

Street and Alley Vacations

2017 Policy Workgroup Discussion

(prepared by SDC and SDOT)

Council review process

Street and alley vacations follow the same process:

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

Council vacation policies

Policy framework

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



Council vacation policies

Council outlined 3 areas of analysis to guide vacation review:

A. Public trust function

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

B. Land use impacts

C. Public benefits

Council vacation policies

Policy A: Public Trust Function

Circulation and access

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

Streets

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

Alleys

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



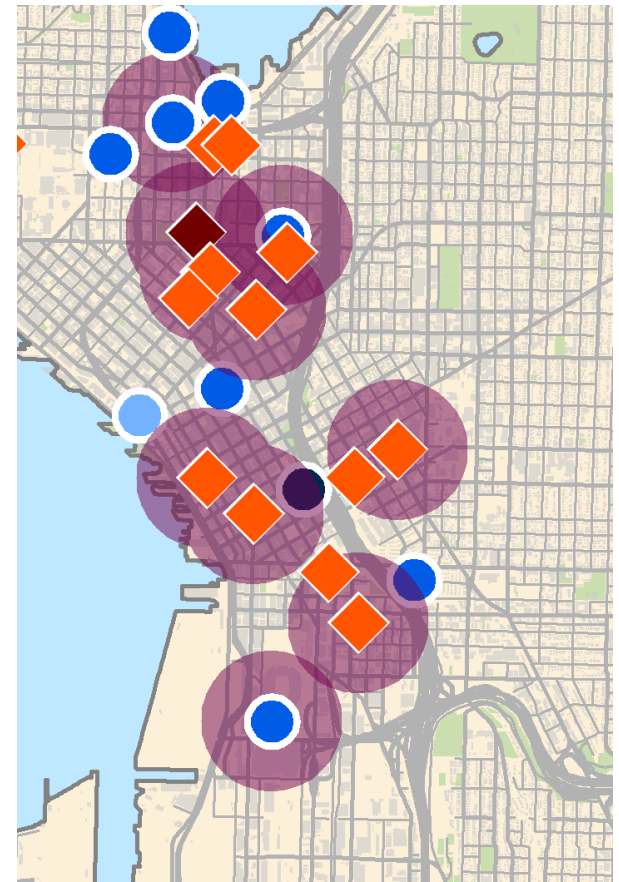
Council vacation policies

Policy A: Public Trust Function

Circulation and access

Guidelines:

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



Council vacation policies

Policy A: Public Trust Function

Utilities

Principles:

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

Guidelines:

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



Council vacation policies

Policy A: Public Trust Function

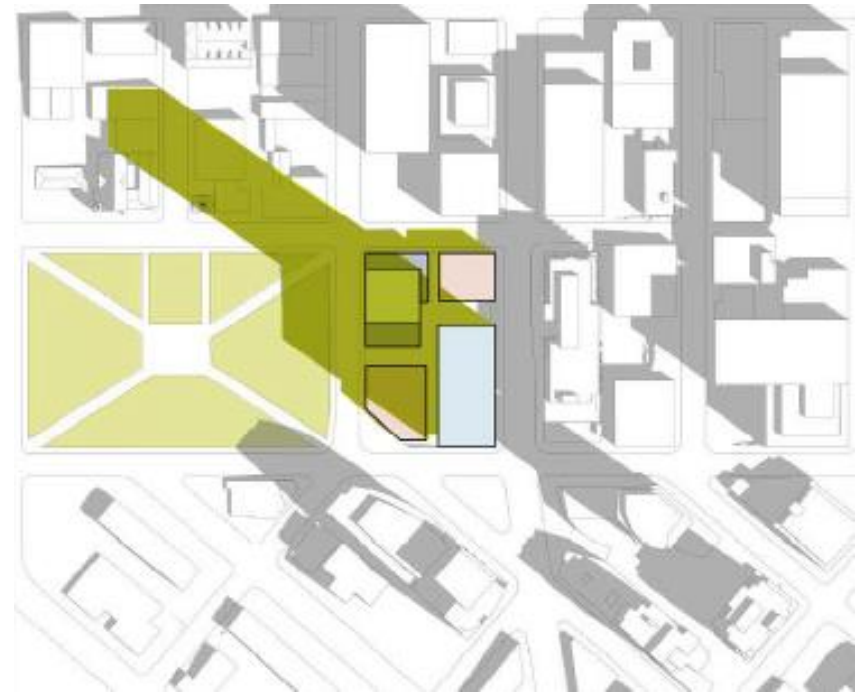
Light, air, open space, and views

Principles:

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

Guidelines:

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



Council vacation policies

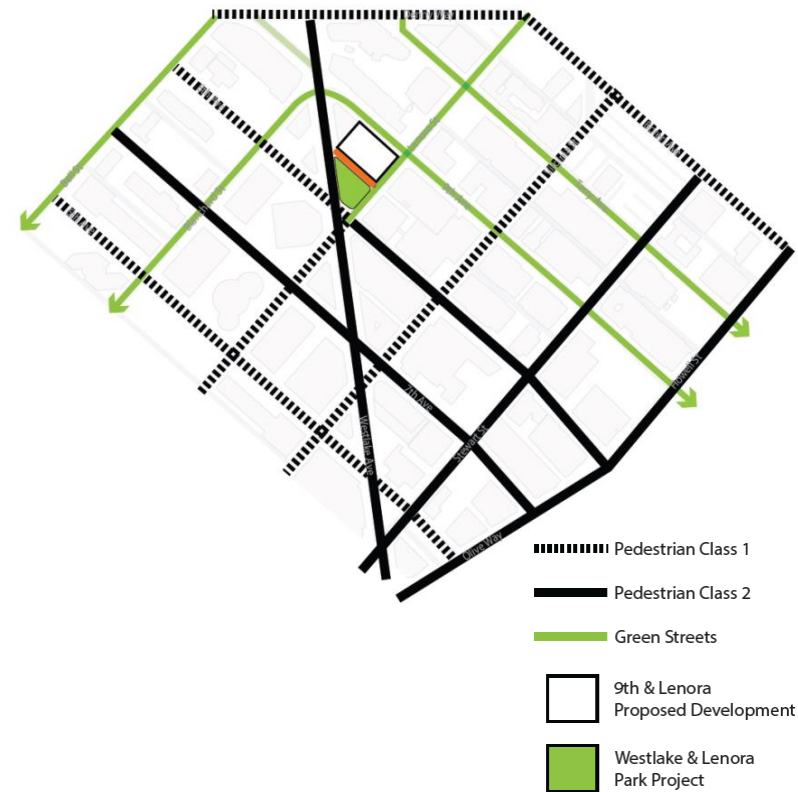
Policy A: Public Trust Function

Light, air, open space, and views

Guidelines – open space:

Analyze impacts of vacation on open space

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



Council vacation policies

Policy A: Public Trust Function

Light, air, open space, and views

Guidelines – view considerations:

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



Council vacation policies

Policy A: Public Trust Function

Light, air, open space, and views

Guidelines – partial right-of-way vacations:

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

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

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

Council vacation policies

Policy A: Public Trust Function

Light, air, open space, and views

Allow subterranean vacations only when:

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

Aerial vacations:

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

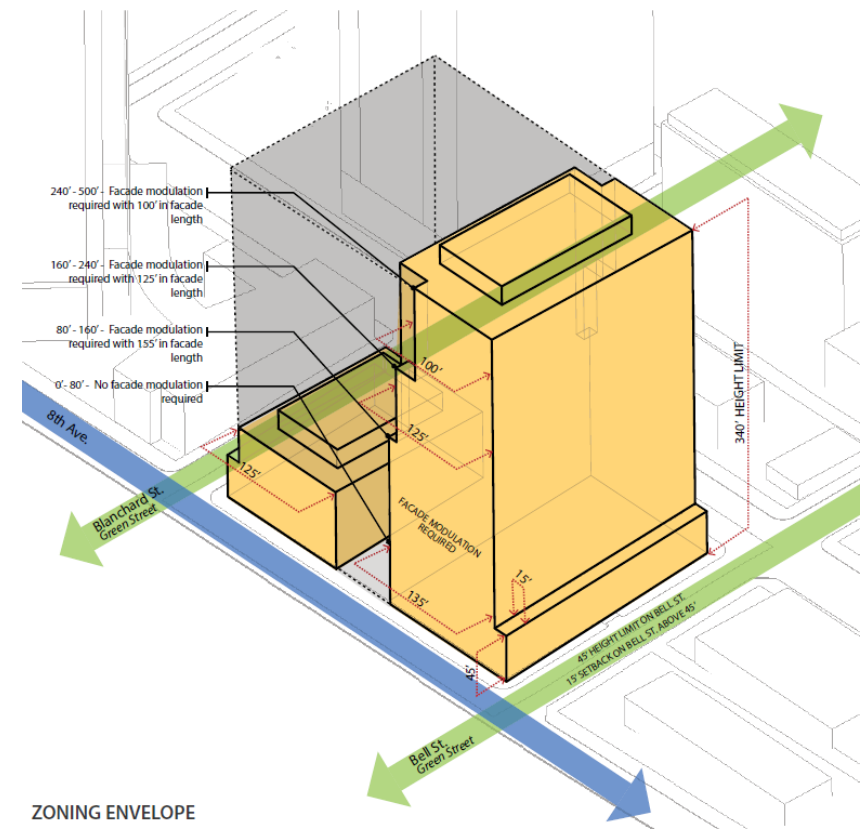


Council vacation policies

Policy B: Land Use Impacts

General principles

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



Council vacation policies

Policy B: Land Use Impacts

Guideline: Land use considerations

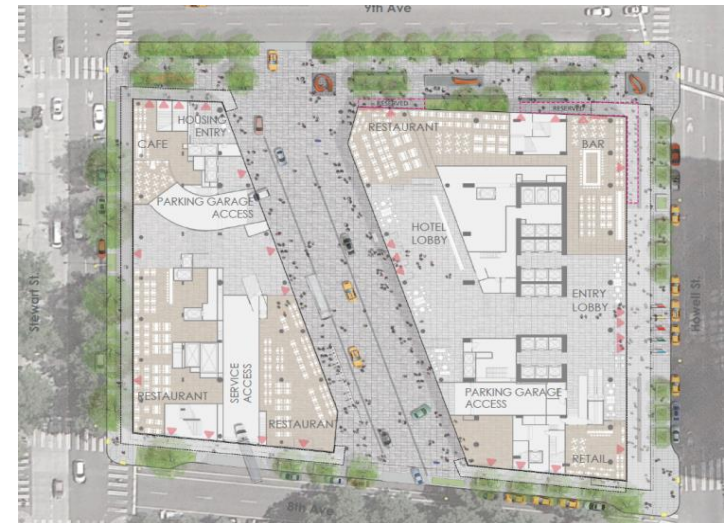
- Evaluate short- and long-term effects of resulting development on remaining right-of-way function
- Is change in development pattern consistent with Comprehensive Plan?
- Evaluate development potential against existing development and zone potential
- Determine if post-vacation lot is consistent with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

Council vacation policies

Policy B: Land Use Impacts

Guideline: Land use information

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



Council vacation policies

Policy B: Land Use Impacts

Guideline: Land use condition of vacation impacts

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

Council vacation policies

Policy C: Public Benefits

General principles

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

Council vacation policies

Policy C: Public Benefits

For any project...

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

Public benefit is not...

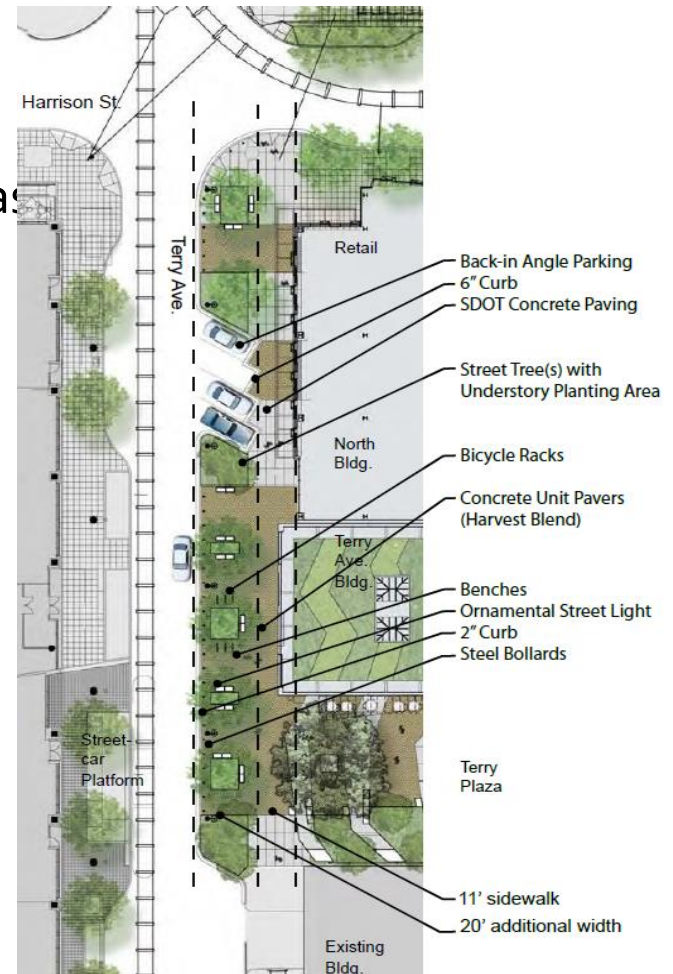
- *A short-term benefit*
- *Providing or facilitating economic activity*
- *Sole benefit of individuals*
- *Mitigation of an adverse impact*
- *Meeting code requirement*
- *Paying vacation fee*
- *Supporting a government activity*
- *Provision of a public, government or educational service*

Council vacation policies

Policy C: Public Benefits

1. Physical improvements

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



SDC actions on vacations

Two-step process

- Urban Design Merit
- Public Benefits

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

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

Public Benefit

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