

March 10, 2025

## MEMORANDUM

**To:** Transportation Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120945: Ovation Town Hall Block Alley Vacation

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On March 18, the Transportation Committee (Committee) will receive a briefing on CB 120945, a bill to grant final approval of the vacation of the alley on the block bounded by Seneca and Spring streets and 7<sup>th</sup> and 8<sup>th</sup> avenues on First Hill (Council District 7). Council conditional approval of the vacation was granted on March 26, 2018, through Clerk File (CF) [314364](#). Approval of the vacation facilitated the development of two mixed-use apartment towers, containing a total of 548 residential units, a publicly accessible open space and improvements around Town Hall Seattle, which is the other structure on the block with Ovation Apartments.

The Council's decision at this point is to determine whether the project has satisfied the conditions of CF 314364. If those conditions have been met, the Council should approve the bill and grant final approval of the vacation. This memorandum discusses the street vacation process and the conditions placed on the alley vacation.

### Street Vacation Process

The North Block Spring Street Development LLC vacation was filed in 2017 and was considered under the vacation policies in effect at the time of filing.<sup>1</sup> Under the street vacation policies, when a petition for a street or alley vacation is filed by a property owner, City departments, the Seattle Design Commission, and other interested parties review the petition and make recommendations on whether the vacation is appropriate and whether the public benefits provided by the vacation are commensurate with the loss of public space facilitated by the vacation. The Seattle Department of Transportation (SDOT) compiles those comments and makes a recommendation to the City Council.

Once the Council receives the recommendation, it holds a public hearing and reviews the petition. In this case, the Council voted unanimously to grant the vacation with conditions. This conditional approval allowed the petitioner to build in the alleyway and to complete their project.

After completion of the project, SDOT confirmed that all conditions have been met, and has transmitted a bill to Council that would finalize the vacation. At this phase of Council's review, the Council's role is to determine that all conditions have been met. Passage of the bill would allow for the official transfer of ownership of the alley right-of-way to the petitioner.

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<sup>1</sup> See [CF 310078](#). A comparison between those policies and the City's current street vacation policies can be found attached to [Resolution 31809](#).

## Review of Vacation Conditions

The Council's conditional approval of the vacation included eight conditions. These conditions required that:

1. The vacation be for the project presented to the Council.
2. Street improvements must be made pursuant to City standards.
3. A Property Use and Development Agreement (PUDA) or other binding agreement is required and must delineate responsibility between the Ovation Apartments and Town Hall Seattle for the design, use, maintenance, and programming of the private alley space.
4. Utilities adjacent to the site and on site must be protected.
5. Development should start within 18 months of approval and be completed within 5 years.
6. Street vacation approval does not eliminate other conditioning through regulatory reviews and State Environmental Policy Act review.
7. Free speech activities must be permitted in public spaces on site and signage must indicate to the public that those activities are allowed.
8. The Petitioner must develop and maintain the public benefit elements listed below and must adopt a PUDA or other mechanism to ensure that they are open and accessible to the public.

Public Benefit	Description
1. Public Plaza	5,500 SF Public Plaza Open Space, includes: <ul style="list-style-type: none"><li>• 2,500 SF special paving</li><li>• 1,015 SF terraced planting</li><li>• 2 existing trees preserved</li><li>• 3 new trees</li><li>• 845 SF seating lawn</li><li>• 25 LF wood benches</li><li>• 200 SF wood platform</li><li>• Lighting - tree lights, pedestrian poles, bollard lights, bench lights, handrail lights</li></ul>
2. Town Hall Improvements	Contribution for 3,000 SF of sidewalk improvements along Seneca Street + 8th Avenue 1,140 SF of new landscaping at south side of site 3,000 SF of Woonerf, includes special paving + bollards
3. Right-of-Way Improvements	<b>Hubbell Place:</b> 30 LF of underlit seating + pedestrian lights <b>Seneca Street:</b> 100 SF of special paving + 6 bike racks <b>Spring Street:</b> 145 SF of planting + 217 SF of special paving + 15 LF of underlit seating + 5 bike racks + pedestrian lights <b>8th Avenue:</b> 320 SF of planting + 650 SF of special paving + 16 LF of underlit seating + 8 bike racks + pedestrian lights
4. Freeway Park Connection	Design contribution to intersection improvements Accessible curb ramp at northwest corner of Seneca and Hubbell

SDOT has confirmed that the petitioner has met all of the conditions included in CF 314364 and provided the public benefits described above. CB 120945 would (1) accept a PUDA that reflects the conditions included in CF 314364, ensuring the long-term maintenance of the public benefit improvements, and (2) vacates the City's interest in the alley right-of-way.

**Next Steps**

The Committee will receive a briefing on the bill at its March 18 meeting and may vote at that meeting or a future meeting. Council approval of the bill would allow for the recording of the PUDA and final vacation of the alley right-of-way.

**Attachments:**

1. Summary of Seattle's Street Vacation Policies

cc: Ben Noble, Director  
Yolanda Ho, Deputy Director

## Attachment 1: Summary of Seattle's Street Vacation Policies

### Street Vacation Policies

From time to time, property owners seek to permanently acquire the street or alley next to their property from the City, typically to facilitate a proposed development. The process to do so is laid out in the Revised Code of Washington (RCW) [Chapter 35.79](#), Seattle Municipal Code (SMC) [Chapter 15.62](#), and the City Council's [Street Vacation Policies](#). In 2018, the City Council updated its street vacation policies to provide greater clarity for petitioners, members of the public and decision-makers in proposing and reviewing street vacation petitions. The policies identify two related but independent questions that the Council must consider in reviewing a street vacation petition:

- are the “public trust functions” of the right-of-way maintained? and
- will the public receive a benefit from the vacation?

Public trust functions are the uses of right-of-way. The policies describe the public trust functions as follows:

*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. (p. 7)*

Public benefits are a required component of street vacations to offset loss of public space. The policies describe public benefits as follows:

*The City acts as a trustee for the public in its administration of rights-of-way. 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. Because the public permanently loses the street, short-term public benefits or public benefits that solely benefit individuals will not be considered. The following are not considered public benefits:*

- Mitigating the vacation's adverse effects;
- 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 deciding the adequacy of a public benefit proposal, it is not itself a public benefit. (p. 22)*

After a petitioner files a complete vacation petition with the City Council, it is sent to the Seattle Department of Transportation (SDOT), the Seattle Design Commission per SMC Chapter [3.58](#), and other agencies for review. SDOT collects comments from City departments, private utilities, transit agencies, and others with an interest in the City's rights-of-way. After review and recommendation by these parties, SDOT returns the petition, and the City Council considers the petition. The Council is required to hold a public hearing on the petition and then must act on the petition. State law states that approval of vacations is solely a legislative act.

If the Council decides it is appropriate to vacate the right-of-way, it will typically grant conditional approval. That approval is placed in the Clerk File alongside the vacation petition. That conditional approval allows the petitioner to begin developing in the right-of-way.

After the petitioner meets all the conditions and pays all fees, SDOT drafts an ordinance for Council consideration that transfers ownership of the right-of-way to the petitioner. Council's review of that final ordinance is generally limited to confirmation that the conditions set in the Street Vacation conditional approval have been met. If all conditions have been met, the Council should pass the ordinance granting the vacation.