

This version compares the street vacation policies last amended by Resolution 31142 to the proposed new street vacation policies. Changes are made throughout the policies, including non-substantive changes to tone and additional explanations or examples not present in the current policies. In addition, new sections on the public trust doctrine and the street vacation process are added to the policies. Consequently, this comparison shows the changes throughout the document.

Language shown with an underline is added to the policies.

Language shown ~~struck-out~~ is removed from the policies.

Language shown in green is moved from ~~one location~~ to another within the policies.

# STREET VACATION POLICIES<sup>4</sup>

## INTRODUCTION

# ~~PURPOSE~~ of the City of Seattle 2018

April 5, 2018

---

<sup>4</sup>The term “street” in the context of these policies is used in its broad sense of “dedicated right-of-way.” It includes improved and unimproved streets, boulevards, alleys, pedestrian pathways, bikeways, and other public rights-of-way. Although these types of right-of-way serve different transportation and travel functions, all are open to public use.

## TABLE OF POLICIES CONTENTS

I.	INTRODUCTION.....	1
A.	WHAT IS A STREET VACATION?.....	1
B.	FRAMEWORK FOR DECISION-MAKING .....	2
C.	DISTINCTION BETWEEN STREET VACATIONS AND LAND USE DECISIONS .....	3
II.	PUBLIC TRUST DOCTRINE.....	5
III.	PUBLIC TRUST ANALYSIS .....	8
A.	CIRCULATION .....	11
B.	ACCESS .....	15
C.	UTILITIES.....	16
D.	FREE SPEECH .....	17
E.	PUBLIC ASSEMBLY.....	18
F.	OPEN SPACE .....	18
G.	LIGHT AND AIR .....	20
H.	VIEWS.....	21
I.	LAND USE AND URBAN FORM .....	22
J.	OTHER CONSIDERATIONS IN PUBLIC TRUST ANALYSIS.....	35
IV.	ANALYSIS OF PUBLIC BENEFITS OF THE VACATION .....	38
A.	PUBLIC BENEFIT REQUIREMENT .....	38
B.	PUBLIC BENEFITS IDENTIFIED.....	41
V.	PROCESS FOR CITY REVIEW OF STREET VACATION APPLICATIONS .....	44
A.	GOALS/INTENT OF PROCESS .....	44
B.	PETITIONERS .....	44
C.	PRE-PETITION ACTIVITIES.....	44
D.	REQUIRED COMPONENTS OF THE PETITION .....	45
E.	COMPLEX OR SIMPLE VACATIONS .....	47
F.	REVIEW PROCESS .....	48
G.	COSTS AND FEES .....	54

## I. INTRODUCTION

The City's streets, alleys, and other public rights-of-way are valuable public resources. From time to time, property owners seek to acquire the street or alley next to their property from the City. The process to do so is a "street vacation." It requires that the property owner petition the City under these Street Vacation Policies and applicable City and state law. To grant a street vacation, the City: (1) makes sure that the public's interest in streets is protected; (2) approves a public benefits proposal; and (3) in most cases, receives the property's fair market value.

These policies guide petitioners, City departments, Boards and Commissions, and the public through the City's process to analyze and assess street vacation petitions. They also guide the City's review of public benefit proposals that accompany a street vacation petition. They apply to all streets whether improved or unimproved.

The purpose of these comprehensive, ~~Citywide street vacation~~ city-wide policies is to provide consistency, equity, and predictability in determining ~~what action on each~~ if a vacation petition would ~~best~~ serve and protect the public interest. ~~These policies provide procedural guidance for the City and for petitioners.~~ These policies also express the City's values related to ~~street rights-of-way streets~~ and street vacations; ~~the~~ The City's fundamental values of race and social equity, environmental stewardship, community, and economic opportunity and security form the foundation for these policies. The City's default position is that unless there are compelling reasons to vacate a street, the City will ~~retain the right-of-way~~ keep it for future public purposes.

### A. WHAT IS A STREET VACATION?

The term "street vacation" refers to the discretionary legislative act of the City Council (Council) that gives up the right to use a street or alley. In other words, the City "vacates" the public's right to use a street. Through a street vacation petition, a property owner asks the City to give up the public's right to use a street, alley, or other public right-of-way<sup>2</sup> abutting their property. For the purposes of these policies a "street vacation" describes vacating any right-of-way, whether a street, alley, boulevard, or other place, over which the public has the right of travel. These policies use the term "street" to refer to all types of public right-of-way including streets, alleys, boulevards, paths, stairways, and public places, whether developed or undeveloped.

The Revised Code of Washington (RCW) Chapter 35.79 ~~apply to all~~ guides the City's review of street vacation petitions. That Chapter assigns responsibility over street vacation decisions to the Council and requires a public hearing. Under the RCW, only abutting property owners or the Council may petition for a street vacation. These policies supplement RCW 35.79. They guide

---

<sup>2</sup> "Public right-of-way" is any property where the City has a right to use the land for street purposes whether the right-of-way has been improved or not.

petitioners, City departments, the Seattle Design Commission, members of the public, organizations reviewing a vacation petition, and the Council.

## **B. FRAMEWORK FOR DECISION-MAKING**

Rights-of-way are different than other property. In most cases, the City does not own streets, alleys, or other rights-of-way whether improved or unimproved-way. Instead, the City has an easement that allows the public to use the street. When the City grants a street vacation, it is relinquishing that easement and allowing the abutting property owners to take over the former street.

The City holds this easement in trust for public use. Relinquishing the easement and restricting public movement through the right-of-way is a significant act and is not done lightly. For a street vacation petition to be approved, the Council shall determine that to do so would significantly serve the public interest. It is the petitioner's obligation to provide a justification for the vacation and to provide information on whether there are feasible alternatives that do not require a vacation. Public input into these decisions is an important part of the Council's review.

Streets are dedicated in perpetuity for use by the public for travel, transportation of goods, and locating utilities. The dedication carries with it public rights to circulation, access, utilities, light, air, open space, views, free speech, and assembly, and contributes significantly to the form and function of the city. The primary concern of the City in vacation decisions is to safeguard the public's present and future needs and to act in the public's best interest.

The Council weighs the public trust and land use effects of a vacation, mitigating measures, and the public benefit provided by the vacation to determine if the vacation is in the public interest. In balancing these elements of the public interest, the Council places primary importance upon protecting the public trust it holds in the right-of-way.

In guiding this decision, these policies cover the following topics:

**Public Trust Doctrine** This section describes the key components of the right-of-way that the City holds in public trust. These components of the public trust form the foundation of the City's review of vacation petitions and public benefit proposals.

**Public Trust Analysis** This section describes the criteria the City uses to determine whether it is appropriate to vacate a street or alley.

**Public Benefit Analysis** This section describes the types of public benefits the City expects to see provided in exchange for a street or alley vacation.

**Process for City review of street vacation petitions** This section describes the process the City takes to review street vacations. Different approaches are taken based on the relative impacts of the vacation petition.

## A.C. DISTINCTION BETWEEN STREET VACATIONS AND ADMINISTRATIVE LAND USE DECISIONS

There is no right under the ~~land use code~~ Seattle Municipal Code, the Revised Code of Washington, or elsewhere to ~~vacate~~ acquire or ~~to~~ develop on public right-of-way. ~~In order~~ To do so, a ~~discretionary legislative~~ property owner shall petition for and receive the Council's approval ~~must be obtained from the City Council and,~~ of a street vacation. Under state law, the Council may not ~~vacate right-of-way~~ approve a street vacation unless it ~~determines~~ finds that to do so is in the public interest. ~~Part of that~~ The City uses a two-part test to determine whether a vacation is in the public interest. First, the City undertakes a "Public Trust Analysis," a determination ~~is to assure that potential development and use of the~~ of whether the street is needed and whether the public interest can be protected if the street is ~~vacated right-of-way would serve.~~ Second, the City undertakes a "Public Benefit Analysis," assessing the petitioner's proposal to provide benefits to ~~the public interest in a significant way. This determination may be guided by established land use.~~

Established plans, policies, and standards ~~guide this review~~ as called for by these ~~Street Vacation Policies but the Council is not bound by~~ policies. The City will not support vacations that conflict with City planning goals, particularly if the vacation would be inconsistent with the desired intensity of development and preferred uses, or if a clear harm will result. But, ~~land use policies and codes in making~~ do not bind the Council's decision to grant or deny a ~~street vacation decisions and~~ petition. The Council may condition or deny vacations as necessary to protect the public interest. ~~The City will generally not support vacations that do not advance City planning goals, particularly if inconsistent with the desired intensity of development and preferred uses.~~

The ~~City~~ Council has delegated most land use decisions to the Seattle Department of Planning ~~Construction~~ and Development (DPD) ~~Inspections (SDCI).~~ The Council's role in ~~such~~ administrative land use decisions is to set policy in the form of zoning and land use codes, development standards, and environmental policies and regulations, which ~~DPD~~ SDCI administers. Depending on the permit type, property owners have ~~the rights~~ some rights to develop their property ~~within~~ under those ~~established~~ standards, policies, and regulations. ~~Street vacation decisions are City Council decisions as provided by State statute and may not be further delegated.~~

~~In addition to the review provided by the~~ Conversely, street vacation ~~process~~ decisions are Council decisions under state law. The Council cannot delegate that decision to a City department. Unless the Council approves a street vacation, property owners have no right to use or occupy the right-of-way, if not otherwise permitted by the Seattle Department of Transportation (SDOT). The Council typically makes its approval of a vacation conditional on the petitioner meeting a number of requirements.

In addition to reviewing the vacation petition under these policies, a development proposal that ~~includes~~requires a proposed vacation is subject to separate land use may undergo one or more of the following additional reviews:

- Land use and zoning review, including review of rezones and Major Institution Master Plan applications;
- Design review and other discretionary land use actions;
- State Environmental Policy Act (SEPA) review;
- Street Improvement Permit review; or
- Utility major permit review; or
- Historic preservation review.

These reviews may result in conditions in addition to those applied in the street vacation review. Petitioners are required to obtain all necessary land use and building permits ~~prior to development of~~before developing the site.

~~Land Use and SEPA reviews may result in conditions in addition to those established in the street vacation review.~~

## ~~SUMMARY OF STREET VACATION POLICIES~~

### II. \_\_\_\_\_ In order for a petition **PUBLIC TRUST DOCTRINE**

City streets are held in trust for the public. This means that the City is the trustee and guardian of the streets, not the underlying property owner. The Council may approve vacations only when they are in the public interest. Streets will be retained unless it can be shown that they are not needed for a current or foreseeable public use and the Council is convinced that the vacation of public is in the public interest. This section describes the intended purposes of streets and the public benefits streets provide.

#### A. **CIRCULATION**

In addition to access to adjacent property, streets enable the movement of people, goods, and vehicles through the city as part of a network. If a part of the network is removed, there may be rippling effects to the transportation network. The City will only vacate a right-of-way to be approved, the City Council must determine that to if it will not disrupt the movement of people, goods, and vehicles through the city, and only if it is consistent with the City's transportation plans.

#### B. **ACCESS**

A primary purpose of rights-of-way is to provide access. Streets and alleys provide access to abutting property from the surrounding community and to the surrounding community from private property. Streets are designed to provide access via a range of transportation modes, including walking, bicycling, riding transit, and driving. The City will only approve vacations if they 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 thenot result in negative effects on the current or future needs of the City's vehicular, bicycle, or pedestrian circulation systems, or on access to private property. If the negative impacts of a proposed can be appropriately mitigated, the City may choose to vacate the street.

#### C. **UTILITIES**

As with the transportation system, City and private utilities use streets to serve their customers. The City will only vacate a street when all utilities using or potentially using the right-of-way can be adequately protected with an easement, relocation, fee ownership, or agreement satisfactory to the utilities' owners. The Council will require that future potential utilities can be accommodated.

#### **D. FREE SPEECH**

From large scale protests to newspaper vendors, the public has traditionally used Seattle's streets to exercise constitutional rights under the First Amendment. Streets will only be vacated if publicly-accessible spaces on the site will be kept open for the same speech-related purposes.

#### **E. PUBLIC ASSEMBLY**

Streets also act as places for people to gather, to meet their neighbors, for children to play, and for all segments of society to interact. This role of the right-of-way can be particularly important for people who have the fewest resources. The Council will consider the importance of each street as a place for community activity in considering the street vacation-and the consistency-of the proposal with the-

#### **F. OPEN SPACE**

In addition to providing space for people to gather, interact, and travel, streets offer open space benefits. These benefits include space between structures, connections to open spaces, places for trees and vegetation, and contributions to the open space network. While the open space roles of boulevards, green streets, urban trails, shoreline street ends, and future open space are of heightened importance, all streets and alleys provide these benefits.

#### **G. LIGHT AND AIR**

Streets and alleys maintain access to light and air to their users and to surrounding property. The Council will consider loss of light and air, and shadow impacts in considering whether to approve a street vacation-policies-. Of particular importance are shadow impacts on nearby public spaces.

#### **H. VIEWS**

Streets and alleys provide views to mountains, bodies of water, and the city itself. The City will protect designated view corridors along streets. The City will consider impacts of a street vacation on views of public places and designated landmarks.

#### **I. LAND USE AND URBAN FORM**

Streets and alleys also play a significant role in the shape of the city. The City will consider the relationship between the intended character of the area as described in Seattle's Comprehensive Plan and other adopted policies and goals. The Street Vacation Process is provided for in SMC 15.62 and RCW 35.79 neighborhood, subarea, or community plans. The width and spacing of streets, the presence and absence of alleys, and the location and path of boulevards and other linear open spaces have significant impacts on neighborhoods and how they function. The Council will pay attention to vacations that disrupt an existing pattern of development in the neighborhood.



~~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

### III. PUBLIC TRUST ANALYSIS

This section of the policies describes the components of the City's analysis in reviewing petitions under the public trust doctrine.

In reviewing a vacation petition, SDOT will make a recommendation to the City Council, including conditions to address the impacts 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 Council will weigh the impacts of a vacation on the public trust, mitigating measures, and public benefits proposed by the petitioner to determine if 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 given 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 a long term benefit for the general public.

#### COSTS AND FEES

The costs and fees associated with a vacation include the petition filling fee, the post-hearing fee, the appraisal fee, and the vacation fee (based on the appraised value of the property). The fees are established by the Seattle Municipal Code (SMC). The review process includes the cost of providing professionally prepared project drawings and plans, maps and plot plans, traffic analysis, possible SEPA review, Design Commission review, and the project may require possible review by a Design Review Board or other special review. The petitioner is responsible for preparing and providing information necessary to respond to City questions or concerns. Additional costs may include required mitigation measures and the costs associated with the provision of the public benefit.

~~Petitioners are given the option of filing for both the vacation petition and the Master Use Permit (MUP) simultaneously. To protect the integrity of the legislative street vacation review process, a notarized statement must be signed by the petitioner and included in the petition for the proposed vacation. The statement should indicate that the petitioner has been informed the vacation petition may be subsequently denied at the City Council's discretion; and that any financial commitment the petitioner has made prior to vacation approval is at his or her own risk and will not be a factor in the Council's decision upon the proposed street vacation.~~

#### ~~FRAMEWORK POLICY – PUBLIC INTEREST~~

~~Vacation requests may be approved only when they are clearly is in the public interest. Rights-of-way will be retained unless it can be shown that they are not required for a current or foreseeable public use.~~

#### ~~A. Components of Public Interest~~

~~The public interest with respect to street vacations has three major components, all of which must be present for any vacation, partial or complete, to occur. These components are:~~

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

#### ~~B. Determination of Public Interest~~

~~The City Council will weigh the public trust and land use effects of a vacation, mitigating measures, and the public benefit provided by the vacation to determine whether or not the vacation is in the public interest. In balancing these elements of the public interest, the Council will place primary importance upon protecting the public trust ~~it holds in public right-of-way.~~~~

~~Rights-of-way Streets are dedicated in perpetuity for use by the residents of Seattle and others for purposes of public travel and transportationthe movement of goods. The dedication designation of a right-of-way carries with it certain public rights to circulation, access, utilities, public speech, public use, open space, light, air, open spaceviews, land use, and viewurban form. City~~

government acts as the public's trustee in ~~administering~~ managing the use of streets and alleys. The Council has an interest in protecting the rights of those with the least access to other resources and those most likely to be harmed by development. In that endeavor ~~The primary concern of the City in vacation decisions is to safeguard the public's present and future needs and to act in the public's best interest.~~

#### ~~I~~ PUBLIC TRUST POLICIES

~~POLICY 1~~, the primary concern of the City in vacation decisions is to safeguard the public's present and future needs.

Existing and potential future uses of the street, whether improved or unimproved, will be identified during the vacation petition review. These uses include but are not limited to: vehicular circulation and access; utility corridors; pedestrian space, such as pedestrian access to schools, public facilities, or shorelines; open space; bicycle travel; access to public spaces, parks, or private property; and access to adjacent streets. All or a portion of the right-of-way may be retained for these or other public purposes, including potential future needs that are unknown at the time of review.

The City will consider the impacts of a vacation on the immediately surrounding neighborhood and on the broader city. The larger the project, the more the City's focus will be on broader community impacts, particularly impacts on communities with the least access to opportunity and most likely to experience the negative effects of development. Consequently, the City will consider whether a vacation would facilitate land uses that have an impact on housing affordability or wage and social equity, or would facilitate the displacement of existing land uses that support communities with the greatest need, such as culturally-relevant small businesses, low-income housing, businesses that provide high-paying jobs to workers without higher education, social services, or other similar activities.

When several vacations are proposed for a particular area of the City, as within the boundaries of a major institution, the Council may request that a comprehensive review be undertaken to determine the cumulative effects of the vacations, particularly on circulation, access, and land use and urban form. City reviewers shall consider the impacts on the larger street grid, and impacts on the loss of the right-of-way proposed for vacation.

The record for a street vacation petition is not limited to documents prepared for other aspects of the project under review. To fully assess the impacts of a vacation on the public trust, City departments, boards and commissions, and the Council may ask petitioners for additional information regarding those impacts.

## B.A. CIRCULATION AND ACCESS

Streets provide necessary space for the movement of people and vehicles. Vacations may be approved only if they do not result in negative effects on ~~both~~ the current and future needs for the City's vehicular, bicycle, or pedestrian circulation systems ~~or on access to private property,~~ unless the negative effects can be mitigated. When the traffic functions of a street are necessary for the transportation network, the City will not grant the vacation.

~~Rights of way provide public transportation~~ Arterial streets, truck routes, and access to abutting properties.

~~Guideline 1.1 Protection of Circulation and Access According to Street Classification.~~

~~The following guidelines are organized by street classification consistent with the Transportation Strategic Plan (TSP)~~

### ~~A. Arterials:~~

~~Streets designated as Arterial~~ truck streets may be vacated only when an alternative circulation route is substituted.

### ~~B. Access Streets: Residential and Commercial:~~

~~Petitions for the vacation of streets designated as Access Streets may be approved only if:~~

- ~~1. Access is retained to properties on the block where the right-of-way is located;~~
- ~~2. Circulation to properties on neighboring streets is retained;~~
- ~~3. The right-of-way does not provide a necessary link in the continuity of a route to arterials;~~
- ~~4. Public parking provided by the right-of-way is not needed, can be provided on nearby rights-of-way, or can be replaced; and~~

and impacts of the loss of the street are mitigated. The City will not accept an agreement for public vehicular travel across private property to offset the impacts of a street vacation.

Vacations that would result in diverting truck or commercial traffic to nearby residential streets will not be approved. Vacations that would encourage traffic code violations, such as a vacation that would result in vehicles backing out from an alley onto a street, will not be approved.

### ~~C. Transit Routes:~~

~~facilities will be protected through the street vacation process. Streets that contribute to the integrity and continuity of the~~ are used by public transit system agencies will be considered for vacation only after review and comment by relevant public transportation ~~those~~ agencies.

~~D. Truck Routes and Truck Streets (Arterials).~~

~~Designated major truck streets may be vacated only when an~~ identification of alternative route is substituted ~~locations or routes for those transit functions.~~

~~E. Boulevards.~~

~~Designated boulevards and portions of boulevards~~ Pedestrian circulation shall be protected when approving a vacation. Pedestrian routes, including green streets and public stairways, may be vacated only for public purposes, such as parks.

~~F. Alleys.~~

~~Proposed alley vacations will be considered according to the following guidelines.~~

~~1. The primary purpose of alleys is to provide access to individual properties for loading functions and to provide utility corridors and access to off-street public services such as water, sewer, solid waste and electricity. In addition, alleys may provide other public purposes and benefits including~~ Pedestrian circulation functions of the right-of-way may be replaced by a pedestrian and bicycle connections, and commercial and public uses. Alleys should be retained for their primary purposes and other public purposes and benefits. Alley vacations may be approved route across private property only when they would not interrupt an established pattern in a vicinity, such as continuity of an alley through a number of blocks or (1) a grid, which is a consistent feature of neighborhood scale. The impacts on future service provision to adjacent properties if utilities are displaced will be reviewed.

~~2. Residential Zones.~~

~~In general, alleys in residential zones will be preserved.~~

~~Alley vacations associated with institutions (as defined in the Land Use Code) may be permitted only when:~~

~~a) steep topography prevents development and use of an unimproved alley for access; or~~

~~b) the alley is not needed for service functions; and~~

~~c) off street parking access which meets the land use code requirements can be major public benefit is provided otherwise.~~

### ~~3. Commercial Zones.~~

~~In general, alleys in commercial zones will be preserved. Such alleys may be considered for vacation only when:~~

~~a) their loading, service, delivery, and access to parking; (2) an agreement for public access across the property is reached; (3) the public access to be provided is comparable in terms of safety, convenience, and directness; and (4) the free speech functions are retained on of the petitioner's property; and~~

~~b) the number of curb cuts along commercial frontage is not likely to be increased as a result right of the proposed vacation.~~

### ~~4. Downtown.~~

~~The following criteria way will be considered for specific downtown alley vacation petitions:~~

~~a) may be vacated only when their loading, service and access functions can be continued within the development site, and curbcuts are provided maintained in conformance with the Comprehensive Plan and the land use code;~~

~~b) alleys which public spaces. Alleys that are part of the primary pedestrian circulation system, such as Post Alley, may be vacated only when comparable public pedestrian circulation is provided and the pedestrian environment along the corridor is improved; and. Similarly, vacations resulting in a reduction of sidewalk width in areas of existing or anticipated heavy pedestrian volume, may be vacated only when provisions are made to otherwise accommodate the pedestrian traffic. Street vacations that include unimproved pedestrian trails may be approved only when the public pedestrian function is protected.~~

~~c) to ensure compatible scale and character of infill development, for example, alleys in special review districts or historic districts may be vacated only when compatible scale and character of development is assured.~~

### ~~G. Bicycle Routes.~~

The continuity and integrity of designated bicycle routes, such as bicycle streets, bicycle paths, and bicycle lanes, will be protected. Such ~~rights-of-way~~ streets and off-street pathways may be vacated only when a comparable or better bicycle right-of-way is provided as part of the vacation. Bicycle access must~~shall~~ be comparable in terms of safety, convenience, and directness.

~~H. Pedestrian Access.~~

~~1. Pedestrian routes including designated green streets, and public stairways may be vacated only for public purposes, such as parks.~~

~~2. Proposed vacations, which would result in if a reduction of the sidewalk width in areas of existing or anticipated heavy pedestrian volume may be vacated only when provisions are made to otherwise accommodate the pedestrian traffic.~~

~~3. Proposed vacation of rights of way, which contain unimproved pedestrian trails, may be approved only when the public pedestrian function is protected.~~

~~I. Unimproved Streets and Alleys.~~

~~Existing and potential uses for unimproved rights-of-way will be identified during the review process. These uses include development of vehicular circulation and access, pedestrian uses such as pedestrian access to schools, public facilities, shorelines, open space uses, bicycle use and access to public spaces or parks or adjacent streets. All or a portion of the right-of-way may be retained for these or other purposes.~~

~~Guideline 1.2 Traffic Code Compliance~~

~~Proposed vacations, which would encourage violation of the traffic code will not be approved. An example is a vacation eliminating one exit to an alley, requiring vehicles to back from the alley on to a street.~~

~~Guideline 1.3 Cumulative Effects to be Assessed~~

~~When several vacations are proposed for a particular area of the City, such as within the boundaries of a major institution, a comprehensive review will be undertaken to determine the cumulative effects of the vacations on circulation and access.~~

~~Guideline 1.4 Necessary On-Street Parking Must be Replaced~~



~~Streets which provide necessary on-street parking may be vacated only when the public parking can be otherwise provided.~~

~~Guideline 1.5 — Circulation/Access Conditions on Vacations~~

~~The City granted, the Council may impose conditions on vacations to mitigate negative effects of the vacation to reduce impacts on vehicular, transit, freight, pedestrian, and bicycle travel/circulation. Such conditions may be in addition to any conditions resulting from environmental review or land use regulation.~~

~~————— Guideline 1.6 — Vehicular and Pedestrian Access by Agreements~~

~~————— with Property Owners~~

~~A. — Vehicular Access~~

~~Vehicular traffic functions will not be provided by agreement across private property. When the traffic functions of a street are necessary to the operation of the circulation system, the street will be retained as a dedicated right-of-way.~~

~~B. — Pedestrian Access~~

~~Pedestrian circulation functions may be provided by an agreement which provides for public access across private property only when a major public benefit is provided by such an arrangement.~~

~~**B. — POLICY 2 — ACCESS**~~

~~Street vacation petitions may be approved only if access is retained to properties on the block where the right-of-way is located and to properties on neighboring blocks or streets.~~

~~While the primary purpose of streets is circulation, the primary purpose of alleys is to provide access to individual properties. Alleys provide space for loading, vehicular access to abutting properties, and space for utility functions such as water, sewer, solid waste, telecommunications, and electricity. In general, alleys in residential, commercial, and mixed-use zones will be retained. Alleys shall be retained for their primary purposes and other public purposes and benefits.~~

~~Alley vacations associated with institutions may be permitted only when steep topography prevents development and use of an unimproved alley for access or the alley is not needed for service functions.~~

Alleys will generally only be considered for vacation when loading, service, delivery, and access to parking functions are retained on the petitioner's property. If the number of curb cuts along the street frontage is likely to be increased due to vacating the alley, the vacation will not be approved. If a curb cut authorized as a result of an alley vacation is wider than the alley being vacated or than curb cuts typically permitted in the zone where the alley is located, additional analysis may be required. Such analysis may include mitigation measures to reduce the visual or functional impacts of the curb cuts. Alleys may also not be vacated if significant vehicular traffic will be displaced onto a green street, boulevard, or other public open space.

If there is public parking on the right-of-way proposed to be vacated, the City will analyze whether that parking is needed. If the parking is needed and cannot be replaced on site or on nearby streets, the Council may deny the petition.

If a vacation is granted, the Council may impose conditions on the vacation to reduce impacts on vehicular, freight, pedestrian, and bicycle access. The conditions may be in addition to any conditions resulting from environmental or land use review and analysis.

### **C. UTILITIES**

~~Rights-of-way which~~ Streets that contain or are needed for current or future utility lines or facilities may be vacated only when the utility can be adequately protected with an easement, relocation, fee ownership, or similar agreement satisfactory to the utility owner.

Public ~~rights-of-way~~ streets provide utilities with corridors for the efficient transportation and delivery of utility services to the public in the least costly manner possible. Utilities generally assess vacation petitions from an operational perspective ~~in order~~ to ensure that a vacation will not impair current service reliability and capacity levels, nor limit the ability to expand services in the future. The growth of ~~telecom~~ telecommunications utilities above and below ground, increased urban densities, and demand for undergrounding of utility facilities all place pressure on the value of public rights-of-way, particularly alleys, for future utility needs.

#### ~~Guideline 2.1~~ Review of Petitions by Affected Utilities

Utilities will be given an opportunity to review the proposed vacation, to identify ~~its~~ existing and future interests in the right-of-way, and to indicate what actions would be necessary to protect ~~its~~ their interests, and the interests of their customers. The petitioner is responsible for working with the ~~various~~ utilities to identify and address ~~the~~ any utility issues. The petitioner ~~bears the costs of addressing the utility issues relating to the vacation and~~ shall ensure that ~~the~~ each utility ~~is~~ will be in a similar position as ~~prior to~~ before the vacation without a detriment to current or future utility services. Enhancement of utility services at the petitioner's expense ~~shall~~ will not be required.

#### ~~Guideline 2.2~~ Utility Conditions on Vacations

~~The City Council may impose conditions on vacations. If utility easements are required to assure continued maintain service to the public in the most efficient, least costly manner possible.~~

~~Guideline 2.3 — Utility Easement Provisions/Property Owners Risk  
and Responsibility~~

~~A. — Easement agreements should clearly easements shall state the rights and responsibilities of each party. Utilities may prohibit ~~construction of~~ constructing buildings, structures, grading and ~~filling~~ filling, and other uses over or under their easements where ~~such~~ the activities would inhibit operation of or prevent access to the utility facilities for maintenance and repair, ~~or would~~ cause extra cost or liability to the utility, or ~~would~~ affect the safety and integrity of ~~those facilities.~~~~

~~the utility.~~ Any costs for the repair of damages to the improvements placed on or over the utility easement by the property owner due to the utility maintenance repair or installation will be the express responsibility of ~~the~~ property owner.

~~POLICY 3 — LIGHT, AIR, **OPEN SPACE**, AND VIEW~~

~~When the City Council determines that the light, air, open space or view provided by a particular street or alley should be retained, the right of way may be vacated only if the public open space, light, air and view can be retained or substituted by dedication to the public of other comparable street right of way or other property such as open space property or on future development on the vacated and abutting property.~~

~~The Council may impose conditions on vacations to assure continued service to the public in the most efficient and least costly manner.~~

~~**D. FREE SPEECH**~~

~~Courts have recognized the role of streets as spaces for public speech and dialogue. The Council will consider the potential loss of free speech activities when reviewing street vacations and will not vacate a public place if the loss of the public speech function cannot be adequately mitigated.~~

~~Streets are dedicated for public use and enjoyment. Vacations that solely result in the private regulation of access to public property shall not be granted unless the vacation provides a clearly identifiable public benefit. Vacations are not considered a solution to security problems and shall not normally be approved for this reason absent extraordinary circumstances.~~

The Council may impose conditions on vacations to preserve the public's right to free speech, particularly within any privately-owned public space offered as a public benefit in exchange for a street vacation.

#### **E. PUBLIC ASSEMBLY**

Streets have always served as a place of public assembly. The Council will consider the importance of each street, alley, or public place as a place for community activity in considering the street vacation. Streets that serve as places of assembly and streets that are adjacent to public uses will be particularly scrutinized to ensure that the public's right to congregate will not be impaired. The Council may impose conditions on vacations to maintain the public's right to assembly, particularly within any privately-owned public space offered as a public benefit in exchange for a street vacation.

#### **F. OPEN SPACE**<sup>light, air</sup>

The open space, ~~and view~~ opportunities provided by ~~rights-of-way~~ streets are important resources that contribute to ~~the~~ quality of life ~~in Seattle~~ and become more valuable as the City becomes more densely developed. The contribution of this important street function to the public's existing and future quality of life ~~for Seattle residents~~ will be an important consideration in when reviewing each proposed vacation.

#### ~~Guideline 3.1 Impacts on Light, Air Open Space, and View to be Analyzed~~

~~The light, air, open space and view functions provided by the right-of-way will be identified ~~for each proposed vacation~~ and the effects of their loss will be analyzed.~~

~~When the Council determines that the open space function provided by a street or alley shall be retained, the right-of-way may be vacated only if the open space functions can be retained or replaced by dedicating to the City other comparable right-of-way or by providing other publicly-accessible property.~~

~~The impact of development associated with street vacations on open space and pedestrian amenities shall be limited. The analysis will include the potential shadow impacts, of the increase in development potential directly attributable to the vacation, on nearby public parks and open spaces. Any potential impacts of vacation on light, air, open space or view will be compared with similar impacts that would result from development without the vacation. Means of retaining these functions may be considered.~~

#### ~~Guideline 3.2 Comprehensive Plan Policies to be Followed~~

~~Proposed vacations may be approved only when they are consistent with the City's Comprehensive Plan. Particular consideration will be given to whether the project supports the desired density and preferred uses identified in the Comprehensive Plan, as the development of a residential project in an area targeted for housing growth.~~

### ~~Guideline 3.3 Open Space Considerations~~

~~The analysis of the of the open space functions of streets and alleys will consider the impact of the proposed vacation on:~~

- ~~1. The contribution of the right-of-way to open space areas;~~
- ~~2. Use of the right-of-way as a space for play and recreation;~~
- ~~3. The role of the right-of-way as an area of neighborhood focus and activity, and~~
- ~~4. Privacy impacts resulting from the right-of-way open space being occupied by a proposed structure.~~

~~When undeveloped streets are identified for open space in the Comprehensive Plan, other adopted plans, or the Land Use Code, they may not be vacated to facilitate development that is inconsistent with the intent of the Comprehensive Plan.~~

~~The City has designated green streets in neighborhoods to strengthen the pedestrian environment in the area and to provide alternative open spaces. Green streets may be vacated only for public purposes, such as parks. If a vacation would harm the function of the green street for pedestrian activity, the vacation may be denied.~~

~~Existing and proposed urban trails, public stairways, other rights-of-way connecting parks and open spaces, or streets connecting the community with parks, schools, shorelines, or other public facilities will not be vacated unless the right-of-way is exchanged for other land that provides better pedestrian or bicycle pathways resulting in improved open space function.~~

~~Seattle Initiative 42 requires that land held for park and recreation purposes, shall be preserved for such use and no such land or facility shall be sold transferred or changed from park use to another use unless certain conditions are met. Designated boulevards and portions of boulevards are held by the City for park and recreation purposes and may be vacated only for public purposes such as parks or open space preservation.~~

~~The Council may impose conditions on vacations to mitigate any potential negative effects of the vacation on the open space functions of the right-of-way.~~

## G. LIGHT AND AIR

The light and air opportunities provided by streets are important resources that contribute to quality of life and public health and become more valuable as the City becomes more densely developed. The contribution of this important street function to the public's existing and future quality of life will be an important consideration in each proposed vacation.

The analysis of the light and air functions of streets and alleys will consider the impact of the proposed vacation upon :

the access to sun, light, and air circulation provided to pedestrians, bicyclists, vehicle occupants, and abutting properties;

~~A.— The lot size, block configuration, and streetscape pattern of neighborhoods and land use zones defined by street and alley rights of way;~~

~~B.— Boundary definition. Providing a buffer between incompatible land uses within a land use zone or between different land use zones;~~

~~C.— analysis will include the potential contribution of rights of way to open space areas. Limiting the impact of shadow impacts of the increase in development associated with street vacations on open space, and pedestrian access and amenities;~~

~~D.— When undeveloped rights of way are identified for open space in the Comprehensive Plan, these streets shall not be vacated to facilitate development that is inconsistent with the intent of the plan;~~

~~E.— A neighborhood play area or area of neighborhood focus;~~

~~F.— Green Streets. As part of an adopted comprehensive neighborhood or subarea plan, rights of way may be identified for development as green streets in order to promote a pedestrian environment and strengthen the residential quality of an area;~~

~~G.— Open Space Network. Existing/proposed urban trails or other rights of way connecting parks and open spaces or connecting the community with parks, schools, shorelines, or other public facilities, shall not be vacated unless the right of way is exchanged for other land which would provide better pedestrian or bicycle pathways as part of development of the site;~~

~~H.— Urban Trails and Boulevards. Public street rights of way along urban trails, as identified on the 1991 Urban Trail Policy Maps, protected view rights of way, and boulevards shall generally be retained unless potential directly attributable to the vacation will result in an~~

~~improvement of the open space function provided by the right-of-way. Such decision shall be considered in context of the Comprehensive Plan.~~

~~Prevention of shadows on nearby public parks or other and public open spaces. Any potential impacts of the vacation on light and air will be compared with similar impacts that would result from development without the vacation.~~ Vacations generally shall not be approved if the development proposed as part of the vacation request would result in additional shadowing of parks and other public open spaces.

#### ~~Guideline 3.4—Boulevards to be Retained~~

~~Because of the open space they provide, designated boulevards and portions of boulevards may be vacated only for public purposes such as parks or open space preservation.~~

#### ~~Guideline 3.5—View Considerations~~

~~A.— Potential view impacts resulting from a vacation will be identified and compared with a “no vacation” alternative to determine whether the vacation would negatively affect views. The quality of the view will be considered in the evaluation of each proposal for street or alley vacation.~~

~~The Council may impose conditions on a vacation to reduce shadow impacts on parks and other public open spaces.~~

### H. VIEWS

~~The views provided along streets are important resources that contribute to the public’s quality of life and become more valuable as the City becomes more densely developed. Views are of particular value to members of the public that do not have private views. The contribution of this important street function to the public’s existing and future quality of life will be an important consideration in reviewing vacations along designated view corridors or in areas where development facilitated by the vacation would significantly impact views of Puget Sound, lakes, mountains, or the downtown skyline.~~

~~B.— Protected view rights-of-way identified by the Land Use ~~Codes Code~~ and ~~Maps and State Environmental Policy Act (SEPA)~~ policies shall not be vacated for development that would obstruct public views from ~~thesethose~~ rights-of-way.~~

~~Street rights-of-way Streets in downtown that provide views to Elliott Bay, West Seattle, Mount Rainier, the Olympic Mountains, and other significant features ~~may be are~~ designated as view corridors ~~on in~~ the ~~Downtown View Corridor Map (Exhibit 3.5 C Downtown View Corridor Map)-Land Use Code.~~ Downtown streets shall not be vacated except when conditions are placed on the~~

vacation to ensure ~~the preservation of~~ public views from designated view corridors are preserved. Streets designated as view corridors shall not be vacated ~~for development overhead~~ to ensure that these ~~street rights-of-way~~ streets remain open to the sky and to protect views from uphill public spaces.

For streets not identified as protected view rights-of-way, the ~~determination of~~ Council will determine what public views ~~are worthy of protection will shall~~ be at the discretion of the City Council. Protected. Public views worthy of protection include, but are not limited to views:

~~1.~~ From :

1. public ~~rights-of-way~~ streets, public open spaces, or public places such as ~~parks or~~ designated scenic routes;
2. From a substantial number of residences; or properties abutting the right-of-way; ~~and proposed to be vacated,~~

~~2.~~ Of :

3. important natural features, such as mountains, ~~water and greenery; or~~ waterbodies, and public greenbelts; and
4. Of designated landmarks and points of cultural ~~and/or~~ civic interest, including the city ~~downtown~~ skyline.

~~Guideline 3.6 Light, Air, Open Space~~ Potential view impacts from a vacation will be identified and ~~View Conditions on Vacations~~

compared with a no vacation alternative. The City ~~quality of impacted views will be considered when evaluating each proposed street vacation. The~~ Council may impose conditions on vacations to mitigate any potential negative effects of the vacation on the ~~light, air, open space, or~~ view functions of the right-of-way.

~~Guideline 3.7 Partial Vacations~~

~~A. Vacation of the undeveloped portion of the street right-of-way shall generally be discouraged to:~~

- ~~1. Retain the existing pattern of extra setbacks and open space in residential neighborhoods.~~
- ~~2. Provide opportunity for pedestrian and bicycle amenities in neighborhood commercial areas.~~



~~3. Provide areas of natural scenery along designated protected view rights-of-way and boulevards.~~

~~4. Provide a buffer between land uses and zoning districts.~~

~~a. Provide continuity of wildlife habitat corridors.~~

### ~~1. Subsurface Vacations~~

~~Subsurface vacations may be approved only when protection against future impairment of the surface right-of-way and utility functions is provided and the City is adequately protected from potential liability resulting from failure of the surface due to problems with the underlying structure.~~

~~C. Aerial vacations will be considered in only the most limited of circumstances. The aerial portions of rights-of-way are an important resource providing light, air, and open space, and these aerial portions are an important element of the street grid, provides consistency in the development pattern. Aerial vacations for structures will be considered only as follows:~~

~~1. For the development or expansion of public facilities, public institutions or non-profit institutions. The Petitioner must demonstrate in a written alternatives analysis, to the satisfaction of the City Council, that no feasible development alternative exists; and~~

~~2. That a permit for a skybridge cannot adequately meet the needs of the petitioner.~~

~~The review of the petition shall include specific review of the impacts of the proposed aerial structure including addressing such items as the design of the structure and its dimensions, transparency, material quality, the scale of the project including the aerial portion, and the impact on the streetscape below the structure. The Petitioner shall also include mitigation specific to the urban design impacts of the aerial structure.~~

~~a. Guideline 3.8 Protection of **Environmentally critical areas**~~

~~A. Rights-of-way in slide prone areas, wetlands, flood plains or other critical areas shall generally be retained to reduce development intensity in environmentally critical areas and to protect public health, safety, and welfare.~~

### ~~2.1. Guideline 3.9 Trade or exchange of property~~

~~The review of any vacation may consider the opportunity for exchange of property. Any proposed property exchange must identify property that the City is willing to accept. The Petitioner shall be responsible for providing, as needed, Title Insurance, Environmental Site~~

~~Assessment or environmental clean-up, deeds in a form acceptable to the City, filing fees, and~~  
~~Additionally, the petitioner shall be responsible for any taxes resulting from the transfer.~~  
~~Exchanges may be considered when the property:~~

~~a. 1. Would be useful to mitigate or enhance the various aspects identified in the property~~  
~~proposed to be vacated, such as exchanging an alley vacation for a wider street;~~

~~2. would exchange property identified as open space for property which would create a~~  
~~contiguous open space parcel; or~~

~~3. would shift development from property identified as open space to a property with less~~  
~~environmental impacts.~~

### ~~Guideline 3.10 Alternative to Vacation~~

~~The Council, when reviewing the petitioner's indicated use of the property, may consider the practicality~~  
~~of issuance of street use permits to provide for temporary uses. In circumstances where a street use~~  
~~permit can accommodate the uses indicated by the Petitioner, a permit is preferred and a vacation~~  
~~would generally not be granted. A street use permit as an alternative to a street vacation may be~~  
~~issued under the following conditions:~~

~~1. the private use of undeveloped public rights or way does not hinder the achievement of~~  
~~any identified open space objectives;~~

~~2. private landscaping or gardening of undeveloped streets may be allowed with a street~~  
~~use permit, provided that public pedestrian ways and access to shorelines areas are retained;~~

~~3. Street corridor views are not obstructed.~~

## ~~D.I. II LAND USE POLICY AND URBAN FORM~~

### ~~POLICY 4 – LAND USE~~

~~A proposed vacation may be approved only when the increase in development potential that is~~  
~~attributable to the vacation would be consistent with the land use policies adopted by the City~~  
~~Council. The criteria considered for making individual vacation decisions will vary with the land~~  
~~use policies and regulations for the area in which the right-of-way is located. The City Council~~  
~~may place conditions on a vacation to mitigate negative land use effects.~~

~~Vacations can affect the land use and development patterns in an area by adding to the~~  
~~developable land base, altering the local pattern of land division pattern, changing vehicular and~~  
~~pedestrian movement patterns, and increasing the development potential on the vacated and~~

abutting properties. These changes may allow development that is inconsistent with adopted land use ~~polices~~policies and have a negative effect on the area of the proposed vacation and other ~~rights-of-way~~The Petitioner streets.

Most street vacation petitions are intended to facilitate a development project. Petitioners shall provide the City with information about the ~~expected-completed~~ project's density ~~of the project~~ and the development potential of the property without a vacation. ~~Such~~The information ~~should~~shall be provided as ~~both~~ the percentage increase in the development potential and the additional square footage added to the project. ~~The Petitioner~~Petitioners shall also provide the City with information ~~as to~~on how the project advances City planning goals ~~and, how it relates to City plans such as transportation modal plans and the Equitable Development Implementation Plan, and how the project~~ meets the zoning criteria ~~in the area~~ where the project is located.

~~It is the obligation of the Petitioner to provide a justification for the vacation and to provide information on whether there are feasible alternatives that do not require~~ A vacation. petition may be approved only when the increase in development potential that is attributable to the vacation would be consistent with the Comprehensive Plan. The criteria considered for making individual vacation decisions will vary with the plans, policies, and regulations for the area where the right-of-way is located. The Council may place conditions on a vacation to mitigate negative land use effects.

Guideline 4.1—Alley vacations may be approved only when they would not interrupt an established pattern of block size or alleys in the vicinity. Continuity of alleys through several blocks or a grid that is a consistent feature of neighborhood scale shall be maintained.

To ensure compatible scale and character of infill development, and protect the area's historic character, alleys in special review or historic districts may be vacated only when a public space with compatible scale and character is provided.

## 1. Land Use Considerations

To determine ~~whether~~if the land use and urban form effects of a vacation are in the public interest, the following factors will be considered:

~~b.a.~~ A. The long- and short-term effects of the changes in development potential directly attributable to the vacation on the circulation, access, utility, light, air, open space, and view functions of nearby streets and ~~nearby~~ public places;

~~e.b.~~ B. The consistency of land use changes with the ~~City's~~ Comprehensive Plan, particularly in the land use, urban village, transportation, and neighborhood elements of the plan;

~~d.c.~~ C. ~~In commercial and residential zones,~~ The compatibility of the size, scale, and character of potential development with the size, scale, and character of ~~both~~ existing development in the area and development as provided for by the zoning Land Use Code, given typical lot sizes and configurations; ~~and~~

d. The compatibility of the size, scale, and character of the blocks formed by the vacation when compared with the size, scale, and character of existing blocks in the area and goals for pedestrian connectivity and circulation; and

The post-vacation lot size and configuration compared with surrounding properties and with the local pattern of land division and organization. ~~D. The post vacation lot size and configuration compared with surrounding properties and with the local pattern of land~~

~~division and organization.~~ In areas where ~~street rights-of-way~~ streets provide ~~a strong~~ an edge or boundary between zones or areas of different scale and character, the right-of-way may be vacated only when a suitable alternative can be achieved with the proposed vacation. Vacations ~~which~~ that would result in intrusions of residential development into ~~commercial and~~ industrial zones or the converse ~~will be discouraged.~~

#### ~~Guideline 4.2 Land Use Information~~

~~To evaluate the land use effects of a vacation, the following types of information will be considered:~~

~~A. \_\_\_\_\_ The long term use effects attributable to the vacation will be determined by comparing pre and post vacation maximum development possible under the land use code. For downtown, commercial, and multi-family land use zones the information provided should include conceptual plan and elevation drawings. These drawings will illustrate maximum possible building footprint and envelope before and after vacation and its relation to the surrounding neighborhood. They will also show allowable height, bulk, setbacks, square footage, bonus assumptions and permitted uses.~~

~~B. Project specific development plans will be required of petitioners. Project specific information will be used to look at the shorter term effects of the vacation, to evaluate the public benefit provided by the vacation and/or to establish land use conditions on the vacation.~~

~~C. If there is an EIS for a proposed project involving a vacation, the EIS should address the traffic, land use, and other effects of the vacation, using the street vacation policies as a guide. The EIS should also include a “no vacation” alternative. The proposed project involving a vacation will be considered by the City Council only after the final EIS has been published.~~

~~D. If an EIS is not required, the Petitioner shall provide a traffic analysis, a completed Environmental check list and any other information as requested by the City. The project will~~

not be forwarded for City Council review until all requested information has been provided and reviewed by City staff.

C. ~~For downtown, commercial and multi-family land use zones, project specific information, when provided, should include schematic building footprint and elevation drawings that illustrate height and build, uses, square footage, amount of parking, access points and bonus details. Additional information may be requested, as the situation demands.~~

#### ~~2.1. Guideline 4.3 Land use conditions on vacations~~

~~The City may place conditions on vacations to guard against the negative land use effects of additional development potential attributable to the vacation and to make sure that policy objectives are met.~~

A. ~~Such conditions will be related to the identified negative effects attributable to the vacation. For example, they may limit additional height or density to pre-vacation levels when these increases are not in the public interest. The conditions will ensure that post-vacation development is consistent with the city's land use policies and otherwise in the public interest.~~

B. ~~Land use conditions will be stated in terms of development parameters, such as floor area maximums or building envelopes which may not be surpassed, and will generally run with the land. The conditions will be administered by DPD through the master use permit process in conjunction with development of the vacation site.~~

C. ~~Land use conditions imposed on a vacation do not preclude related project conditions being imposed under the State Environmental Policy Act (SEPA). In some cases, environmental review of a proposed project may reveal the need for SEPA conditioning that reduces the upper limits placed on the vacation.~~

D. ~~Land use conditions imposed upon approval of a vacation, in the addition to the Land Use Code, SEPA regulations, the Building Code and other City codes, will be relied on to regulate post-vacation development.~~

E. ~~Approval of a street or alley vacation shall not imply City approval of the development project for the site and shall not relieve the petitioner of the requirement to obtain all necessary land use and building permits prior to development of the site.~~

Guideline 4.4—Timing of Vacations in Conjunction with Master Use Permits (Administrative Land Use Decisions)<sup>3</sup>

---

~~A. Developers/Petitioners are required to file for a vacation prior to or at the same time as filing a Master Use Permit application. The vacation review and the Master Use Permit review may occur simultaneously and will be coordinated by City staff. The Department of Planning and Development (DPD) may not publish the decision for a Master Use Permit until the City Council has approved the vacation petition. Council approval of a vacation petition does not constitute approval of a Master Use Permit. For any project for which both a Master Use Permit and a street vacation are required, DPD may not issue a permanent certificate of occupancy until the Seattle Department of Transportation has stated its conclusion in writing that any conditions imposed as part of the approval of the vacation petition have been met satisfactorily.~~

~~B. Any investment made in a project prior to vacation is solely at the Petitioner’s discretion and risk. The Petitioner must not assume that the right-of-way is available for development until the City Council has approved the vacation.~~

~~C. When a vacation is proposed for a development project, the developer may file a master use permit application concurrently with a vacation petition. The master use permit may not be filed prior to the vacation petition. If the vacation petition is found to be invalid, review of both the vacation and land use applications will be placed on hold until a valid petition is received.~~

~~D. Petitioners who choose to have vacation-related development projects under master use permit review prior to vacation approval must sign a notarized statement to be placed in the Comptroller’s file for the vacation. The statement shall include: that the Petitioner has been informed that investment in the project prior to vacation approval is at the Petitioner’s sole risk; and will not be a consideration in the vacation decision, that the Council’s decision will be based on serving the public interest; which will include project-specific land use considerations; that the legislative vacation decision is separate from and subject to different criteria than the administrative land use decision; and that Council’s action on the vacation does not exempt the petitioner from adhering to the requirements of the City’s Land Use Code. The notarized statement shall include, but is not limited to, the items listed above.~~

e. Approval of a vacation shall be based on all the criteria established in these Policies. A vacation will not be finalized until assurances are provided that the project will be constructed and/or that the City will recover the right-of-way if the project is not constructed. The final vacation legislation will not be passed until such time as all conditions have been fully satisfied. For phased projects or other unusual circumstances the City may consider other accountability mechanisms. Several means, such

---

<sup>3</sup>Administrative Land Use decisions are described in Seattle Municipal Code 23.76.

as a rededication provision in which a rededication deed is held in escrow pending completion of construction, or other means suitable to the situation could accomplish this. discouraged.

~~F. Conditional approval of a vacation petition shall be considered valid for five years from the date of City Council conditional approval (see Policy 6, page 31, for Council process and list of conditions that must be assured prior to the passage of the final street vacation ordinance). The Petitioner shall be expected to meet all of the conditions imposed on the vacation, to the satisfaction of the City, within the five-year time frame. Once the vacation has been conditionally approved by the City Council, the Petitioner shall provide SDOT quarterly updates providing specific information about the progress of the development and satisfaction of the conditions. At the time of conditional approval, the Council may provide for a longer period of time for large scale or phased projects where a five-year time frame may not be adequate.~~

~~The vacation approval shall expire at the end of the five-year time frame and the petition shall be closed. The Petitioner shall be determined to have satisfied the five-year time frame when the Petitioner has provided to the City: all required documentation; evidence that demonstrates that all conditions have been satisfied; all fees have been paid, and the City has determined that the documentation and satisfaction of the conditions are acceptable. The City process to approve the final legislation may occur beyond the five-year time frame. Any extension of time must be requested in writing and shall require review by the City Council. The City Council may grant or deny an extension of time based on its review of the reason for the requested extension and may impose additional conditions where necessary to protect the public interest.~~

#### ~~Guideline 4.5—Timing of Vacations in Conjunction with Council Land Use Decisions<sup>4</sup>~~

~~**A.** When a vacation and Council land use approval are proposed for a development project, the developer may file a land use application concurrently with a vacation petition. Applications for Council land use decisions may not be filed prior to any vacation petitions which are indispensable elements of the land use proposal. For instance, a contract rezone or Council conditional use proposal for a project involving public right-of-way could not be filed without the associated vacation petition. Proposals such as major institution master plans may be filed prior to associated vacation petitions only if the development involving the vacation is not imminent and the vacations are not necessary to the land use proposal. If a required vacation petition is found to be invalid a review of both the vacation and the land use applications will be placed on hold until a valid petition is received. The vacation decision and the land use decision will be coordinated and may be considered simultaneously by the Council if the vacation decision is an indispensable element of the land use decision.~~

~~**B.** The review of a vacation proposal by SDOT staff and the land use review of the proposal by DPD staff will take place separately but will be coordinated and a schedule for Council review will be established by the City Council. The vacation and land use decisions may be made in joint Transportation~~

---

<sup>4</sup>Council Land Use decisions are described in SMC 23.76.04.

and Land Use committee sessions or in separate sessions, or by a special Committee or a Committee of the Whole as determined by the Council.

### ~~1. Guideline 4.6 Zone Specific Review~~

#### ~~Adopted City Land Use Policies to be Used~~

In addition to the general street vacation policies and guidelines contained in this document, ~~the adopted City land use policies for the zone in which a vacation is located, Comprehensive Plan policies for the area and the relationship between the proposed vacation to other City plans and policies such as transportation modal plans and the Equitable Development Implementation Plan~~ will be used to determine ~~whether or not~~ if the land use ~~effects~~ changes of each vacation are in the public interest. These include policies ~~such as in~~ the ~~Comprehensive Plan, particularly its growth strategy,~~ land use, ~~urban village, and~~ transportation elements, and in the neighborhood elements. ~~Vacations plan adopted for the area. The policies in effect at the time of the Council's vacation review will be reviewed according to Land Use Policies as now constituted or hereafter amended~~ guide the review.

### ~~3.2. Area Specific Guidelines~~ specific review

Guidelines related to ~~various land uses~~ specific areas are ~~stated~~ provided below. They ~~are provided in order to~~ highlight special concerns related to each area. They shall be used to supplement the general provisions and guidelines of ~~the Seattle Vacation Policies and other land use~~ these policies and other policies for ~~protection of~~ protecting the public interest.

#### a. Urban Centers and Urban Villages

In addition to other guidance regarding specific land uses described below, for Urban Centers and Urban Villages the policies of adopted neighborhood plans will be considered, as appropriate.

#### b. Single-family areas

##### ~~A. Downtown~~

~~Petitions for vacations of right-of-way in the downtown area shall be reviewed according to the Comprehensive Plan, particularly its land use, urban village, transportation and neighborhood elements of the plan and other relevant adopted plans or goals.~~

##### ~~a. Single-family areas~~

~~Rights-of-way in single-family areas shall generally be retained as these areas may be needed in the future to provide for public uses, such as utility corridors, that cannot be currently identified or anticipated. Rights-of-way~~ Streets in single-family areas provide a number ~~of~~ public benefits ~~such~~



~~as including~~ providing for consistency in the pattern and scale of development and providing important ~~breathing space in a neighborhood.~~ open space in a neighborhood. ~~Except as noted below, streets in single-family areas shall be retained as these areas may be needed to provide for public uses, such as utility corridors that cannot be currently identified or anticipated.~~ Petitions for vacations in single-family areas shall be reviewed by the same criteria as applied to other vacation petitions, including the requirement that the vacation provide a long-term benefit to the ~~general~~ public.

~~Cluster~~Clustered housing and other planned housing developments or innovative housing initiatives ~~proposed~~ in single ~~Family~~ family-zoned areas shall be ~~evaluated by~~ reviewed based on the criteria established for the review of ~~Multi-family~~ multifamily areas.

Alley vacations associated with ~~existing~~ institutions in single ~~family~~ areas, as provided by the ~~SMC~~ Seattle Municipal Code, will be reviewed for compatibility with the surrounding neighborhood.

~~B.~~ Multi-family Areas

~~Petitions for the vacation of right-of-way in multi-family areas shall be reviewed according to the provisions of the Comprehensive Plan, particularly its land use, urban village, transportation and neighborhood elements or other relevant policies.~~

~~c.~~ In addition, Multifamily areas

~~In general, streets and alleys in multifamily areas will be retained to aid in vehicular, bicycle, and pedestrian circulation and neighborhood access.~~ Petitions will be reviewed for potential impact ~~upon~~ on neighborhood traffic volumes and associated noise.

~~b.d.~~ Commercial, mixed-use, and downtown areas

In general, streets and alleys in commercial, mixed-use, and downtown areas will be preserved ~~in order to aid in the movement of~~ facilitate moving goods and people, ~~and maintain access to property that is separate from pedestrian routes.~~ In general, these rights-of-way will be retained unless it can be demonstrated that the vacation meets another important public purpose without jeopardizing the area's functioning ~~of the commercial area~~ and its compatibility with surrounding areas. ~~Such petitions shall be reviewed according to the provisions of the Comprehensive Plan, particularly its land use, urban village, and transportation elements.~~

A vacation must preserve access to off-street loading and parking areas and the continuity of street fronts, particularly in areas with pedestrian activity, ~~will be preserved.~~

~~C.~~ Industrial Areas

~~Petitions for vacations of right-of-way in industrial areas will be reviewed according to the Comprehensive Plan and any other relevant adopted plans or goals for industrial areas.~~

#### ~~e.~~ **Major institutions**

~~1. \_\_\_\_\_ For proposed vacations within major institution boundaries, the major institutions policy guidelines institution Comprehensive Plan policies and objectives (SMC 23.16.010) any adopted Major Institution Master Plan (MIMP) will be used to evaluate the land use effects of the vacation.~~

~~2. \_\_\_\_\_ If a master plan has been adopted, the vacation decision will give substantial weight to the provisions of the individual master plan. Land use, transportation and traffic information contained in the EIS for the master plan will be considered. This information will be updated prior to the vacation decision if conditions in the area have changed or if several years have passed since adoption of the master plan. Identification of intended street vacations in an adopted major institution master plan shall not constitute prior approval of the vacations.~~

~~If, at the time if the Council considers a vacation petition is considered by the City Council, a master plan and a MIMP involving the vacation right-of-way has been submitted for approval, but not yet approved, the Council's review of the proposed master plan and vacation request MIMP shall be conducted concurrently according to Guideline 4.5 of these policies. Major institutions will be encouraged to submit petitions for any vacations called for in a proposed master plan at the same time as the master plan is proposed before the Council's review of the street vacation.~~

~~Final vacation ordinances will not be passed until construction of improvements on the right-of-way, called for by the master plan, are assured according to Guideline 4.5-3, p. 15 of these policies.~~

#### ~~f.~~ **G. Shoreline overlay District districts**

~~1. \_\_\_\_\_ Vacation of Rights-of-way Abutting Bodies of Water (Waterfront):~~

~~The Vacation of a street or alley or portion of a street or alley that abuts a body of water waterbody is regulated by Revised Code of Washington (RCW) 35.79.035 and Seattle Municipal Code (SMC) SMC 15.62.080. Consistent with the Comprehensive Plan and the Seattle Shoreline Master Program, (SSMP), and other applicable policies or codes,:~~

~~a. \_\_\_\_\_ The City will consider the vacation of rights-of-way vacating streets that abut on a body of salt or fresh water waterbody only if :~~

- ~~1. the vacation is sought to enable the City to acquire the property for beach or water access purposes, boat moorage or launching sites, park purposes (including open space preservation), public view, recreational purposes, water-dependent or water-related educational or interpretive purposes, water quality improvement purposes, or other water-~~

dependent or water-related public uses; ~~or~~ the vacation is sought to enable the Port of Seattle or the Northwest Seaport Alliance to acquire the property for water-dependent or water-related port purposes; ~~or~~.

2. ~~The right-~~In industrial areas, the City will consider vacations ~~of-way is industrially zoned, and streets that abut a salt or fresh waterbody only if~~ the area to be vacated will only be used ~~only~~ for a water-dependent or water-related industrial use, and the vacation will enable the City to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the ~~same~~ shoreline area ~~to which~~ abutting the street or alley ~~sought to be vacated~~ ~~abuts, had the properties included in.~~ The Council will condition the ~~plan not been vacated, and~~ vacation to require that the vacated area ~~shall~~ be maintained in perpetuity for a water-dependent or water-related industrial use, ~~and.~~ The conditions will require that any changes in the use of the property will require Council review and action, with the possibility of ~~dedication to~~ dedicating public access ~~in the event that~~ if the industrial use is discontinued or significantly changed.

~~2. Use in the Shoreline District~~

3. Compatibility between use of vacated right-of-way in the Shoreline District and the Seattle Shoreline Master Program (SSMP) will be ensured by use restrictions established by the SSMP and underlying zoning.

~~3. Development in the Shoreline District~~

4. In assessing the impact of increased development potential ~~which~~ that would result from a vacation in the Shoreline District, consideration ~~shall~~ will be given to the area objectives, purposes of each “environment” designation, and the development standards established in the SSMP and underlying zoning. The effect of land consolidation on the usual pattern ~~of~~ of view corridors and lot coverage will be considered. Consideration ~~shall~~ will also be given to the public interest in drainage and related functions of the shoreline area, and ~~protection of~~ protecting abutting waters from pollution, excessive flows, or other conditions ~~which~~ that would degrade the ~~abutting water~~ waterbody.

~~4. Public Access in the Shoreline District~~

5. To preserve future public access opportunities, the option of leasing street ends, as permitted in RCW 35.23.410, shall be explored as an alternative to vacation, ~~in order to preserve future public access opportunities.~~

- ~~a.~~ Vacations of public right-of-way abutting any ~~body of water~~ waterbody may be approved only when comparable or improved public access is provided.

~~b. \_\_\_\_\_ The vacation of street ends and the provision of comparable or improved Providing new public access along the Duwamish River will shall not be governed by the Public Access Policy Plan considered a public benefit for the Duwamish Waterway Resolution 27127.~~

- ~~6. Comparable public access for vacations in areas not covered by the Duwamish Public Access Policy Plan shall be provided consistent with those purposes of these policies and guidelines of the Duwamish Access Plan which are generally applicable, until such time as a similar plan is developed for other areas.~~
- ~~7. Right-of-way which that provides a portion of the regulated public access required by the SSMP for another site may be vacated or utilized used to provide public access for a new development, only when comparable public access is provided for both the proposed vacation and the existing access point. Public access provided under the SSMP requirements of the SSMP and these vacation policies may be coordinated as provided by for in the Duwamish Access Policy Plan, Policy 4, p.15.~~
- ~~8. Right-of-way which that is needed for vehicular access to the water may be vacated only when comparable access can will be provided otherwise.~~

~~c. \_\_\_\_\_ Rights of way not Abutting a Body of Water (Upland).~~

- ~~9. If upland right-of-way is needed for public access to waterfront right-of-way, or other public access to the water, it may be vacated only when comparable or better public access is provided.~~

### g. Environmentally critical areas

~~Streets in geologic hazard areas and steep slope erosion hazard areas, wetlands, flood plains, fish and wildlife habitat conservation areas, or other critical areas shall generally be retained to reduce development intensity in environmentally critical areas and to protect public health, safety, and welfare.~~

### 3. Land use conditions on vacations

~~The Council may place conditions on vacations to guard against the negative land use effects of additional development potential attributable to the vacation and to ensure that policy objectives are met.~~

- ~~a. The conditions will be related to the identified negative effects attributable to the vacation. For example, they may limit additional height or density to pre-vacation levels when these increases are not in the public interest. The conditions will ensure that post-vacation development is consistent with the ## Comprehensive Plan and is in the public interest.~~

- b. Land use conditions will be stated in terms of development parameters, such as floor area maximums or building envelopes that may not be surpassed and will generally run with the land. The conditions will be administered by SDCl through the Master Use Permit process in conjunction with developing the site.
- c. Land use conditions imposed on a vacation do not preclude related project conditions being imposed under SEPA. If a vacation-related proposal is subject to SEPA review, the review may reveal the need for SEPA conditioning that reduces the upper limits placed on the vacation.
- d. Land use conditions imposed on a vacation, in addition to the Land Use Code, SEPA, the Building Code and other City codes will be relied on to regulate post-vacation development.
- e. Approval of a street or alley vacation is not City approval of the development project for the site and shall not relieve the petitioner of obtaining all necessary land use approvals, building permits, street use permits, or other City approvals before developing the site.

#### E.J. OTHER CONSIDERATIONS IN PUBLIC BENEFIT POLICY TRUST ANALYSIS

##### 1. Undeveloped streets

Vacation of undeveloped street sections will generally be discouraged to:

- a. Retain the existing pattern of extra setbacks and open space in residential neighborhoods;
- b. Provide opportunities for pedestrian and bicycle amenities and connections;
- c. Preserve opportunities for utility connections;
- d. Maintain areas of natural scenery along designated protected view streets and boulevards;
- e. Provide a buffer between land uses and zoning districts; and
- f. Provide continuity of wildlife habitat corridors.

##### 2. Subsurface Vacations

Subsurface street vacations may be approved only when protection against future impairment of the street's surface is assured, current and future utility functions are provided for, and the City is adequately protected from potential liability from failure of the surface and any other retained segment below grade due to problems with the underlying structure. A subsurface vacation shall maintain or improve all current and planned functions of the street and shall not increase traffic impacts on surrounding streets.

Subsurface vacations shall consider future use of the subsurface portions of the street for future utility needs and future transportation needs, such as a new transit or highway tunnel.

A subsurface vacation shall, at a minimum, be deep enough to provide space for a utility corridor large enough to accommodate all utilities currently serving the area and potential future utility needs. The Council may require that a project including a subsurface vacation provide a utility corridor or other mitigation of impacts on potential future utility needs. The subsurface vacation shall be designed so that there will be no impact to the public nature and the surface functions of the street or alley.

### **3. Aerial vacations**

Aerial vacations will be considered in only the most limited of circumstances. Aerial portions of streets are an important resource providing light, air, open space, and consistency in the development pattern. These aerial portions are an important public trust function of the street. Aerial vacations will be considered only as follows:

- a. For the development or expansion of public facilities, public institutions, or non-profit institutions, the petitioner shall demonstrate to the satisfaction of the Council that no feasible development alternative exists; and
- b. That neither a permit for a skybridge nor a partial or subsurface vacation can adequately meet the needs of the petitioner.

Petition review shall include specific review of the impacts of the proposed aerial structure, including addressing items as the design of the structure and its dimensions, transparency, material quality, the scale of the project including the aerial portion, and the impact on the streetscape below the structure. The public trust functions of light, air, open space, and views will be carefully reviewed for aerial vacations. The Council shall require mitigation specific to the urban design impacts of the aerial structure.

### **4. Trade or exchange of property**

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

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

d. Would shift development from property identified as open space to a property with less environmental impact.

**5. Alternatives to vacation**

The Council, when reviewing the petitioner's indicated use of the property, may consider the practicality of issuing street use permits to provide for temporary uses. In circumstances where a street use permit can accommodate the uses indicated by the petitioner, a permit is preferred, and a vacation will generally not be granted. A street use permit as an alternative to a street vacation may be issued under the following conditions:

- a. The private use of an undeveloped street does not hinder the achievement of any identified open space objectives;
- b. Private landscaping or gardening of undeveloped streets may be allowed with a street use permit, provided that public pedestrian access and circulation and access to shoreline areas are retained; and
- c. Street corridor views are not obstructed. ~~POLICY 5—~~

#### IV. ANALYSIS OF PUBLIC BENEFITS OF THE VACATION

##### F.A. PUBLIC BENEFIT REQUIREMENT

~~A. — A vacation petition shall include a commitment to provide public benefit proposal. benefits. The concept of providing a public benefit is derived from the public nature of street right-of-way. Right-of-way is dedicated for use by the general public in perpetuity whether or not a public purpose can be currently identified. streets. Streets. The City acts as a trustee for the public in its administration of rights-of-way. Case law requires that in each vacation there must be an element of public use or benefit, and a vacation cannot be granted solely for a private use or benefit. Therefore, before this public asset can be vacated to a private party, there must be a benefit that accrues to the general public.~~

~~Rights-of-way, whether improved or unimproved, provide important benefits to the general public. Among the various benefits are the preservation of preserving the street grid that provides for consistency in the development pattern and influences the scale and orientation of buildings. Rights-of-way Streets provide for breathing space, open space and views, natural drainage, and wildlife corridors. These benefits are in addition to the public functions provided by rights-of-way streets discussed in earlier sections of these policies, including the movement of moving people and goods whether in vehicles, on foot, or by bicycle; and providing for current and future utility services; and for street trees and other amenities.~~

~~The City acts as a trustee for the public in its administration of rights-of-way. B. — Courts have required that in each vacation there shall be an element of public use or benefit, and a vacation cannot be granted solely for a private use or benefit. Therefore, before this public asset can be vacated to a private party, there shall be a permanent or long-term benefit to the public.~~

~~The fact that these benefits are provided equally to all members of the public may be most important to those who have the least. To best address the needs of the community, a strong focus on race and social equity is important in assessing the public benefits included as part of a street vacation petition.~~

~~Proposed vacations may be approved only when they provide a permanent or long-term public benefit. Vacations will not be approved to achieve. Because the public permanently loses the street, short-term public benefits or for the sole public benefits that solely benefit of individuals will not be considered. The following are not considered public benefit benefits:~~

- ~~Mitigation of Mitigating the vacation's adverse effects of a vacation.;~~
- Meeting code requirements for development.;
- Paying the required vacation fee.;
- Facilitating economic activity.;
- or



- Providing a public, governmental, or educational service;

While the nature of the project is a factor in ~~determining~~deciding the adequacy of a public benefit proposal, it ~~does~~is not ~~in and of itself constitute an adequate~~ public benefit.

Consequently, the public benefit ~~must~~shall exceed elements ~~required~~require by the SMCSeattle Municipal Code or mitigation required ~~by~~under SEPA or other regulations and is in addition to ~~the street vacation~~ fees and other obligations. The petitioner's public benefit proposal ~~should~~shall recognize the loss of the benefits provided by the right-of-way~~street~~ to the public and the gains ~~achieved~~received by the petitioner. The public benefit proposal should also consider the comments, ideas, and concerns voiced by the ~~vacation to~~public in the ~~petitioner~~early community engagement process.

The public benefit analysis should balance what the public loses through the vacation with what the public will gain from the project. The comparison is intended to be an element of ~~the evaluation of the adequacy of~~evaluating a public benefit proposal. The public benefit should not merely be compensatory and should clearly provide a benefit to the general public. In particular, public benefits that address the needs of those members of the public most vulnerable to the negative impacts of development such as residents with low incomes, people experiencing homelessness, renters most at risk of displacement, immigrants and refugees, and communities of color should be considered by the petitioner.

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

~~D. It is the obligation of the Petitioner to demonstrate that the public benefit proposed be proportional to the benefits gained by the Petitioner and to the scale and impacts of the project. The Petitioner shall provide information regarding the increase in the development potential from the vacation and the assessed value of the adjacent property. In addition,~~ The petitioner shall provide objective information about the public benefit proposal, such as budget information, dimensions ~~or,~~ materials, and other factual information-relevant facts. The public benefit proposal shall include a table or chart that details the public benefit elements, the cost/budget, timing of implementing the public benefit elements, whether the elements are required by code, and additional information as requested by the City.

A significant public benefit ~~must~~shall be provided by major projects, ~~that is.~~ Major projects include those that are large in scale, require a large amount of public right-of-way, have identified impacts, or those where the vacation contributes to a significant increase in the scale of the project. Minor projects are ~~only~~ required to provide a more moderate public benefit.

As part of the petition process, the petitioner shall provide information to the City regarding the public benefit proposal. The City will assist the petitioner in refining and developing the

public benefit proposal. The ~~City~~ Council ~~shall~~will make the final determination as to whether the public benefit package is acceptable ~~to the City~~.

~~E. A number of Several~~ factors will be considered in identifying whether a public benefit package is sufficient, including the:

- Zoning designation, ~~i.e. that is, downtown~~, commercial, industrial, or residential;
- Street classification, ~~i.e. of the street to be vacated, that is~~, arterial, alley, or residential;
- ~~Assessed value of adjacent property;~~
- ~~Lease rates in the general vicinity for similar projects;~~
- Size of project, in square feet;
- Size of the area to be vacated, in square feet; ~~and~~
- ~~Contribution of vacated area~~ Vacated area's contribution to the site's development potential of, including the site: percentage increase of the project and additional square feet; and

~~F. The City will also consider:~~

- ~~Compliance~~ Cumulative impacts of vacations in the project area.

The following factors are not public benefits, but may be considered when reviewing the public benefit package:

- Project compliance with City policies and goals, including the Comprehensive Plan, ~~neighborhood planning goals;~~
- ~~Proposals designed to improve race~~ and ~~economic development goals;~~
- Provision social equity, improve access to opportunity, and reduce the threat of displacement by for example, providing quality jobs or education to communities with low access to opportunity, or increasing the supply of affordable housing beyond City requirements;
- Addressing the effects of the vacation on vulnerable low-income populations and communities of color;
- Providing affordable or special ~~need~~ needs housing, job training, or other human services;
- The public nature of the project (library, governmental purposes, low-income housing);
- Ideas resulting from the early community engagement process;
- Neighborhood support or opposition;
- Broad-based community support or opposition;

- Protection of Agreements with non-governmental organizations or community-based organizations, such as labor-peace agreements, equitable development agreements, or community benefits agreements to provide benefits beyond those proposed for the street vacation;
- Protecting designated landmarks and other historic/community resources; and
- ~~Protection of~~Protecting environmentally sensitive lands.

**B. Guideline 5.1—PUBLIC BENEFITS IDENTIFIED**

**B. ~~Public~~ Benefits Identified**

~~Public benefits~~benefit proposals may ~~include~~be informed by needs and ideas identified through community engagement. Public benefits may ~~include~~, but are not limited to:

~~A. On-site Public Benefits: on-site benefits are favored as the provision of the public benefit can also act to offset any increase in scale from the development. On-site public benefits may include:~~

**1. Publicly Physical public benefits, such as**

The City may accept a commitment to provide and maintain physical benefits that serve the public, including but not limited to:

- Creating or enhancing publicly-accessible plazas, open spaces, or other green spaces, including public stairways;
- Streetscape enhancements beyond that required by codes such as widened sidewalks, stairways, additional street trees or landscaping, street furniture, pedestrian lighting, wayfinding, art, or fountains;
- ~~Pedestrian or bicycle trails;~~
- ~~Enhancement of~~Developing or improving designated Green Streets;
- Public art;
- Enhancing the pedestrian or bicycle environment;
- Pedestrian trails, accessible public routes such as elevators and ramps providing access through the site, and improvements to existing public stairs;
- Spaces that support City goals for race and social equity, such as on-site affordable housing or childcare provided in excess of City requirements, or job training centers;
- Bicycle paths, protected bike lanes, or cycle tracks;

- Other improvements to the pedestrian or bicycle environment, such as intersection safety improvements;

- View ~~easement~~easements or corridors;~~or~~

- ~~Preservation of~~Preserving landmark buildings or other community resources;~~;~~ or

~~B. Off-site Public Benefits: where it is not practicable to provide the public benefit or more than a portion of the public benefit on the development site, the public benefit may be provided off-site. This may include:~~

- ~~• Pedestrian or bicycle trails or public stairways;~~

- ~~• Enhancement of the pedestrian or bicycle environment;~~

- ~~• Enhancement of existing public open space such as providing playground equipment in a City park;~~

- ~~• Improvements to designated Green Streets;~~

- Funding~~Implementing~~ an element from an adopted Neighborhood Plan; or other City plan such as the Equitable Development Implementation Plan or a Transportation modal plan.

- ~~• Providing wayfinding signage; or~~

## 1.2. Providing~~Programmatic~~ **public art** ~~art~~benefits

The City may accept a long-term or permanent commitment to undertake a program to address systemic inequities as a public benefit. For example, a new program to provide members of communities with limited English proficiency with opportunities to communicate with public decision-makers, or a program to identify and improve locations where people with disabilities have difficulty moving through the City can be considered as public benefits. The City will not accept a short-term proposal or a proposal to fund an existing program. The City will look for a long-term commitment to the program and may impose conditions on the proposed public benefit to ensure that the long-term nature of the benefit is ensured.

## 2.3. Real Property

~~May Be Conveyed: in certain circumstances~~The City may accept real property as a public benefit.

The property proposed to be conveyed must be property ~~that~~ the City is willing to will accept. The petitioner is responsible for any costs associated with the conveyance including appraisals, title work, environmental site assessment, deeds or other document production, taxes on the transaction, or other expenses related to the conveyance of real property, including environmental remediation.

### 3.4. Payment of Funds

~~in certain circumstances~~ Where it is not practicable to provide or develop public benefits such as those listed above, the City may accept the payment of in-lieu funds dedicated for a specific purpose consistent with these policies as a public benefit. ~~Such~~The payment ~~must~~shall be determined to be an acceptable alternative by the City. ~~Such~~A payment to meet public benefit obligations does not substitute for ~~the payment of~~paying the required street vacation fee.

~~Guideline 5.2~~—

## **V. PROCESS FOR CITY REVIEW OF STREET VACATION APPLICATIONS**

### **A. GOALS/INTENT OF PROCESS**

Because of the importance of the street, the street vacation review process can be a lengthy and complicated. While the Council is the ultimate decision-maker, the Council looks to City departments and the Seattle Design Commission to provide a thorough review and analysis of a petition based on these policies and the interests of the public, particularly those most effected by the impacts of development. Review of a street vacation petition can often take longer than a year and depends on the complexity of the project and responsiveness of the petitioner to requests for information and comments from City staff and the Seattle Design Commission.

The purpose of this section of the street vacation policies is to provide for a process that provides transparency and predictability for petitioners, the public, City departments and the Seattle Design Commission. The Seattle Design Commission and the Directors SDOT and SDCI may adopt rules or guidelines to help petitioners and the public understand the process and requirements for filing and reviewing a street vacation petition.

### **B. PETITIONERS**

RCW Chapter 35.79, restricts petitions for street vacations to “owners of an interest in any real estate abutting upon any street or alley.” A petition shall be filed with the Seattle City Clerk. If the petition contains all required information and is signed by the owners of two-thirds of the property adjacent to the street to be vacated, the City will proceed with analyzing the petition.

The Council may also initiate a street vacation process through a resolution. The Council will initiate street vacations by resolution, rather than by requiring a street vacation petition, only for a public purpose or when extraordinary circumstances prevent following the petition process. If the Council initiates a petition, all other aspects of these policies, including protecting the public trust and the requirements for providing a public benefit still apply.

### **C. PRE-PETITION ACTIVITIES**

The first step in preparing to file a petition for a street vacation is to consult with SDOT staff on the feasibility of the petition. A meeting to discuss feasibility with City staff, including staff from SDCI, the Seattle Design Commission, the Department of Neighborhoods (DON), and other departments with interest or jurisdiction over the project will be held, as appropriate. Each of these departments will provide guidance on steps necessary to file a petition.

Prior to submitting a vacation petition, the petitioner is required to:

- Consult with the DON on preparing a community engagement plan. The street vacation petition shall include a community engagement plan and a report on early community engagement;

- Conduct early community engagement according to the community engagement plan;
- Present the vacation to the Seattle Design Commission before any Early Design Guidance (EDG) meeting, so that the Seattle Design Commission can provide input to the Design Review Board;
- If the project is a Capital Improvement Project brought by the City or any other public agency, present an evaluation to the Seattle Design Commission of vacation and no-vacation alternatives at the Commission's pre-design or 15% review of the proposed facility; and
- If the project is subject to design review, receive EDG approval of the project.

#### **D. REQUIRED COMPONENTS OF THE PETITION**

Petitions shall be submitted to SDOT with all supporting documentation outlined below. SDOT may provide additional guidance regarding specific information to be provided. Petitions submitted without the required information will be returned to the petitioner. Once SDOT determines that the petition is complete, SDOT will file the petition with the Seattle City Clerk, which begins formal review of the petition.

Petitions shall, at a minimum, include the following:

##### **1. Site information:**

- Identification of the right-of-way proposed for vacation, including a legal description and, if SDOT determines it is necessary, survey and title work;
- Site and topographical maps; and
- Signatures of the owners of more than two-thirds of the property abutting the street proposed for vacation.

##### **2. Project information:**

- Information identifying the development team; and
- Location and description of any project proposed for the site, including preliminary project site plans.

##### **3. Land use information:**

- Current zoning and Comprehensive Plan Future Land Use Map land use designation;
- A summary of current applicable City plans and policies, including Comprehensive Plan policies, the Equitable Development Implementation Plan and Transportation modal plans;

- Identification of any land use actions required to develop the project, such as design review, a rezone, a Major Institution Master Plan, approval from the Landmarks Preservation Board, environmental review, and a report on the status of each of those reviews;
- A comparison of development of the site with and without a street vacation;
- An urban design analysis of the area surrounding the project site that includes at a minimum a nine-block area surrounding the vacation;
- An analysis of the land use and urban design impacts of development;
- If design review is required, any EDG proposals, Design Review Board minutes, including a statement that the project has completed EDG, and Seattle Design Commission's report to the Design Review Board or SDCI Director; and
- For Capital Improvement Projects, a copy of the Seattle Design Commissions' approved minutes of their pre-design meeting.

#### **4. Transportation information:**

- Information regarding the street to be vacated, including the current use and design of the street;
- Designation of the street, including street type, if any; and
- Analysis of the transportation impacts of any loss of street, including impacts to transit, freight, pedestrian, and bicycle circulation and access.

#### **5. Utility information:**

- Identification of any utilities in the street.

#### **6. Historic sites or buildings:**

- If the street vacation is in a historic district or a special review district, or if the street vacation would include or would be adjacent to a historic landmark or site, identify any historic resources and provide a determination of completeness for an application for a certificate of approval from the relevant board.

#### **7. Community engagement:**

- The community engagement plan and a report on all community engagement completed to date, including a report on comments from the public and how the petition responds to those comments; and
- If the project is in an urban center, urban village, manufacturing/industrial center, or other area covered by a neighborhood plan, the goals and policies from the neighborhood plan.



#### **4.8. Street Vacation for Security Purposes policies:**

Street and other rights-of-way are dedicated for general public use and enjoyment. Vacations which solely result in the private regulation of access to public property shall not be granted unless the vacation provides a clearly identifiable public benefit. Vacations are not considered a solution to security problems and shall not normally be approved, absent extraordinary circumstances.

#### **MISCELLANEOUS POLICIES**

#### **POLICY 6 ——— CONDITIONS MUST BE ASSURED PRIOR TO THE PASSAGE OF THE FINAL STREET VACATION ORDINANCE**

A. ——— The City Council has established a two-step process for its review and approval of vacation petitions. The first step is Conditional approval and the second step is Ordinance approval and the completion of the process by passage of the final ordinance vacating the street. This two-step process has been established to assure that no vacation is completed without meeting all of the conditions imposed by the City Council and without the payment of all required fees.

- ——— If the CityA preliminary statement on how the vacation meets or addresses the street vacation policies; and
- A preliminary public benefit proposal.

#### **9. Environmental review:**

- If environmental review is required for the project, a SEPA checklist.

#### **10. Previously rejected street vacations:**

- If the Council has previously rejected a street vacation petition for part or all of the street proposed to be vacated, the new petition should explain how circumstances have changed since the previous Council vote.

#### **11. Filing fee**

- A filing fee shall be paid pursuant to SMC 15.62.030.

#### **E. COMPLEX OR SIMPLE VACATIONS**

After receiving the petition, SDOT, in consultation with the chair of the Council committee with purview over vacations, will determine whether a project is a simple or complex vacation petition.

#### **1. Complex Street Vacations:**

Street vacations will generally be classified as a Complex Street Vacation if one or more of the following project elements are present:

- The street to be vacated is in an Urban Center or an Urban Village;
- The petition would vacate a City street, other than a street in an industrial zone;
- The vacation is intended to facilitate a project where an Environmental Impact Statement will be prepared;
- The street to be vacated is in an area identified by the City as an area where expanded or targeted community outreach is required to achieve equitable outcomes;
- The street to be vacated is within a shoreline area; or
- The street to be vacated is within a Major Institution Overlay but is not included in the Major Institution's Master Plan.

## **2. Simple Street Vacations:**

Street vacations will be classified as a Complex Street Vacation, unless all the following project elements are present, in which case the project will generally be classified as a Simple Street Vacation:

- The street to be vacated is not in an Urban Center or an Urban Village;
- The petition would vacate an alley or public place, or would vacate a street or alley in an industrial zone;
- The vacation would facilitate a project that does not require an Environmental Impact Statement;
- The vacation is not located inside an area identified by the City as an area where expanded or targeted community outreach is required to achieve equitable outcomes; and
- The street to be vacated is outside of a designated shoreline area.

If significant public interest in the vacation has been voiced during early community engagement, SDOT, in consultation with the chair of the committee with purview over street vacations, may classify the vacation as a Complex Street Vacation.

## **F. REVIEW PROCESS**

There are two stages to the street vacation review: public trust analysis and public benefit analysis. The following steps will provide for a careful and predictable review of a street vacation petition. Each step may be iterative and may take multiple rounds of review depending on the complexity of the project or the quality of the information available. While street and alley vacations are legislative actions that are not subject to the specific timelines for review that apply to land use permits under Chapter 23.76 SMC, City staff will work with the

petitioner to make the process is as fast and as efficient as possible, assuming all necessary information to support City staff efforts is provided by the applicant in a timely manner.

### **1. Circulating the petition**

After SDOT files a complete petition with the Seattle City Clerk, SDOT will circulate the petition to City departments, the Seattle Design Commission, utilities, transit agencies, and other City departments or organizations as appropriate.

### **2. Early Council Briefing or Forum**

For Complex Street Vacations, the Council committee with purview over the street vacation process may host a briefing or public forum on the street vacation petition. The purpose of this forum or briefing is to provide the public with an early opportunity to provide input on the vacation to the Council, the petitioner, and City reviewers. The briefing or forum provides an opportunity for the Council to hear about the vacation, and to provide early feedback regarding the process. A Council forum may be held in conjunction with an Environmental Impact Statement scoping meeting.

If a project is likely to involve a street vacation petition and a quasi-judicial zoning action such as a site-specific rezone, the Council will work with SDCI and SDOT to coordinate the timing of this forum or briefing with timing of review of the quasi-judicial action. The Council may elect to hold a Council forum or briefing before the petition is filed or the Council may ask a City department or the Seattle Design Commission to host a community forum.

### **3. Public Trust Analysis**

City departments, utilities, transit agencies, and as relevant City Boards and Commissions, will review the public trust elements of the petition and provide comments to SDOT on whether the petitioner has fully analyzed the impacts of the proposed vacation along with developing mitigating measures to address any such impacts. SDOT will provide petitioners with any comments and provide opportunities to respond to the comments. This may result in multiple rounds of review, comment, and refinement of the analysis and petition with information that adequately addresses the impacts of the vacation. City departments may request additional information from the petitioner to complete their analysis.

The Seattle Design Commission will consult with SDOT and other City departments to schedule meetings to discuss the public trust elements of the street vacation petition and any City department analysis of the petition. If an environmental impact statement is required, the Seattle Design Commission will not schedule a meeting to make a final recommendation on the public trust elements of a street vacation petition until a Final Environmental Impact Statement has been published. If an environmental impact statement is not required, the Seattle Design Commission will consult with SDOT and other City departments and will schedule a meeting to

discuss the public trust elements of a street vacation petition only when sufficient information to assess the impacts of the vacation on the public trust functions has been compiled.

If a street vacation is in a historic or special review district, or includes a historic landmark, or is adjacent to a historic landmark, the Design Commission shall not act on the public trust analysis until the appropriate Board has met to review the proposed project and its impact on the historic resources.

For City Capital Improvement Projects seeking a vacation, the Seattle Design Commission shall also have approved the project concept, or 30% review either before or concurrent to the Commission making any final recommendations on the public trust analysis. Non-city public agencies are encouraged to present and receive a project concept or 30% review by the Seattle Design Commission.

The Commission will consider comments and issues identified by City Departments, utilities, transit agencies, and as relevant other City Boards and Commissions, and prepare a recommendation to the Council on the public trust elements of the petition. The SDOT Director shall consider the Commission's recommendation on the public trust elements of the petition in compiling the Department's final recommendation to Council.

If a project is required to or opts to go through Design Review, the Design Review Board shall not make a final recommendation until the Seattle Design Commission makes a recommendation on the public trust elements of the vacation.

#### **4. Public Benefit Analysis**

The intent of the public benefit analysis phase of the street vacation review is to ensure that adequate public benefits will be provided to offset the loss to the public of the public trust functions. This review will be guided by these policies.

If a project is required to or opts to go through Design Review, the Design Review Board shall make its recommendation before the Seattle Design Commission's review of the public benefit package.

For City of Seattle Capital Improvement Projects seeking a vacation, the Seattle Design Commission shall also have approved the schematic or 60% review either before or concurrent to the Commission making any final recommendations on the public benefit analysis. Non-city public agencies seeking a street vacation are encouraged to present and receive a schematic or 60% review by the Seattle Design Commission.

Considering mitigation of environmental impacts, and any design review, land use, utility, or street improvement conditions, SDOT shall compile information for the Seattle Design Commission regarding the street vacation public benefit package from City departments with expertise in the public benefit elements proposed by the petitioner. For example, if a public

benefit package includes a proposal for public art, SDOT shall solicit comments from the Office of Arts and Culture.

For Complex Street Vacations, the Seattle Design Commission may convene a subcommittee consisting of Commissioners, City staff, and individuals with expertise in affordable housing, equitable community development, and workers' rights to take public comment and review public benefit packages.

The Seattle Design Commission will consider the recommendations of the subcommittee, City departments, the Community Advisory Committee, and public testimony in developing a recommendation to the Council on the public benefit package. The Seattle Design Commission may submit its adopted minutes or provide a separate recommendation on the street vacation petition as a whole. The SDOT Director shall consider the Commission's recommendation on the public benefit package of the petition in compiling the Department's final recommendation to Council.

#### **5. Final Recommendation**

SDOT will compile all recommendations and comments on the public trust analysis and the public benefit package for the Council. The SDOT Director will make a recommendation on the street vacation and in consultation with the chair of the Committee, will prepare a resolution setting a public hearing date for the street vacation.

#### **6. Council Review and Conditional Approval**

The Council will hold a public hearing on the petition. It will consider public comments, the recommendations of the SDOT Director and City departments, and the recommendations of the Seattle Design Commission. The Council may ask for additional information from the petitioner related to the public trust analysis or public benefit proposal before deciding whether to approve the petition.

If a project requires a street vacation and a quasi-judicial action, such as a rezone or Major Institution Master Plan approval, the Council will review and act on all quasi-judicial components of the project before holding the public hearing on the street vacation.

If the Council grants a street vacation, ~~Conditional~~its initial approval ~~would follow the review and analysis prepared by SDOT and the public hearing process.~~will be conditional. The Council ~~would grant the~~grants a street vacation subject to conditions to ~~assure that~~ensure the project is built as proposed, to mitigate any impacts, to assure the provision of the public benefit, and to ~~assure the payment of guarantee~~required fees are paid. Following this conditional approval, the ~~Petitioner may proceed with the development of the project and DPD~~City departments may issue the MUPa Master Use Permit and other necessary permits. ~~Prior to~~and the petitioner may proceed with developing the project. Before beginning work that would alter the street ~~right-of-way~~, the

petitioner ~~must~~shall address any utility and transportation impacts ~~and that~~ may ~~need to~~ obtainrequire SDOT permits.

~~B. — The petitioner shall fulfill the conditions in a manner approved by the City.~~ As the development proceeds and the petitioner works on meeting the conditions, regular reports shall be provided to SDOT. The petitioner bears the responsibility for satisfying the conditions and all the costs associated with satisfying the conditions. The conditions imposed on a vacation vary and the means to assure compliance will also vary as follows:

~~must be provided to SDOT. The petitioner bears the responsibility for satisfying the conditions and all the costs associated with satisfying the conditions. The Petitioner must fulfil the conditions in a manner approved by the City. The conditions imposed on a vacation vary and the means to assure compliance will also vary as follows:~~

- Time for completion: Conditions ~~related to the development:~~ will be placed on the vacation requiring starting development by a certain date or completing development by a certain date. If work is not started or completed within the stated period, the petitioner will be required to receive approval from the Council to extend the conditional approval. If work has not started within the stated period and circumstances have changed significantly, the Council may require that a new petition be filed, and the vacation be reviewed anew.
- Conditions related to the development ~~of:~~ Conditions related to developing the project vary and may be imposed to address design or transportation issues, to mitigate impacts, ~~or it~~ relateas related to the provision of providing the public benefit. These types of conditions are generally met by ~~the completion of the development itself. As~~ completing the project. For example, a condition that a signal be installed, a plaza be provided, ~~or a~~ set backsetback be incorporated would be satisfied by completing the ~~physical completion of the work. In certain circumstances~~ project. If necessary, the City ~~would~~ may consider a performance bond or other method to ~~assure~~ ensure the work is completed.
- Utility issues: Following the vacation's conditional approval ~~of the vacation,~~ the petitioner ~~must~~ shall work with the utilities to resolve any utility issues including those identified in the vacation conditions. All easements, restrictive covenants, ~~and~~ relocation agreements ~~must~~ shall be executed ~~prior to passage of~~ before the vacation ordinance is passed. If acceptable to the utility, ~~in some circumstances,~~ a performance bond may be posted ~~prior~~ to ~~before~~ final vacation approval.
- Transportation Conditions: Any conditions imposed to ~~assure~~ ensure the smooth and safe operation of streets and alleys, including ~~construction of~~ constructing required improvements, ~~must~~ shall be carried out ~~prior to the passage of~~ before the vacation ordinance is passes.
- ~~Conveyance of~~ Conveying real property: If the conditions require the dedication ~~or of~~ property, ~~and~~ exchange of property, ~~or~~ the dedication of right-of-way, the petitioner

~~mustshall~~ convey the property ~~prior to the passage of~~before the vacation ordinance is passed. The petitioner ~~mustshall~~ convey property acceptable to the City and provide an acceptable deed form, title insurance, environmental site assessment or environmental remediation, ~~andperform~~ any other ~~reviewed~~review deemed necessary by the City, and pay any applicable taxes.

- Conditions that extend beyond the development phase of the project: For conditions that will last for the life of the project such as the requirement that a plaza remain undeveloped and accessible to the public, a Property Use and Development Agreement (PUDA), an easement, or some other binding mechanism ~~shallwill~~ be completed and recorded ~~as necessary, prior to the passage of~~before the vacation ordinance is passed.
- Payment of fees: All fees shall be paid ~~prior to the passage of~~before the vacation ordinance is passed. Any conditions that require the payment of funds such as a ~~contribution~~contributing to a community project as an element of the public benefit or funding ~~thea trail~~ completion of a trail shall ~~be completed prior to the passage of~~occur before the vacation ordinance is passed.

In unusual circumstances, the City may consider accountability mechanisms such as performance bonds or escrow accounts where a complex series of transaction needs to occur or where unusual circumstances exist. In no circumstances will the City pass a final vacation ordinance without certainty about ~~the completion of~~completing all required conditions and ~~the payment of~~paying all required fees.

#### ~~POLICY 7 CITY COUNCIL INITIATION OF STREET VACATION PETITIONS~~

~~A. The City council may initiate street vacations by resolution, rather than by requiring a street vacation petition, only for a public purpose or when extraordinary circumstances prevent the following of the petition process.~~

#### ~~POLICY 8 PROCEDURAL INFORMATION~~

~~7. A. The City Council requests SDOT to develop vacation review procedures consistent with these policies. SDOT will further develop petition information for the public that clearly explains the vacation petition process; the requirements of State law; the policy direction from the City Council; the costs; time frame and steps in the review process; the public hearing process and other opportunities for public input. SDOT shall provide this information to citizens and petitioners and should update it as necessary as steps or procedures are revised.~~ **Final Street Vacation**

Once all conditions have been met, SDOT will prepare and the Council will consider and pass a final street vacation ordinance granting control of the street to the abutting property owners. Unless otherwise agreed upon by the abutting property owners, when more than one party

owns property abutting the street, the street will be divided so that each side of the right-of-way receives the part of the street closest to their property.

#### **G. Costs and Fees**

The costs and fees associated with a vacation are established in the Seattle Municipal Code, and currently include filing, post-hearing, appraisal and vacation fees. The vacation fee will be based on the appraised value of the property. The review process includes the cost of providing professionally prepared project drawings and plans, maps and plot plans, traffic analysis, possible SEPA review, and Design Commission review. The project may require review by a Design Review Board, or other special review. The petitioner is responsible for preparing and providing information necessary to respond to City questions or concerns. Additional costs may include required mitigation measures and the costs associated with providing the public benefit.

Petitioners are given the option of concurrently filing for the vacation petition and a Master Use Permit. To protect the integrity of the legislative street vacation review process, a notarized statement shall be signed by the petitioner and included in the petition for the proposed vacation. The statement shall indicate that the petitioner acknowledges that the vacation petition may be subsequently denied at the Council's discretion; and that any financial commitment the petitioner has made before vacation approval is at their own risk and will not be a factor in the Council's decision on the proposed street vacation.