.

An alley vacation for Kline Galland Center for a senior living facility approved in 1997 in Clerk File 301648 contained the following conditions:

- Resolution of all utility issues;
- The site shall be designed to have a clear distinction between public and private property. The design shall include appropriate City standards and SEATRAN approvals and my require improvement of the south end of the alley.

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<sup>2</sup> Of the 39 projects reviewed, 17 projects were for public, government, or nonprofit agency projects. This includes City projects including three Parks projects, Fleet and Administrative Services for a fire station, Seattle City Light for the Denny Substation, Seattle Public Utilities for both the North and South Transfer Stations, the University of Washington for two student housing projects, Harborview Hospital, Seattle Children's Hospital, Seattle Housing Authority, Housing Resources Group, and the Port of Seattle.

- All service and loading shall occur on site. Continued service access for adjacent properties shall be insured.
- The petitioner is encouraged to work with the Seattle Jobs Initiative.

Over time the Council has refined its review and requires more detail and specificity in the vacation review and careful articulation of the various elements of a proposal including design features, mitigation measures, and public benefit elements. The Council now asks for clear listing or charts which specify code requirements, mitigation measures, and proposed public benefit elements. The charts have proven a useful tool to evaluate the elements of project design and provide a measure of public benefit that can be used to assess the quality and adequacy of the proposal. Conditions are more detailed to provide for more accountability during development and over the life of a project. While the vacation process has always required a careful review of any proposed vacation and the City Council has been rigorous in its discussion and review of vacations the current conditioning provides for clearer accountability and more clarity on the mitigation and public benefit of a project.

**1: An inventory and map of publicly-accessible plazas, art, pedestrian ways, and green spaces built as a result of street and alley vacations, and an indication of whether they are located on public or private property.**

In order to respond to the SLI request, SDOT expanded on an inventory begun about 2 years ago by the Seattle Design Commission (SDC) for the purposes of developing a library of public benefit elements that could assist developers in creating their own public benefit proposal. The SDOT inventory lists all of the identified public benefit elements from projects granted in approximately the last ten years. Earlier projects are **not** available in electronic form at the City Clerk's office and required a more laborious review through the microfiche to find the requested information. In addition, earlier proposals tended to provide a more general description of the public benefit elements rather than the more detailed descriptions and charts that are currently required.

The attached chart shows the individual elements of the public benefit proposals for projects approved in the last ten years and whether the public benefit elements are on public or private property (Exhibit 1A-B). It identifies the year of the vacation petition, the area, whether an alley or a street, and a general description of the type of project, such as residential, commercial, or industrial. The vacations and the public benefit elements are mapped, and map queries can identify elements of specific interest like a plazas or art. Maps attached show: location of vacations; the location of the publicly accessible plazas; and vacations within each City Council district (Exhibits 2A-C).

To provide more experiential data about the sites, SDOT interns visited ten sites and took photos and made notes of what they found and experienced at the sites. This data is intended to provide information that would be similar to the experience of someone who is a neighbor or a community member and not someone working in a building that includes vacation public benefit features. The ten case studies (Exhibit 3A) are attached with a map (Exhibit 2D) showing the location of the case studies.

***Assessing the qualitative value of public benefits using the charted data was a challenging task.*** While the chart can identify which projects provided art or overhead weather protection or widened the sidewalk, mapping and listing the specific elements cannot provide the context of the full analysis of any proposed vacation or consider the balancing test envisioned in the Street Vacation Policies.

Public benefits are always comprised of a variety of elements and not all of the elements would constitute adequate public benefit if proposed on their own, for example, elements like benches can contribute to an enhanced streetscape but would not be adequate on their own. Some public benefit packages include elements that would not be classified as public benefits but rather support the public benefit package such as retail or café space adjacent to a plaza. The goal through the vacation review process is to develop a comprehensive package of specific elements that provide a long-term benefit for the general public and are proportional to the benefits obtained by the developer from the vacation.

Even with these qualifying statements, it is clear from a review of the Public Benefits chart that the vacation process has been successful in adding a considerable amount of amenities to the public realm. All of the amenities are above and beyond what a developer would be required to provide under the land use code or other regulations; all were acquired at private, not public, expense; and are generally maintained by the private developer. While much has been achieved, moving forward with the data provided in this SLI and anticipated revisions to the Policies with a focus on the strongest public benefit features will further enhance what the public already achieves as a result of the vacation process.

SDOT has found anecdotally that public benefit is subject to “eye of the beholder” conclusions. In particular, the provision of plazas and similar open space as a public benefit draws a variety of opinions. The spaces can be considered an important public asset by some and the same space can be considered too private or cold and corporate by others. One consistent criticism of plazas as a public benefit is that they can appear to belong to the adjacent building and not to the public. The new and shiny spaces can feel unwelcoming to some. Some people are uncertain whether they can enter or linger in the spaces provided at some projects and there are reports of efforts by building operators to manage public use or activities at the public benefit sites. A closer look at the elements of the most successful spaces may help resolve the design challenge in making sure these private spaces can become more welcoming for the general public with future projects. This work will support recent City Council discussions on the signage at these spaces and clarification as to how the public may use these privately owned but publicly accessible spaces.

One public benefit that seems broadly supported is an increase in the pedestrian realm around a project site. Benefits, including: increasing building setbacks; widening sidewalks; adding more landscaping and street trees, rain gardens, and other elements like benches or street furniture, art, wayfinding signage; and some bicycle enhancements receive strong support. The streetscape along Terry Avenue in South Lake Union and the emerging streetscape along 7<sup>th</sup>



Avenue in the Belltown area are good examples of this. These enhancements are clearly public, never close, and provide amenities beyond those currently required by the City.

One exhibit included with this report provides a summary of design elements that promote a sense that a space is public and a summary of elements that make a space seem more private based on reviewing the plazas and public spaces provided by past vacations (Exhibit 3A).

Successful design elements include:

- Easily visible public space signage helps to communicate the public nature of the open spaces;
- Amenities like seating, tables, landscaping, artwork, and lighting improve the comfortability and attractiveness of the public spaces;
- Vendors and other programming elements help to create a vibrant environment to draw people into the spaces;
- Seamless integration between the sidewalk and the plazas encourage public use of the space; and
- Elements that reflect the character of the surrounding neighborhood foster unique and inviting spaces for nearby residents and visitors.

Design elements not supporting public use and activation include:

- Grade changes from the sidewalk make public spaces feel like they are not integrated with the public realm;
- A lack of seating options detracts from the comfort level of public spaces;
- Overhead building elements create a “corporate” feel in the space and make them less inviting to the public;
- Signage attempting to regulate behavior makes the space feel unwelcoming; and
- Gates, barriers, and a lack of easy visibility between the sidewalk and the public space make them feel more private.

**2: Provide a complete inventory of public benefits received, including the assessed value of those benefits.**

The final column on the summary chart includes the number of projects that provided the specific benefit, for example the number of projects that provided on-site publicly accessible open space (Exhibit 1A-B). However, the City does not perform a financial assessment or an appraisal of the public benefit proposal as a package or the individual elements of the public benefit proposal. Historically the City has not requested that the public benefit package also include a budget or cost estimate for the development of the public benefit features. Because this information has not been required it does not exist in most of the vacation files.

The discussion at the City Council has focused on the quality and adequacy of the public benefit proposal and not on the cost of the individual elements or of the overall public benefit proposal. The goal has been to achieve a public benefit that serves the general public and meets the criteria in the Street Vacation Policies. The City Council has established a balancing test that requires a demonstration of a sense of balance between what the public gives up and

what the public achieves through the vacation process. The Policies require that the 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.

Budget information and cost estimates for the public benefit proposal can be requested and included in future vacation recommendations.

A few projects did, however, provide a budget for the public benefit:

<u>Vacation</u>	<u>Public Benefit Budget</u>
4755 Fauntleroy	\$2.4M
SCL Denny substation	\$10.6M
SPU South Transfer Station	\$2.45M
SPU North Transfer Station	\$4.1M
Yesler Terrace 10 <sup>th</sup> Ave Hillclimb	\$2.2M
Yesler Terrace Pocket Parks	\$3-4M

**3: Identify the types of public benefits that are most commonly provided through the street and alley vacation process.**

The inventory chart lists the number of times each public benefit type was included in a public benefit package for the 39 projects reviewed (Exhibit 1A-B). The public benefit elements provided most often includes:

a. Street trees or other landscaping	27 projects
b. Enhancement of pedestrian/bicycle environment	27 projects
c. Widened sidewalks, curb bulbs, reduced curb cuts	21 projects
d. Seating or street furniture	20 projects
e. Plaza	15 projects
f. Park or open space	14 projects

**4: An inventory of the square footage of street and alley land conveyed and the amount of money paid to the City for that right-of-way, not including funds conveyed as part of the public benefit.**

The attached exhibits include all of the revenues from vacation fees from 1995 to 2015 (Exhibit 4A) and the total amount, in square feet, of right-of-way that has been vacated from 1995 to 2015 per City Council District and zoning designation (Exhibit 4B-C). This includes only the vacation fees, which are defined as the amount paid to acquire the City's interest in the right-of-way. The amount of the fee is established by an appraisal which is conducted after the Council approves a vacation as provided for in SMC 15.62. As with any appraisal, factors which impact the value of the property include the zoning designation and the location. This exhibit does not include payment for any public benefit elements, like payment for planning for a Park or any other required payments or fees.

It should be noted that the charts include different vacation projects. The revenue chart is based on when payment was received by the City; not when the Council approved the project. For example, projects that paid the fee in 1995 would have been approved by the City Council earlier than 1995 (Exhibit 4A). No projects that were approved in 2014 or 2015 have paid the vacation fee and no appraisals for those projects have been done. The amount of right-of-way vacated chart is based on the date of approval and includes projects approved for vacation between 1995 and 2015 (Exhibit 4B-C). This chart includes projects that have not yet paid the vacation fee or will not be required to pay a vacation fee.

The total amount of vacation fee revenue received by the City between 1995 and 2015 is:

- \$44,157,952, total; and
- \$2,102,759 as an annual average over 21 years.

The total amount of right-of-way approved for vacation between 1995 and 2015 is:

- 7,178,457 square feet.

Exhibit 4,C provides some context for the amount of right-of-way vacated and identifies the zoning designation of the property. For example, over 3,421,516 square feet of right-of-way has been vacated in industrial areas where industrial uses require large consolidated parcels. The next largest category appears under Single Family zoning. While the City has not approved a vacation for single family residential purposes during the study period, projects for Parks and other public agencies occur in areas where the underlying zoning is Single Family.

Not all projects are required to pay a vacation fee. Federal and State agencies are exempt and the City Council has by ordinance exempted City departments. In addition, some projects may vacate right-of-way and then rededicate new right-of-way. The Seattle Housing Authority vacated approximately 106,685 square feet of right-of-way for the redevelopment of Yesler Terrace but replaced the old streets with a new street grid of approximately 137,046 square feet of right-of-way, the amount of right-of-way vacated is included in the right-of-way chart but there is no fee to record on the revenue chart.

Some history on vacation fees may be useful as there were changes to the fees between 1995 and 2015, including increasing the fees from one-half of the appraised value to the full appraised value of the right-of-way, exempting City departments from vacation fees, and discussion of whether to relieve low-income housing providers from the vacation fee (Exhibit 5A).

State Law requires that 50 percent of the fees from vacations be deposited into a Street Vacation Fee fund (our fund is the Cumulative Reserve Capital Project Street Vacation Subfund) with the money designated for use for transportation or open space purposes. The City directs the remaining 50 percent of the fees from vacations to the Cumulative Reserve Capital Project Unrestrictive Subfund and the money in that fund is unrestricted and is expended through the budget process.

**5: A scope of work for further qualitative analysis of public benefit received from street and alley vacations, to measure the impact of these public benefits on the general public.**

The City Council intends to begin a comprehensive review of the Street Vacation Policies later this year and the information provided in this SLI will assist in framing broader policy discussions.

Right-of-way is a public asset that the City manages as a trustee for the public and therefore care must be taken when right-of-way is vacated. Defining the nature of the public asset that is being given up helps define the nature of the public benefit that should be required. Streets provide for circulation, access, light, air, open space, and views. The grid pattern provides for consistency in the development pattern and a way to organize and rationalize the City's geography. The grain and texture of the development in a city is based upon the grid system. Street right-of-way also provides for breathing space in a dense urban environment.

The traditional focus on public benefit has looked at the value that streets provide and required a public benefit that had a relationship to what the public lost through the vacation process.

While public benefit was intended to provide public amenities that go beyond project or SEPA mitigation, it was viewed as a way to off-set the increase in project scale and get back some of the breathing space lost through the vacation. If a project is bigger in scale because of a vacation and the grid pattern is altered, the public benefit is a way to partially replace the lost right-of-way with other usable public spaces and amenities.

Historically, the City Council has been very specific about requiring a physical, immediate, and tangible public benefit. Proposals for planning efforts have been disfavored but implementing plans has been supported. This focus on a physical and tangible public benefit even affects City and other public projects that are providing a public service.

The Policies provide that the public, governmental, or educational purpose of the project can be considered in determining the adequacy of the public benefit proposal, but that the public purpose itself is not sufficient to provide the entirety of the public benefit. Essentially, because public projects such as the Denny Substation have physical impacts, it was felt the benefit should include physical improvements.

The Council may choose to consider broadening the definition of what constitutes a public benefit as the Policies are revised. If the goal is to widen the definition in order to secure a broader range of options and public benefits, the discussion seems less a qualitative review of the historic data provided here. The policy discussion of a new or expanded definition of public benefit relates more to the goals and priorities of the Council moving forward in its review of new vacation petitions. The discussion to potentially add to the definition of public benefit will need to consider applicable law that defines public benefit. If the definition of public benefit is expanded, it will be important to provide direction as to how new public benefit options should be measured and reviewed and how the various public benefit options should be prioritized.

The Council has recently expressed some concerns about the quality and character of some public plazas. As discussions move forward it will be important to have a clear understanding of the goals of the Council regarding the required public benefit. As noted, the long-standing view of public benefit has been that it should be related to some of the benefits that streets provide and it has been intended to off-set some of the public space lost through the vacation.

If there is concern that certain public benefits have not been successful in providing a long-term benefit to the general public then the policy discussion could focus more on defining design standards and working in other ways to be more specific about the public benefit elements. For example, if the issue is that plazas have not been successful in serving the general public, the solution could be a more rigorous review of the elements of the design and a narrowing of what the Council will accept as a publicly accessible plaza. The review of existing spaces that work well and not so well can frame these discussions. The Seattle Design Commission and City staff can assist in providing clearer measures for spaces that serve the public well and provide higher quality public benefits.

There has been some discussion of the relative merits of on-site versus off-site public benefits. The Policies currently prioritize on-site public benefits and specify that on-site public benefits are favored as the provision of the public benefit can also act to offset any increase in scale from the development. Off-site benefits are noted as being accepted when it is not practicable to provide the benefit on-site. Both types of benefits can work equally well and some of the challenges with providing on-site public benefits have been noted.

Providing off-site benefits has a different set of challenges. In an urban area that is largely developed there are not always items such as missing street trees or sidewalk segments that can be easily provided. Off-site benefits can be difficult to site as the improvements would be adjacent to property not owned by the Petitioner. Changes to the street or sidewalk may not be supported by a property owner and may be too short term if it is anticipated that new development may occur on the site. Or for example, it may be difficult to add a curb bulb because of existing drainage infrastructure or vehicle turning movements. Maintenance and repair of off-site amenities can be more difficult to monitor. SDOT Modal plans can also change the long-term certainty of off-site public benefit elements.

The strongest off-site elements are often implementing portions of existing plans such as street concept plans, bicycle or pedestrian master plan, or neighborhood plans.

Recommendations for the public benefit policy revisions:

1. Should the City Council choose to revise the Street Vacation Policies, the Policies should be considered and revised as a whole. The elements of the review process are intended to work together in guiding the review and evaluation of a proposed vacation;
2. The City Council should define and clarify its goals with regard to public benefit. What the Council would like to achieve will guide any policy changes and direct the work implementing the policies;

3. There should be more specificity of the elements that should be balanced in assessing the adequacy of the public benefit;
4. The Policies currently provide that the public benefit should balance what the public loses through the vacation with what the public achieves through the vacation but does not provide detail on what elements should be considered and how to prioritize the various elements. More detail and specificity on the elements will be important to measure the adequacy of a proposal;
5. There should be more clarity on the priority between on-site and off-site public benefits;
6. The discussion should include how to prioritize new types of public benefit with the existing options if the definition of public benefit is expanded; and
7. The land use impacts of a vacation should be given a higher priority. The location and context of a project as well as city and neighborhood goals for an area are important and are sometimes overshadowed by the public benefit discussion.
8. Any proposed changes to the policies should continue to be in compliance with the procedural requirements of State law such as the signature and public hearing process and consider any applicable legal limitations.

The Street Vacation Policies were first adopted in 1986 and since that time the City has revised and instituted many new procedures. Addressing coordination and timing of vacations and procedures such as SDCI's Design Review process, Type 1 access decisions, and SDOT's Street Improvement Permit (SIP) and Utility Major Permits (UMP) process will be important. In addition, a review of when a Master Use Permit can be issued for a project that includes a vacation should be considered.

Assessing both the quality and quantity of the public benefit proposal has proven to be the most difficult piece of the vacation review for developers who must provide it, reviewers who must evaluate it, the community who will make use of it, and the City Council who must ultimately make the decision. While the public benefit proposal is one of the most importance elements of any vacation, it is not the only thing to be considered. As noted in the Policies: "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."

The Executive looks forward to working with the City Council as the review of the public benefit and potential revisions to the adopted Street Vacation Policies moves forward.

# EXHIBITS

## 1) Approved Street Vacation Public Benefits (2005-2015)

- A) Onsite Public Benefits & List of Most Common Benefit
- B) Offsite Public Benefit

## 2) Maps of Approved Street Vacations (2005-2015)

- A) All Approved Street Vacations
- B) All Approved Street Vacations by City Council District
- C) Approved Street Vacations with Publicly-Accessible Spaces
- D) Selected Public Benefit Case Studie

## 3) Public Benefit Case Studies

- A) Case Study Project Descriptions and Observation Notes
- B) Public Space Design Summary

## 4) Street Vacation Area and Revenue Analysis (1995-2015)

- A) Vacation Fees Received
- B) Street Vacations by City Council District
- C) Street Vacations by Zoning Designation
- D) Street Vacation Project Fees

## 5) Street Vacation Fee History

- A) History of Vacation Fees

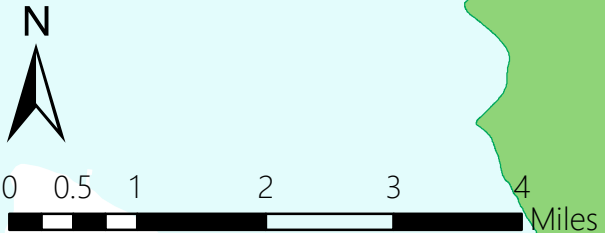
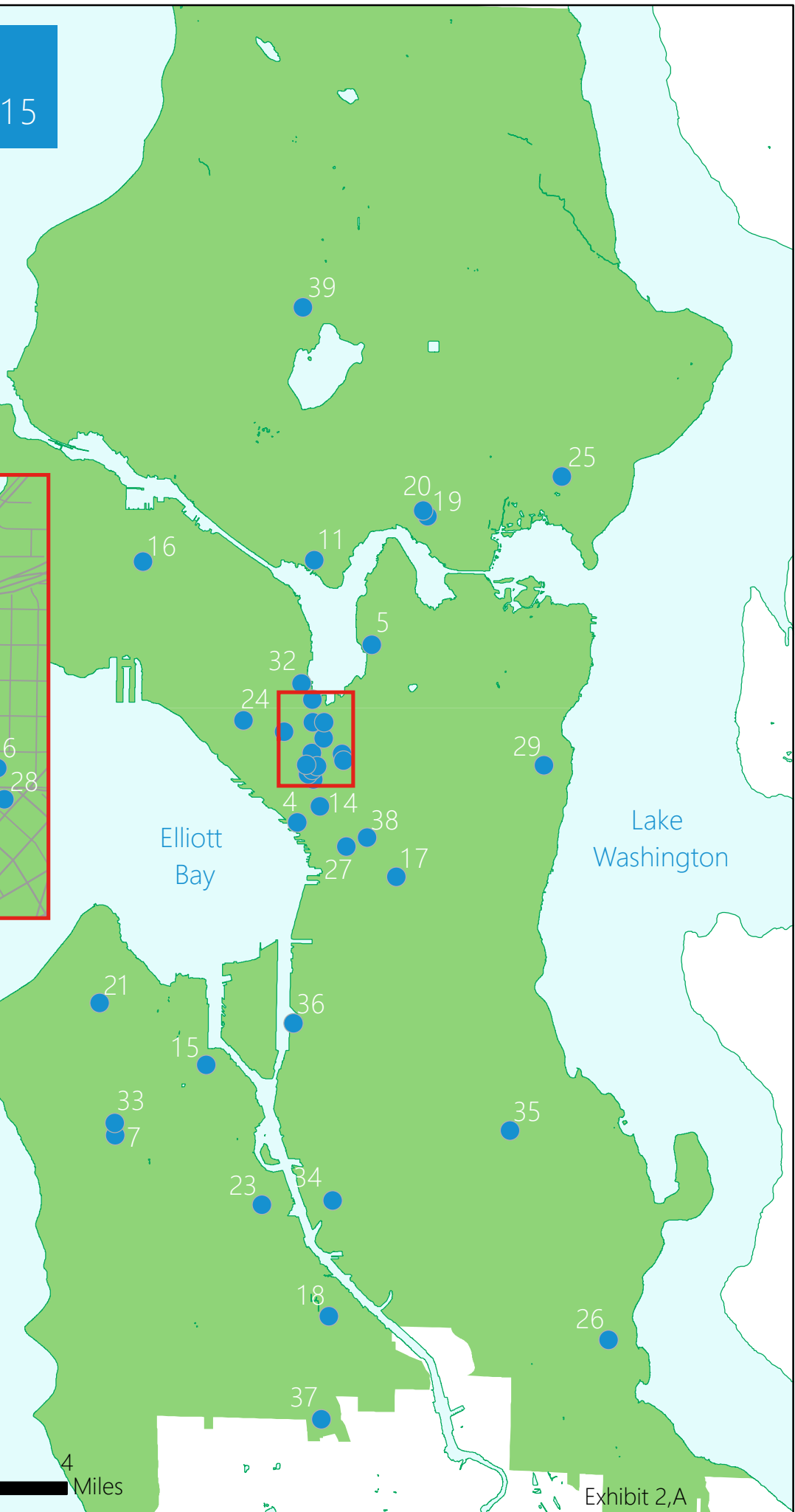
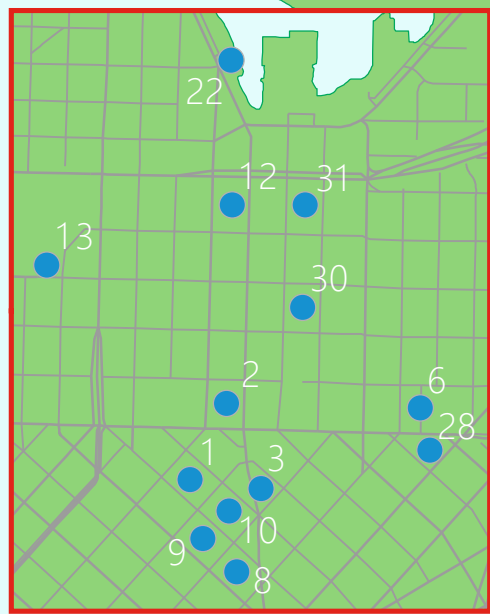




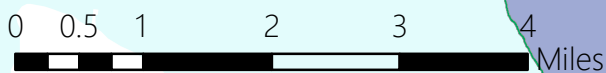
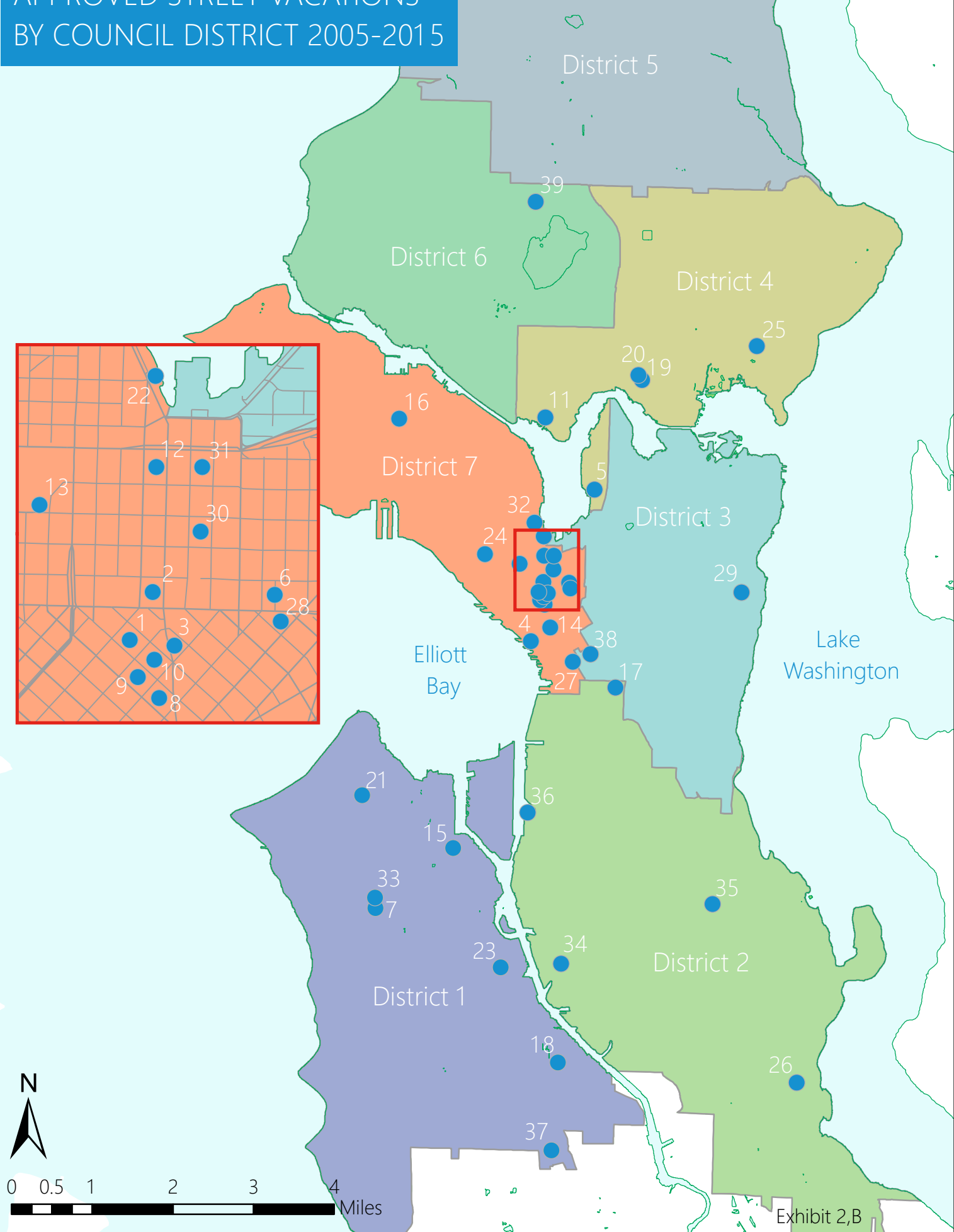
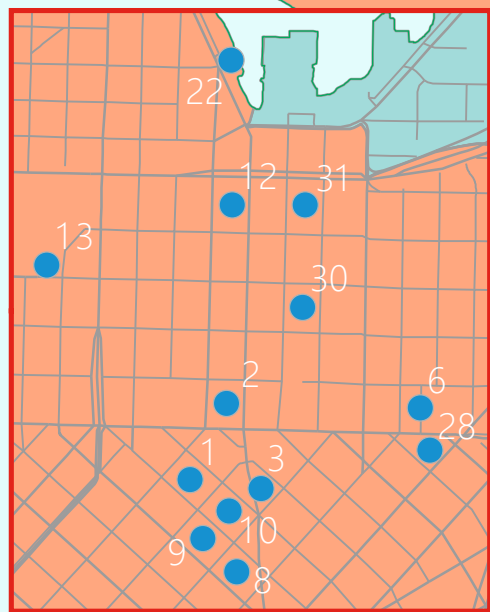
## Approved Street Vacation Project Public Benefits (2005-2015) - Offsite Public Benefits

PROJECT INFORMATION							OFFSITE PUBLIC BENEFITS									
Mapped Project Number	Project	Applicant/Developer	Year Filed	Neighborhood	Vacation Type	Proposed Land Use	Pedestrian/Bicycle Trails or Public Stairways	Enhancement of Pedestrian/Bicycle Environment	Enhancement of Existing Public Space	Green Streets Improvements	Funding for Neighborhood Plan Element	Wayfinding Signage	Real Property	In-Lieu Funds	Other	
1	B 21	Amazon/Acorn Development LLC	2015	Denny Triangle	Alley	Commercial - Office/Retail	x	x							x	
2	B 89 DT Denny's 5th NS	Vulcan/City Investors IV LLC	2014	South Lake Union	Alley	Commercial - Office/Retail			x	x						
3	B 24 Heirs SA Bell 2nd	GID Development Group/Ninth and Lenora LLC	2014	Denny Triangle	Alley	Residential/Retail				x				x		
4	Armory Way	Pike Place Market PDA	2014	Downtown	Street (Unopened ROW)	Open Space/Walkway/Parking										
5	E Howe St	Inhabit Eastlake LLC	2013	Eastlake	Street (Subterranean)	Residential/Commercial										
6	Pontius Ave N	Seattle City Light	2013	South Lake Union	Street	Electrical Substation		x		x		x			x	
7	B 3 Norris Add	Project X LLC	2013	West Seattle	Alley	Residential/Retail				x				x		
8	B 14 Heirs SA Bell	Amazon/Acorn Development LLC	2012	Denny Triangle	Alley	Commercial - Office/Retail	x					x		x		
9	B 19 Heirs SA Bell 2nd	Amazon/Acorn Development LLC	2012	Denny Triangle	Alley	Commercial - Office/Retail						x				
10	B 20 Heirs SA Bell 2nd	Amazon/Acorn Development LLC	2012	Denny Triangle	Alley	Commercial - Office/Retail	x					x		x		
11	Carr PI N	Seattle Public Utilities	2012	Wallingford	Street	Solid Waste Transfer Station										
12	B 93 DT Denny's 1st NS	City Investors XX LLC	2012	South Lake Union	Alley	Commercial - Office/Retail										
13	Broad St	Gates Foundation/Iris Holdings LLC	2012	Uptown	Street	Commercial - Office										
14	Westlake Ave	Seattle Parks and Recreation	2011	Downtown	Street	Park										
15	Delridge Way Etc	Seattle FAS	2011	Delridge	Street (Unopened ROW)	Fire Station										
16	B 20 Gilman's Add	Block 20 LLC	2011	Interbay	Alley	Residential/Retail		x								
17	Yesler Terrace	Seattle Housing Authority	2011	First Hill	Street and Alley	Residential/Commercial	x									
18	2nd Ave S & S Chicago St	Seattle Public Utilities	2010	South Park	Street	Solid Waste Transfer Station						x			x	
19	B 23 Brooklyn Add	University of Washington	2009	University District	Alley	Residential (Student Dorms)										
20	B 22 Brooklyn Add	University of Washington	2009	University District	Alley	Residential (Student Dorms)										
21	B 5/6 Plat of W Sea Niezs	Safeway Stores, Inc.	2009	West Seattle	Alley	Commercial - Retail								x		
22	Terry Ave N ETC	Seattle Parks and Recreation	2009	South Lake Union	Street	Park										
23	Soundway	Seattle Parks and Recreation	2009	West Seattle	Street	Park										
24	B 33 Denny's DT Home	Burkheimer Family LLC	2009	Uptown	Alley	Residential/Retail										
25	41 Ave NE NE 46 St	Seattle Children's Hospital	2009	Laurelhurst	Street	Medical Center								x		
26	Wolcott Ave	Housing Resources /Chung Tai Buddhist Assoc	2008	Rainier Beach	Street	Residential										
27	5th Ave	Fifth & Columbia Investors, LLC	2008	Downtown	Street (Subterranean)	Commercial - Office/Retail										
28	B 54 Heirs of Sarah A Bells 2	1221 East Denny Owner LLC	2008	Denny Triangle	Alley	Residential/Retail/Office/Hotel										
29	B 9 Waddels	Epiphany School	2008	Madrona	Alley	Private School										
30	B 101 DT Denny's 5th	Amazon/City Place IV LLC	2008	South Lake Union	Alley	Commercial - Office/Retail										
31	CB 103 DT Denny's 1st	Vulcan/City Investors IX LLC	2007	South Lake Union	Alley	Commercial - Office/Retail										
32	Highland Dr	CarrAmerica Dexter Avenue LLC	2006	South Lake Union	Street	Residential/Retail										
33	B 55/56	Hancock Fabrics Inc/Fauntelroy Place LLC	2006	West Seattle	Alley	Residential/Retail								x		
34	2nd S	Capital Industries	2006	Duwamish Industrial	Street	Industrial								x		
35	31st S ETC	Seattle Housing Authority	2006	Columbia City	Street and Alley	Residential										
36	S Forest	Port of Seattle	2005	Duwamish Industrial	Street (Submerged)	Industrial									x	
37	SW Roxbury	Seattle Department of Fleets and Facilities	2005	Highland Park	Street	City Training Center									x	
38	B 70	FH LLC	2005	First Hill	Alley	Retirement Community										
39	B 3 Bonen's	Bethany Church	2005	Green Lake	Alley	Church			x						x	
Total Number of Projects Providing Benefit							4	3	2	4	0	5	0	8	6	

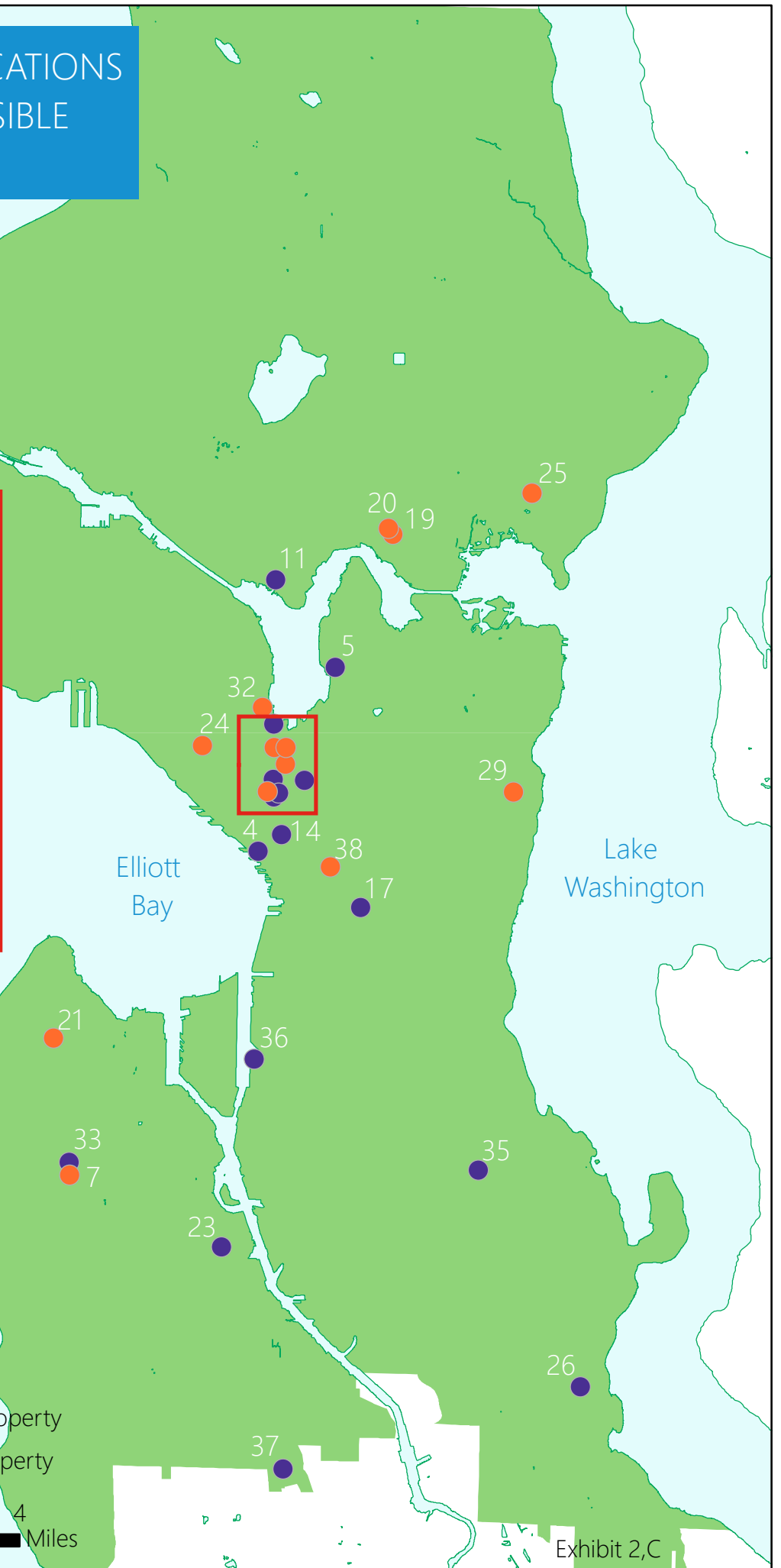
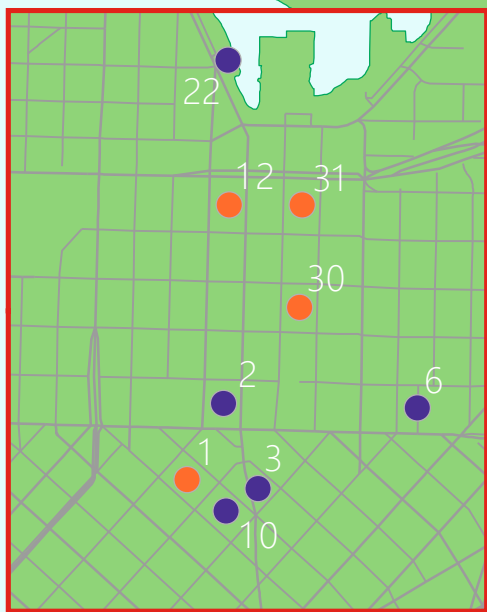
# APPROVED STREET VACATIONS 2005-2015



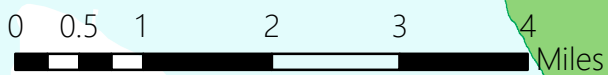
# APPROVED STREET VACATIONS BY COUNCIL DISTRICT 2005-2015



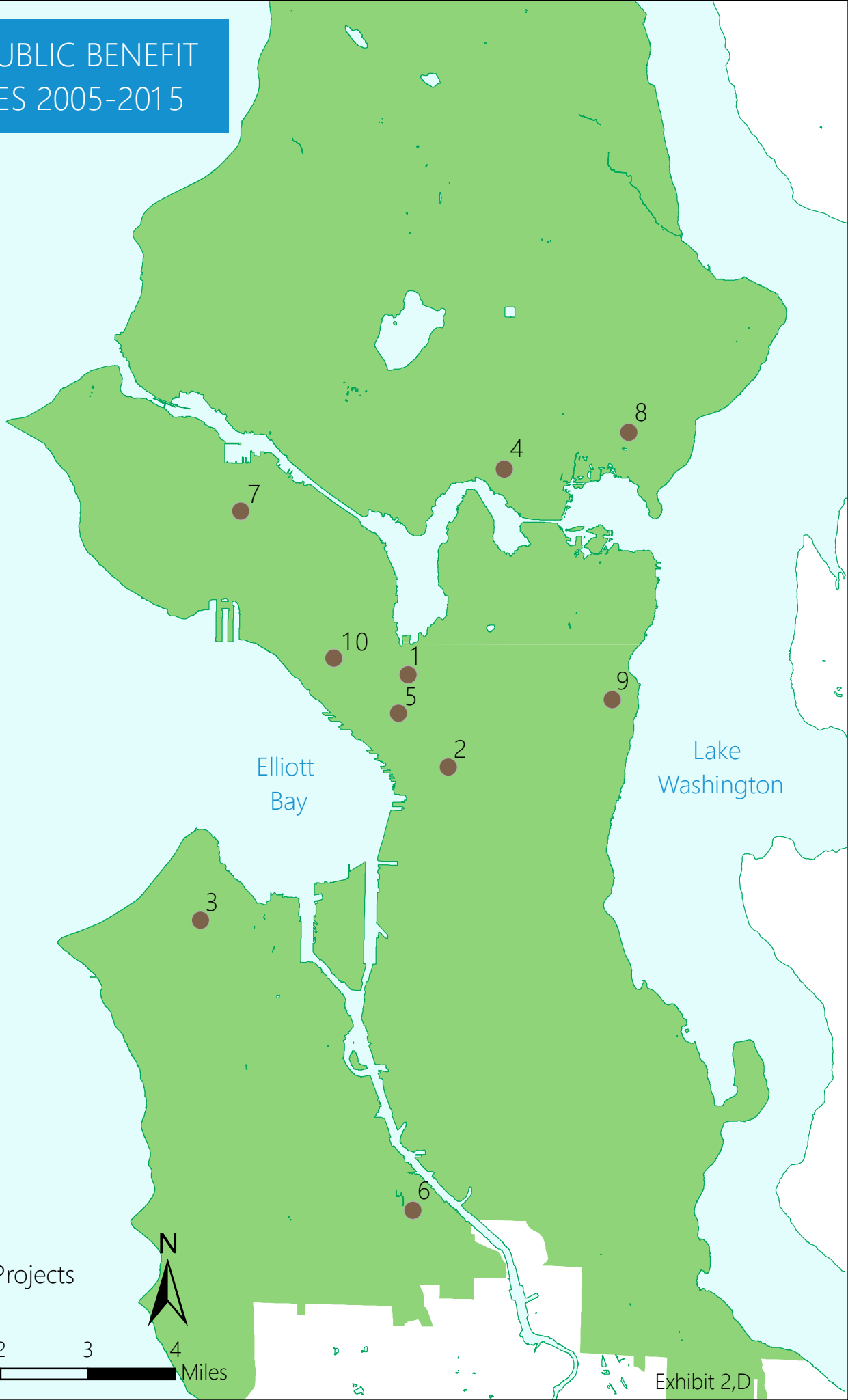
# APPROVED STREET VACATIONS WITH PUBLICLY-ACCESSIBLE SPACES 2005-2015



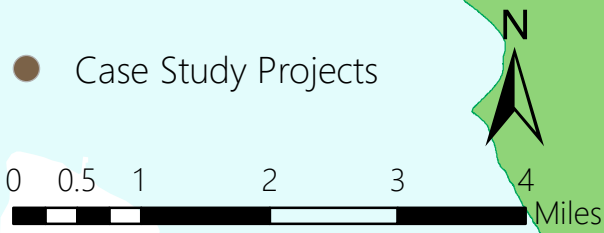
- Located on Private Property
- Located on Public Property



# SELECTED PUBLIC BENEFIT CASE STUDIES 2005-2015



● Case Study Projects



# 1) BLOCK 101 - AMAZON/CITY PLACE IV

2008 | Alley Vacation | South Lake Union | 333 Boren Ave N

## PROJECT DESCRIPTION

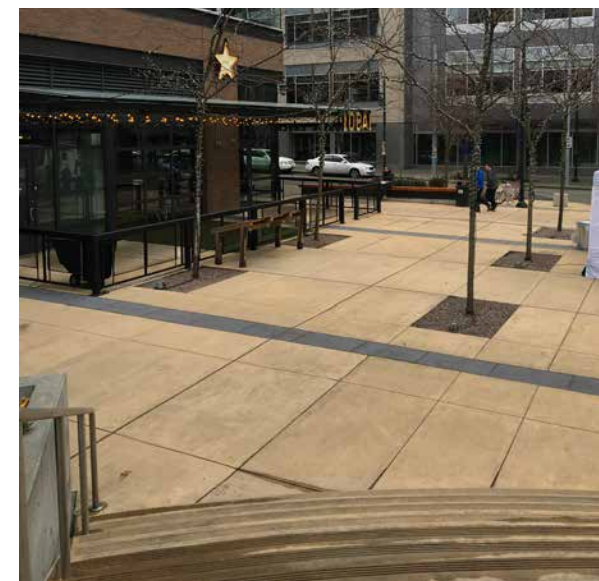
Vacation of alley between Harrison St and Thomas St to construct a mixed-use office/etail development

## PUBLIC BENEFIT PACKAGE

- Two public plazas accessible from Boren Ave N and Terry Ave N, including a hillclimb connection
- Landscaping, seating, special paving, lighting, and a "signature element" provided in the plazas
- Sustainable features included in the building and the plazas
- Preservation and reuse of the Terry Building
- Widened sidewalk, special pavers, back-in angle parking, street trees, planting areas, ornamental street lights, benches, and bicycle racks provided on Terry Ave N
- Curb bulbs in coordination with SDOT
- Street trees, sidewalk improvements, pedestrian enhancements, and retail on Harrison St and Boren Ave N



Site plan of through-block connection between Boren Ave N and Terry Ave N



Plaza adjacent to Boren Ave N

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The reconstructed streetscape along Terry Ave N creates an inviting and attractive pedestrian experience.</li> <li>• The building tenant provided a "community banana stand" in the plaza with free bananas for the public. This helped to activate the plaza.</li> </ul>	<ul style="list-style-type: none"> <li>• Most of the plaza area is not at grade with the adjacent sidewalk, making them feel like more private spaces.</li> <li>• The wheelchair access ramp for the hillclimb was difficult to locate from the street.</li> <li>• The "public space" signs were difficult to locate.</li> <li>• More seating in the interior of the plaza could improve activation.</li> </ul>

# 2) BLOCK 70 - TERRACES AT SKYLINE/FIRST HILL LLC

2005 | Alley Vacation | First Hill | 715 9th Ave

## PROJECT DESCRIPTION

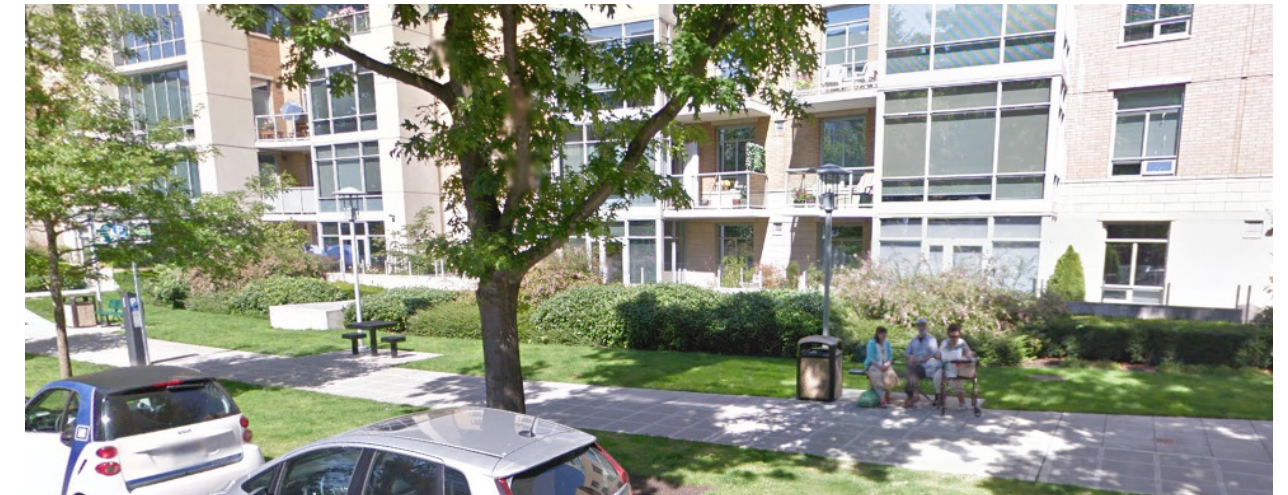
Vacation of alley between Columbia St and Cherry St to construct a highrise retirement community

## PUBLIC BENEFIT PACKAGE

- A publicly-accessible hillclimb on Cherry St, including terracing, special paving, benches, resting places, landscaping, and signage
- Public opens space on 8th Ave, including landscaping, seating, and paving treatments
- Landscaping around the entire site, including the drop off area at 9th Ave and Columbia St



Rendering of development with publicly-accessible spaces along 8th Ave and Cherry St



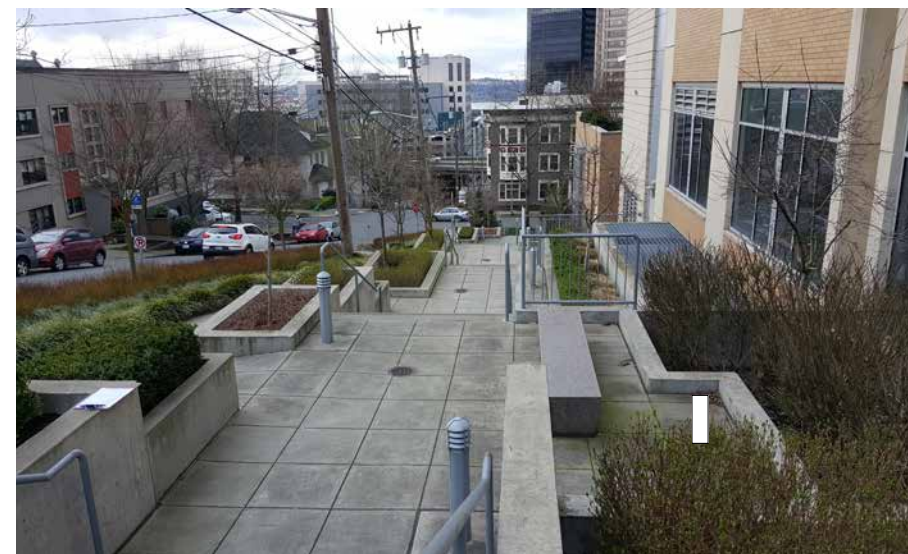
Public open space with seating along 8th Ave



Public space sign provided at 8th Ave and Cherry St



Cherry St hillclimb with landscaping



Resting terrace on the Cherry St hillclimb

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The hillclimb feels like a public space and provides a comfortable connection between 8th Ave and 9th Ave.</li> <li>• The tables and seating along 8th Ave are easily accessible amenities from the sidewalk.</li> </ul>	<ul style="list-style-type: none"> <li>• Only one sign on 8th Ave and Cherry St indicates that the hillclimb is open to the public.</li> <li>• Only one terrace of the hillclimb includes resting benches.</li> <li>• Additional seating could further enhance the use of the space.</li> </ul>

# 3) BLOCKS 5 & 6 - SAFEWAY STORES, INC

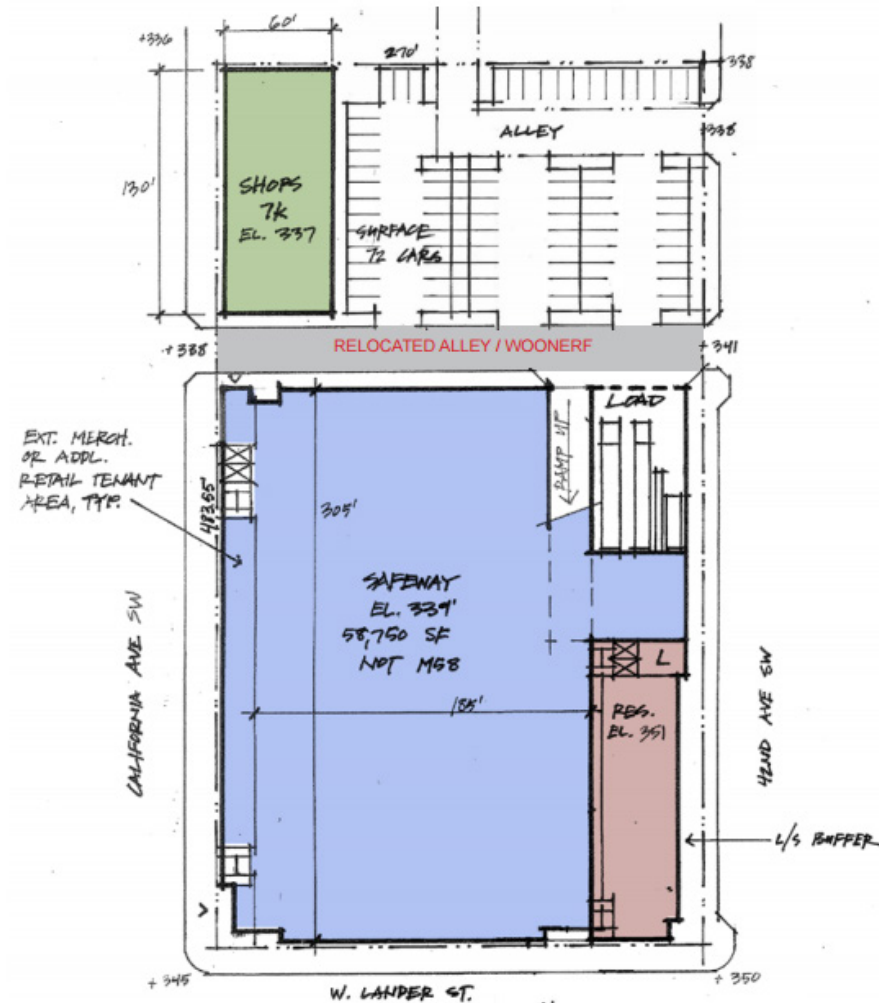
2009 | Alley Vacation | West Seattle | 2622 California Ave SW

## PROJECT DESCRIPTION

Vacation of alley between SW Admiral Way and SW Lander St to construct a grocery store and retail shopping center

## PUBLIC BENEFIT PACKAGE

- A public plaza at the corner of California Ave SW and SW Lander St, including tables, chairs, landscaping, seat walls, and lighting
- Increased building setbacks along California Ave SW and SW Lander St
- Seat walls, enhanced landscaping, benches, and canopies along California Ave SW
- Two additional public plazas at the retail entries on California Ave SW
- Pedestrian level street lighting along California Ave SW
- Interpretive signage about the history of Hiawatha Playfield mounted to south facade of building
- \$10,000 provided for the development of historic signage for Hiawatha Playfield
- Additional covered bike parking at California Ave SW and SW Lander St
- Stylized compass rosettes installed in the sidewalk at California Ave SW and SW Lander St and at 42nd Ave SW and SW Lander St
- Stylized crosswalk at 42nd Ave SW and SW Lander St



Site plan of development showing building setback for public plaza at California Ave SW and SW Lander St



The public plaza at California Ave SW and SW Lander St includes unwelcoming signage that restricts activity



Hiawatha Playfield historical signag



Seating and landscaping along California Ave SW



Rendering of public plazas along California Ave SW



Compass rosette at 42nd Ave SW and SW Lander St

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• Pedestrian lighting, landscaping, and seating along California Ave SW are attractive amenities that are accessible from the sidewalk.</li> <li>• Compass rosettes enhance the look and character of the sidewalk.</li> </ul>	<ul style="list-style-type: none"> <li>• Public plazas feel very private, like they are only store entrances for Safeway customers.</li> <li>• "No" signs (e.g., no loitering, no smoking) posted around the plazas make them feel unwelcoming.</li> <li>• Canopies along the sidewalk do not extend over the entire width of the sidewalk and provide little weather protection.</li> </ul>



# 4) BLOCK 23 - UNIVERSITY OF WASHINGTON

2009 | Alley Vacation | University District | 1315 NE Campus Parkway

## PROJECT DESCRIPTION

Vacation of alley between NE Campus Parkway and NE 40th St to construct a student housing development

## PUBLIC BENEFIT PACKAGE

- Tree thinning, soil amendment, and tree planting on the NE Campus Parkway median
- Public access provided through the block, which may be limited during nighttime hours
- Widened sidewalks, street trees, landscaping, building canopies, lighting, benches, lean rails, bike racks, and transit shelters provided around the block
- Voluntary setbacks accommodated around the block
- Public courtyard provided in the center of the building and accessible from NE 40th St and NE Campus Parkway
- Wayfinding signage that clearly indicates space that are available for public use
- Pervious paving provided on the sidewalks around the block



Site plan of development showing publicly-accessible courtyard and through-block connector



Signage provided at entrance to public courtyard



Streetscape amenities along NE Campus Parkway



Interior of public courtyard



Rendering of through-block connector from NE 40th St



Rendering of entrance to public courtyard from NE Campus Parkway

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The wide sidewalks, lean bars, custom transit shelters, seating, and greenery create an inviting environment for pedestrians and transit riders.</li> <li>• The public courtyard is attractive for pedestrians and offers comfortable seating and direct access to adjacent retail.</li> </ul>	<ul style="list-style-type: none"> <li>• The courtyard can be closed off to the public during certain hours, which limits time and opportunity for access.</li> <li>• The wayfinding signage was either no present or difficult to locate</li> </ul>

# 5) BLOCK 14 - AMAZON/ACORN DEVELOPMENT LLC

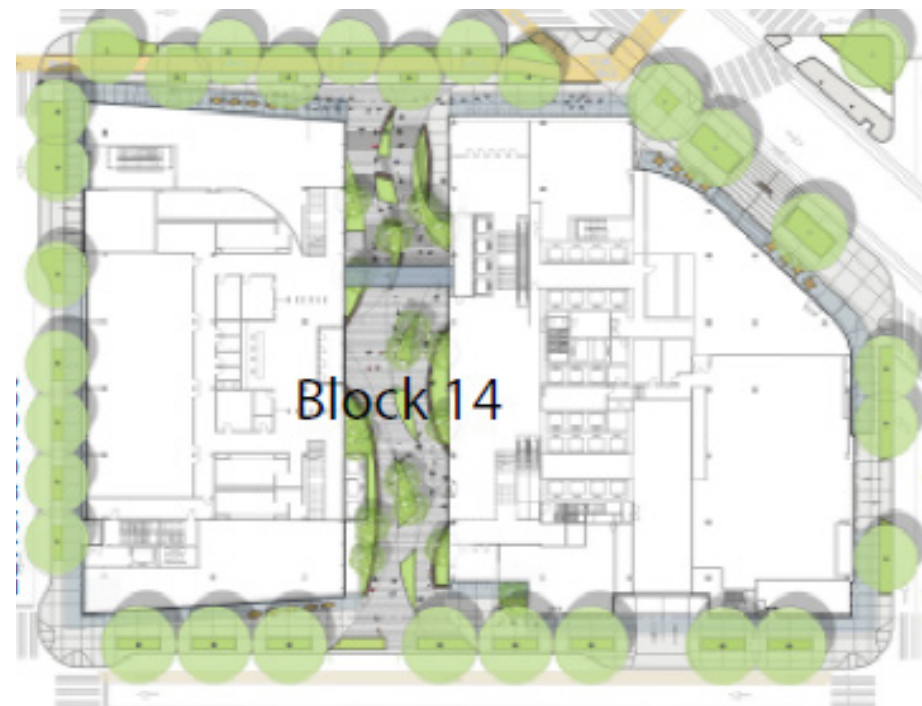
2012 | Alley Vacation | Denny Triangle | 2050 6th Ave

## PROJECT DESCRIPTION

Vacation of alley between Lenora St and Virginia St to construct a mixed-use office/ retail development

## PUBLIC BENEFIT PACKAGE

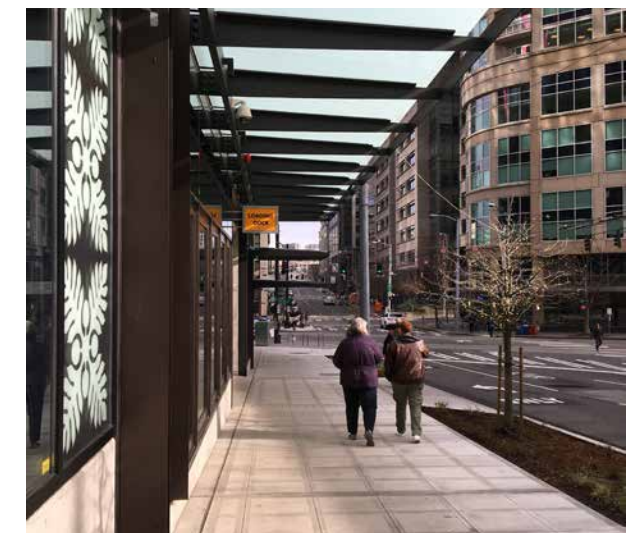
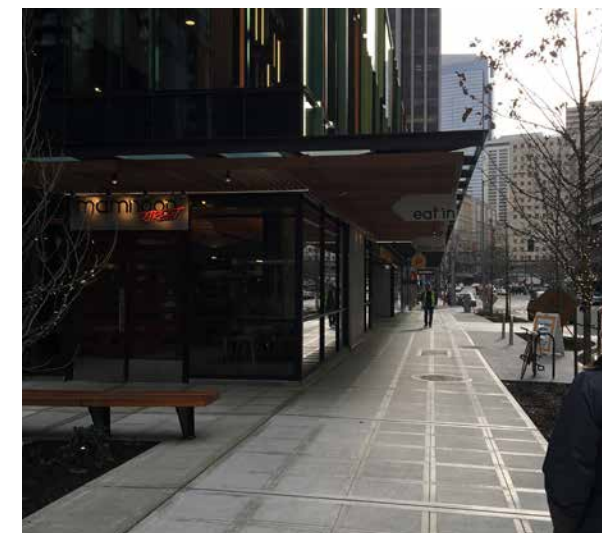
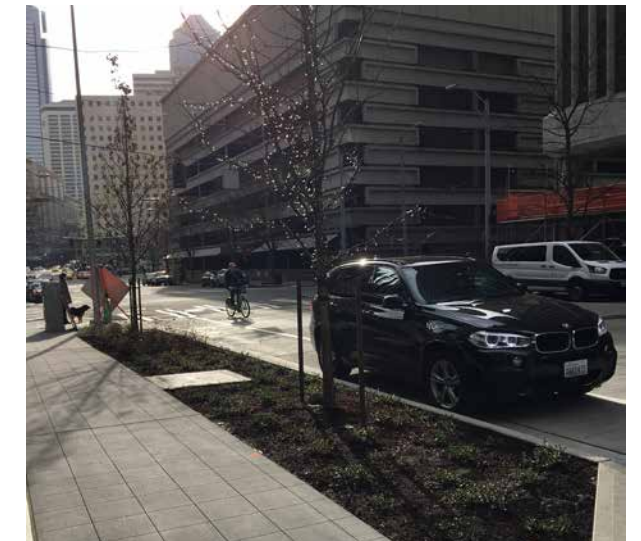
- New cycle track and pedestrian enhancements on 7th Ave, including special paving, furnishings, and stormwater plantings
- Signalization improvements at 7th Ave and Westlake Ave
- Two bicycle trash receptacles, two lean rails, and one bicycle wayfinding sign on 7th Ave
- Restriping existing bike lane to transition from cycle track
- Permeable pavers between the cycle track and the sidewalk
- \$250,000 provided for the City's technical analysis and its implementation of off-site cycle track improvements
- Interim cycle track upgrades around Block 13 before full build out
- Four to six new signals for the Westlake Ave/7th Ave/Virginia St intersection to allow for scramble crossings
- One new curb bulb on the northwest corner of 7th Ave and Westlake Ave
- Enlarged pedestrian island between 7th Ave, Westlake Ave, and Virginia St
- Restriping of two existing crosswalks and addition of one new crosswalk
- New bicycle crossings across Westlake Ave
- Paving and landscape improvements at adjacent streetcar stop
- Voluntary setbacks around the entire block
- Landscape and sidewalk improvements around the entire block and beyond the existing curb line, including four to six additional trees, new curb bulbs at corners, two new Center City wayfinding signs, and reduction of seven curb cuts
- One new signature art piece and integrated art in right of way elements (e.g., manhole covers, street furniture)
- \$3.7 million provided for sponsorship and contribution to the City's purchase of a fourth streetcar



Site plan of Block 14 including cycle track on 7th Ave (shown in yellow)



Cycle track and pedestrian enhancements on 7th Ave



## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The building setbacks and landscaping have created an attractive and clean pedestrian environment.</li> <li>• The cycle track and improved pedestrian/bicycle crossings seem functional and comfortable for all users</li> <li>• Overhangs are functional and provide protection from the weather.</li> <li>• The public through-block connector (not provided as part of the benefit package) feels welcoming to the public.</li> </ul>	

# 6) 2ND & CHICAGO - SEATTLE PUBLIC UTILITIES

2010 | Street Vacation | South Park | 130 S Kenyon St

## PROJECT DESCRIPTION

Vacation of a portion of 2nd Ave S and S Chicago St to construct the SPU South Transfer Station

## PUBLIC BENEFIT PACKAGE

- Public viewing area with educational signage, materials, tours, and programs to learn about solid waste transfer operations
- Directional signage to the facility and within the facility
- Sidewalks on the north side of S Kenyon St and the west side of 5th Ave S
- Public path along W Marginal Way
- Additional landscaping provided around the site
- Implement perimeter design that discourages illegal dumping on the site
- First opportunity for construction positions for the South Park community
- Develop business alliance to link the facility with opportunities to support local businesses
- Minimize garbage truck traffic on non-arterial streets
- Provide weekly litter patrols in the area



Site plan of the South Transfer Station



Rendering of transfer station entrance, including new sidewalk



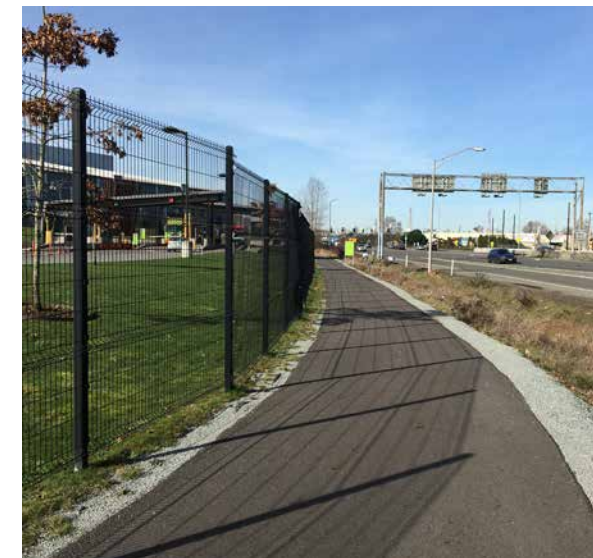
Rendering of landscaping and sidewalks on S Kenyon St



Educational materials in the public viewing room



View of the facility from the public viewing room



Public path adjacent to W Marginal Way



Landscaping and sidewalks near S Kenyon St

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The landscaping enhancements are visually appealing and add greenery to the area.</li> <li>• The sidewalks and public path connect well with each other and enhance the pedestrian access between the facility and the South Park neighborhood.</li> <li>• The public viewing room offers an interesting and educational experience for visitors.</li> </ul>	<ul style="list-style-type: none"> <li>• Difficult to locate the public viewing room from the outside of the facility.</li> </ul>

# 7) BLOCK 20 - BLOCK 20 LLC

2011 | Alley Vacation | Interbay | 3040 17th Ave W

## PROJECT DESCRIPTION

Vacation of a portion of the alley between W Dravus St and W Barrett St to construct a mixed-use residential/retail development

## PUBLIC BENEFIT PACKAGE

- Upgraded lighting at the concession stand at the Interbay Soccer Stadium
- \$5,000 provided for improvements at the park facility
- Voluntary setbacks along alley and along street-level and upper-level facades
- Additional public bike racks
- Canopy lighting at 16th Ave W and W Dravus St and the building lobby
- Pedestrian street lights at W Barrett St
- Building-mounted alley light fixtures
- Upgraded stadium light fixtures at sidewalk level
- Upgraded alley paving at 17th Ave W
- Dog bag dispenser at W Barrett St
- Overhead weather protection at W Dravus St and 16th Ave W
- Landscape element at the alley
- Additional planting improvements and street trees provided with larger sizes than required by code
- Pedestrian wayfinding elements at W Dravus St
- Waste receptacles at each building entry
- Seating elements at W Dravus St and 17th Ave W
- Street tree replacement on W Dravus St
- Street trees on 17th Ave W north of the alley
- Sidewalk replacement on 17th Ave W north of the alley
- Planting improvements on 17th Ave W north of the alley
- Daylit raingardens and enhanced plantings at 16th Ave W and 17th Ave W
- Reduction of three curb cuts around the site
- Screened parking garage with commercial and residential uses



Rendering of 16th Ave W building frontage



Seating elements along W Dravus St



Enhanced landscaping, sidewalk, and dog bag dispenser along 17th Ave W



Wayfinding signage at 16th Ave W and W Dravus St



Raingarden along 16th Ave W



Unimproved sidewalk - 17th Ave W and W Dravus St

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The wide sidewalks with trees and raingardens, stone benches, and lighting elements encourage pedestrian activity and public use of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Development did not include sidewalk reconstruction on the full block. Sidewalk is patchy, disjointed, and broken near 17th Ave W and W Dravus St.</li> <li>• Improving orientation to adjacent playfields could better activate the streetscape.</li> </ul>

# 8) 41ST AVE NE & NE 46TH ST - SEATTLE CHILDREN'S

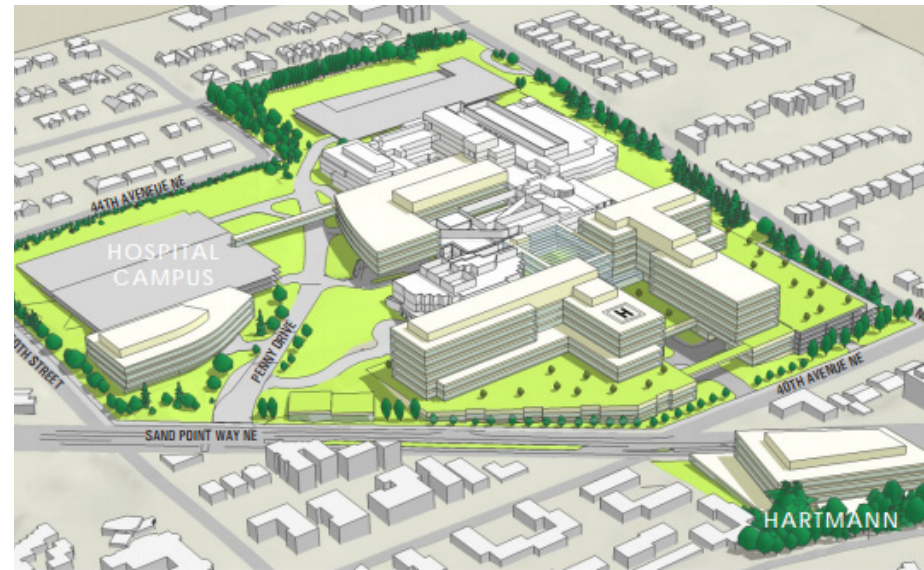
2009 | Street Vacation | Laurelhurst | 4800 Sand Point Way NE

## PROJECT DESCRIPTION

Vacation of a portion of 41st Ave NE and NE 46th St to construct medical facilities

## PUBLIC BENEFIT PACKAGE

- Trail connection between the Burke-Gilman Trail and Sand Point Way NE at the Hartman site
- Plaza, street, and sidewalk amenities along both sides of Sand Point Way NE
- Transit access enhancements to Metro bus routes and the Seattle Children's shuttle on both sides of Sand Point Way NE
- \$2 million provided for SDOT to fund and develop priority pedestrian and bicycle projects in Northeast Seattle
- Plaza, street, and sidewalk improvements for public access on 40th Ave NE
- Pocket park at the corner of 40th Ave NE and NE 45th St



Oblique view of hospital expansion alternative with open spaces highlighted



Rendering of open spaces and landscaping at 40th Ave NE and NE 45th St



Rendering of Sand Point Way NE improvements



Landscaping and cycle track (trail connection) along Sand Point Way NE



Pocket park near the corner of 40th Ave NW and NE 45th St



Improved connection to the Burke-Gilman Trail

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• Amenities feel very public and easily-accessible, including the wayfinding signage, Burke-Gilman Trail connection, and landscaping.</li> <li>• The pocket park and other street improvements feel like they are oriented to the neighborhood, rather than the hospital.</li> </ul>	

# 9) BLOCK 9 - EPIPHANY SCHOOL

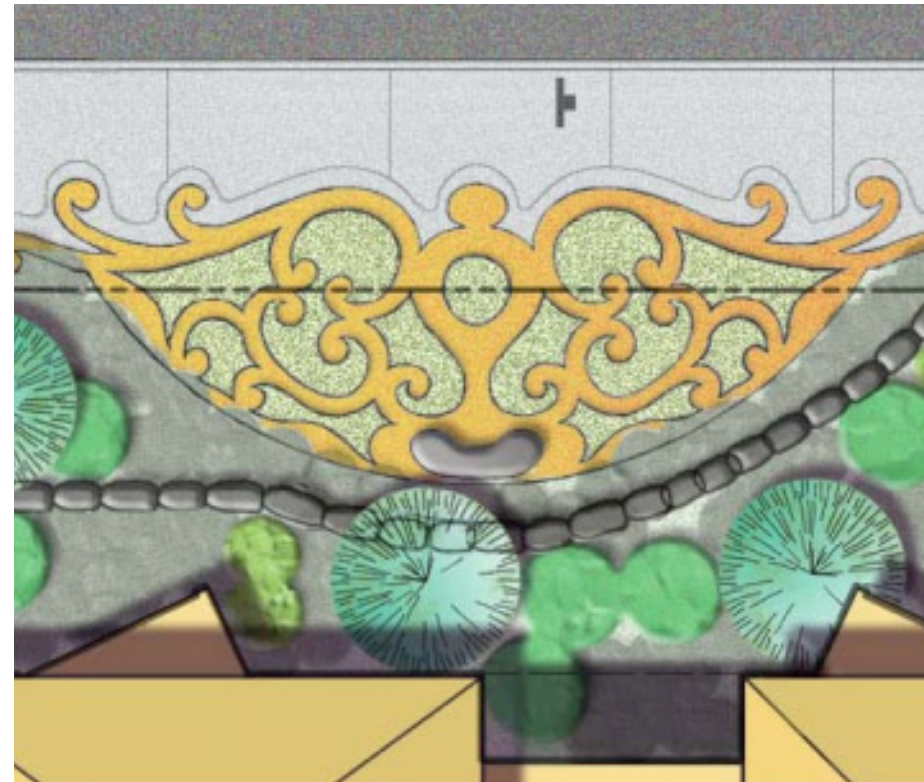
2008 | Alley Vacation | Madrona | 3611 E Denny Way

## PROJECT DESCRIPTION

Vacation of alley off E Howell St to construct an expansion of a private parish school

## PUBLIC BENEFIT PACKAGE

- Pocket park area on E Denny Way, including landscaping, seating, special paving, and an art element
- Sustainable features incorporated into building, pocket park, and landscaping
- 20 foot landscaped building setback along E Denny Way and 36th Ave
- Public access to walk through the site and use the recreational facilities as practicable
- Flashing pedestrian lights and improved school zone signage if grant funding is available



Overhead rendering of pocket park on E Denny Way



Site plan of school expansion, including landscaping areas and pocket park



Pocket park near E Denny Way and 36th Ave



Crosswalk and signage on E Denny Way



Decorative bench in the pocket park



Landscaped area with building setback off E Denny Way

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• Pocket park near 36 Ave and E Denny Way feels public, attractive, and comfortable.</li> <li>• The landscaping combined with the large building setback creates an inviting street environment.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no elements or signage indicating that the publicly-accessible school grounds and recreational facilities are open to the public.</li> </ul>

# 10) BLOCK 33 - BURKHEIMER FAMILY LLC

2009 | Alley Vacation | Uptown | 118 Republican St

## PROJECT DESCRIPTION

Vacation of alley between Mercer St and Republican St to construct a mixed-use residential/retail development

## PUBLIC BENEFIT PACKAGE

- Pedestrian plaza at the corner of Warren Ave N and Republican St, including art, special paving, street furniture, and pedestrian lighting
- Voluntary setback at the southeast corner of the building
- Voluntary setbacks at all retail frontages
- Voluntary setbacks at the townhouse frontages on Warren Ave N
- Overhead weather protection, landscaping, lighting, seating, and art around the block
- Raingarden for natural drainage along Warren Ave N



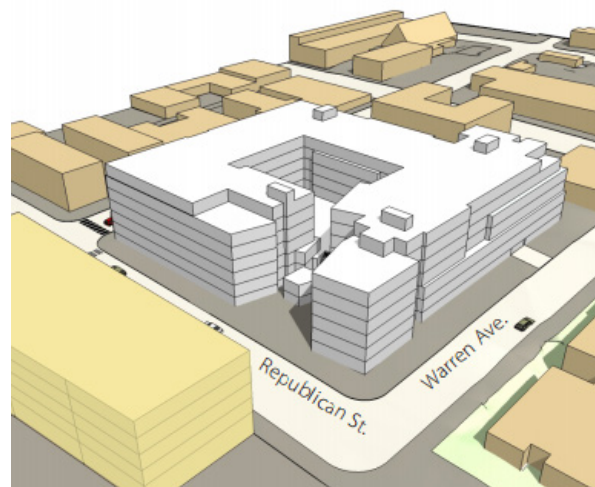
Site plan of development showing publicly-accessible plaza near Warren Ave N and Republican St



Public plaza with landscaping and public art



Raingardens and setbacks along Warren Ave N



Rendering of building massing and public plaza space at Republican St and Warren Ave N



Rendering of building with public plaza and enhanced landscaping from the intersection of Republican St and 1st Ave N



Overhead weather protection along 1st Ave N

## SITE OBSERVATION NOTES

Most Successful Elements	Less Successful Elements
<ul style="list-style-type: none"> <li>• The wide sidewalks on Warren Ave N and Republican St provide ample space for pedestrians and comfortable connections to and from Seattle Center.</li> <li>• The plaza is well-oriented to the Seattle Center entrance at Warren Ave N and Republican St.</li> <li>• The landscaping around the block enhances the attractiveness of the pedestrian environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Public space signage is mounted flat on benches and is difficult to locate</li> <li>• The plaza at Warren Ave N and Republican St feels like an entrance for the apartment building, rather than a public space.</li> <li>• Overhead weather protection does not extend over full width of the sidewalk.</li> </ul>

# PUBLIC SPACE DESIGN SUMMARY

## Most Successful Design Elements



Easily visible public space signage helps to communicate the public nature of the open spaces.



Amenities, such as seating, tables, landscaping, artwork and lighting, improve the comfortability and attractiveness of the public spaces.



Vendors and other programming elements help to create a vibrant environment to draw people into the spaces.



Seamless integration between the sidewalk and the plazas encourage public use of the spaces.



Elements that reflect the character of the surrounding neighborhood foster unique and inviting spaces for nearby residents and visitors.

## Less Successful Design Elements



Grade changes from the sidewalk make the public spaces feel like they are not integrated with the public realm.



A lack of seating options detract from the comfortability of the public spaces.



Overhead building elements create a "corporate" feel in the spaces and make them less inviting to the public.



Signage attempting to regulate behavior make the spaces feel unwelcoming.



Gates, barriers, and a lack of easy visibility between the sidewalk and public spaces make them difficult to locate and feel more private.



# VACATION FEES RECEIVED 1995-2015

Year Received	Revenue
2015	\$17,566,423
2014	\$0
2013	\$7,560,000
2012	\$750,000
2011	\$1,322,500
2010	\$1,286,000
2009	\$563,400
2008	\$319,000
2007	\$3,848,450
2006	\$172,500
2005	\$0
2004	\$491,000
2003	\$1,148,000
2002	\$617,000
2001	\$3,809,500
2000	\$792,350
1999	\$522,750
1998	\$843,400
1997	\$260,825
1996	\$1,376,342
1995	\$908,512
<b>Total</b>	<b>\$44,157,952</b>
<b>Average/year</b>	<b>\$2,102,759</b>

## Vacation Revenue

This chart includes vacation revenue received by the City from 1995-2015. The revenue is the vacation fee and not payment for public benefit elements. The chart reflects the fee payment, not project approval; some projects were approved prior to 1995.

# STREET VACATIONS BY CITY COUNCIL DISTRICT

## VACATIONS APPROVED BY THE CITY COUNCIL 1995-2015

Vacation Fees	
City Council District	Fees
1	\$585,500
2	\$4,939,450
3	\$4,616,273
4	\$7,560,000
5	\$0
6	\$741,250
7	\$21,859,400
<b>Total</b>	<b>\$40,301,873</b>

Area of Vacated Right of Way	
City Council District	Square Feet
1	4,257,635
2	2,177,183
3	248,306
4	127,646
5	35,160
6	22,495
7	310,032
<b>Total</b>	<b>7,178,457</b>

# STREET VACATIONS BY ZONING DESIGNATION

## VACATIONS APPROVED BY THE CITY COUNCIL 1995-2015

Vacation Fees	
Zoning Designation	Fees
C1/C2	\$1,256,500
DMC	\$0
DRC	\$0
DOC/1&2	\$16,359,000
IC	\$3,040,000
IB	\$21,750
SM	\$881,000
IDM	\$550,000
PMM	\$0
IG 1/2	\$3,973,450
L1	\$0
L3	\$7,560,000
L4	\$0
MIO	\$2,117,423
NC1/2	\$1,262,750
NC3	\$1,260,500
SF	\$873,500
DMR	\$105,000
HR	\$1,041,000
YT	\$0
<b>Total</b>	<b>\$40,301,873</b>

Area of Vacated Right of Way	
Zoning Designation	Square Feet
C1/C2	162,870
DMC	21,777
DRC	17,150
DOC/1&2	87,103
IC	45,772
IB	3,795
SM	55,382
IDM	20,550
PMM	1,358
IG 1/2	3,421,516
L1	732,998
L3	169,937
L4	576,441
MIO	32,146
NC1/2	28,228
NC3	148,936
SF	1,533,283
DMR	3,840
HR	8,690
YT	106,685
<b>Total</b>	<b>7,178,457</b>

# STREET VACATION PROJECT FEES

## VACATIONS APPROVED BY THE CITY COUNCIL 2005-2015

Project Number	Project	Petitioner	Fees	Notes
1	Block 21 Heirs of SA Bell's 2nd Addition	Acorn Development	0	In progress
2	Block 89 DT Denny's 5th Addition	City Investors	0	In progress
3	Block 24 Heirs SA Bell's 2nd Addition	GID/Parks	0	In progress
4	Armory Way	Pike Place Market PDA	0	In progress
5	E Howe St.	Inhabit Eastlake	0	In progress
6	Pontius Ave. N	Seattle City Light	0	City
7	Block 3 Norris Addition	West Seattle Project X	0	In progress
8	Block 14 Heirs SA Bell's Addition	Acorn Development	\$5,181,000	
9	Block 19 Heirs SA Bell's 2nd Addition	Acorn Development	\$5,190,000	
10	Block 20 Heirs SA Bell's 2nd Addition	Acorn Development	\$5,188,000	
11	Carr Pl. N	Seattle Public Utilities	0	City
12	Block 93 DT Denny's 1st Addition	City Investors	\$881,000	
13	Broad St.	Gates Foundation	0	Property exchange
14	Westlake Ave. N	Seattle Dept. of Parks	0	City
15	Delridge Way etc	Fleets & Facilities	0	City
16	Block 20 Gilman's Addition	Unico Properties	0	Rededication
17	Yesler Terrace	Seattle Housing Authority	0	Rededication
18	2nd Ave. S & S Chicago St.	Seattle Public Utilities	0	City
19	Block 23 Brooklyn Addition	U of W	0	State
20	Block 22 Brooklyn Addition	U of W	0	State
21	Blocks 5 & 6 Plat of West Seattle UR Niesz	Safeway Stores	\$450,000	
22	Terry Ave. N	Seattle Dept. of Parks	0	City
23	Soundway	Seattle Dept. of Parks	0	City
24	Block 33 Denny's DT Home Addition	Burkheimer Family	0	Rededication
25	41 Ave. NE & NE 46 St.	Children's Hospital	\$7,560,000	
26	Wolcott Ave. S	Housing Resources Group	\$232,500	
27	5th Ave.	5 & Columbia Investors	\$99,000	
28	Block 54 Heirs of SA Bells 2nd Addition	1200 Stewart	0	In progress
29	Block 9 Waddel's Madrona Park Addition	Epiphany School	\$80,000	
30	Block 101 D T Denny's 5th Addition	City Investors	\$900,000	
31	Block 103 DT Denny's 1st Addition	City Investors	\$190,000	
32	Highland Dr.	CarrAmerica		Withdrew
33	Blocks 55 & 56 Boston Company's Plat	Fauntleroy Place	\$60,000	
34	2nd Ave. S	Capital Industries	\$319,000	
35	31st Ave. S etc	Seattle Housing Authority	0	Rededication
36	S Forest St.	Port of Seattle	0	Port
37	SW Roxbury St.	Fleets & Facilities	0	City
38	Block 70 Terry's 1st Addition	Presbyterian Retirement	\$920,000	
39	Block 3 Bonen's Addition	Bethany Church	\$65,000	

# HISTORY OF VACATION FEES

A review of this selective history of vacation fees demonstrates that the City Council has made changes over time with regard to the amount of the fee charged for vacations and who is required to pay a vacation fee.

**1937:** The City Council has charged a vacation fee since at least 1937. The fee was one-half the appraised value of the right-of-way.

**1967:** The City's authority to charge a vacation fee was challenged by the Puget Sound Alumni of Kappa Sigma. The State Supreme Court found that the City did not have authority from the State or by ordinance to charge a vacation fee. Following this decision, the State legislature granted authority to cities and towns to charge vacation fees and the City Council adopted an ordinance requiring that fees be paid prior to the adoption of a vacation ordinance.

**1983:** Before 1983, the City Council did not impose street vacation fees on Federal or State agencies, City departments, Municipal corporations, and accredited institutions of higher learning. In 1983 the City Council determined that City departments, Municipal corporations, and institutions should pay the vacation fee. The Council continued the fee waiver for Federal and State agencies. In addition, the Council made the fee mandatory and not permissive.

**1995:** Before 1995, vacation revenue was deposited into the General Fund (GF). However, the vacation revenues are extremely variable and the timing of the revenue is difficult to predict. The City Council determined that it was more appropriate to place the fees in the Cumulative Reserve Fund (CRF) to be used for capital projects. Ordinance 117627 was adopted in 1995 directing that vacation revenues be deposited in the CRF (now called the Cumulative Reserve Capital Project Street Vacation Subfund).

**2001:** Before 2001, the State had established that cities could charge vacation fees of up to one-half the value of the right-of-way. In 2001, State law was revised to allow cities to charge a vacation fee to the full appraised value of the right-of-way. The Council revised the SMC to charge the maximum allowed by State law as a mandatory vacation fee. While the Executive proposed that City departments be exempt from vacation fees or alternatively, that the fees remain at one-half of the right-of-way's appraised value, the City Council imposed the fee increase on City departments.

**2002:** Proposed legislation that would exempt City departments from paying vacation fees failed.

**2004:** The Council passed legislation that exempted City departments from the payment of vacation fees, established a new fund for street vacation fees, and moved fees from the CRF to the new Street Vacation Subaccount within the Capital Projects Account of the CRF.