



City of Seattle

Gregory J. Nickels, Mayor

Seattle Department of Transportation
Grace Crunican, Director

STREET VACATION INFORMATION

What is a Street Vacation?

The term Street Vacation refers to the process where an individual can petition the City Council to acquire public right-of-way for private use. Public right-of-way is any property where the City has a right to use the land for street purposes whether or not the right-of-way has ever been improved.

Who makes the decision whether to grant a Street Vacation?

Street vacation decisions are City Council decisions as provided by State statute. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. In order to do so a discretionary legislative approval must be obtained from the City Council and, under law, the Council may not vacate right-of-way unless it determines that to do so is in the public interest. Part of that determination is to assure that potential development and use of the vacated right-of-way would be in the public interest. This determination may be guided by established land use policies and standards as called for by the street vacation policies, but the Council is not bound by land use policies and codes in making street vacation decisions and may condition or deny vacations as necessary to protect the public interest.

Seattle Department of Transportation (SDOT) administers the process for the review and analysis of street vacations.

Will Vacations be granted for any purpose?

No. Vacations are not appropriate in all circumstances. Vacations cannot be granted for the sole benefit of the Petitioner or to address purely private concerns. This means that vacations will not be granted for purposes such as privatizing parking, acquiring additional property, or securing property. Vacations are generally not granted in single family zones. Vacations are not granted for temporary uses such as material storage or loading, landscaping or gardening; a street use permit is more appropriate in these situations. Vacations will not be granted for speculative purposes or to facilitate potential future development. The petition must be associated with a current development proposal in order for the City to fully evaluate the impacts of the vacation and the proposed development. SDOT Street Vacation staff will help you to determine whether a vacation is feasible.



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What do the Street Vacation Policies require?

In order for a petition for the vacation of public right-of-way to be approved, the City Council must determine that to do so would be in the public interest. In making this determination the Council will weigh three components of the public interest as described in the adopted Policies:

First: The City Council 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 the policies as the public trust functions of the right-of-way and are given primary importance in evaluating vacation proposals. The policies require mitigation of the adverse effects upon these public trust functions. What constitutes adequate mitigation will be determined ultimately by the City Council.

Second: The Council will consider the land use impacts of the proposed vacation. A proposed vacation may be approved only when the increase in development potential that is attributable to the vacation would be consistent with City land use policies for the area in which the right-of-way is located. The Petitioner must provide specific information about what the vacation contributes to the development potential of the site.

Third: Proposed vacations may be approved only when they provide a long-term benefit to the general public. Vacations will not be approved to achieve short-term public benefits or for the sole benefit of individuals. Mitigation of the adverse effects of a vacation does not in itself constitute a public benefit. The Petition must contain a specific proposal for meeting the public benefit requirement.

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.

The Street Vacation process is provided for in State Law (RCW 35.79) and the Seattle Municipal Code (SMC 15.62). The City's Street Vacation policies were adopted by Resolution 28605.

What is the review process?

Petition Process - A Street Vacation is initiated by a petition to the City Council; concurrence and signatures of the abutting property owners are required by State Law. (Petition requests must be in writing.) SDOT provides the staffing for the review and analysis of vacation petitions, all information should be provided to SDOT.

Upon receipt of a petition together with a \$450 filing fee, and all required documents, the petition is checked for valid signatures. If the petition contains the necessary signatures, it is filed in the City Clerk's Office and referred to the City Council. Seattle Department of Transportation provides the staff support in processing petitions and preparing recommendations.

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Review and Issue Identification - A sketch (vacation map) is drafted and circulated to various departments, public agencies and community groups for their review and comment on the proposed vacation. Comments solicited include the following offices:

Police and Fire Departments	Sound Transit
Department of Neighborhoods	Dept of Design, Construction & Land Use
Washington State Dept of Transportation	Qwest Communications
Seattle City Light	Puget Sound Energy
Seattle Public Utilities	Seattle Steam Corporation
Department of Parks & Recreation	Union Pacific Railroad
Seattle Design Commission	Burlington Northern Railroad
King County/Metro	Seattle Popular Monorail Authority
Community, Neighborhood and Business Groups	

This first level of review is intended to identify any issues related to the petition, including any technical issues such as utility or transportation issues, as well as urban design impacts, land use impacts, community concerns, and policy issues such as compliance with Comprehensive Plan or Neighborhood plan goals. Responding to issues and refining the public benefit proposal may involve significant design changes or revisions.

Seattle Department of Transportation (SDOT) Recommendation - after receiving all the comments on the potential vacation, all environmental documents, and other required information, and after completion of the review by the Design Commission, SDOT will review the proposal for compliance with the Vacation Policies and other applicable policies. SDOT will then draft a recommendation to the City Council including a recommendation whether the vacation should be granted or denied, recommended conditions, mitigation measures, and a recitation of the specific public benefits of the proposal.

Public Hearing - The Transportation Committee of the City Council holds a public hearing on the proposed vacation. Owners and residents of properties within a 300-foot radius of the vacation area are notified of the hearing 21 days in advance. The property is also posted, the notice is included in the City's general mail release, and notices are displayed in three of the most public places in the City. A notice is also placed in the Journal of Commerce prior to the Council public hearing. Following the public hearing the Committee will discuss the public hearing comments, the SDOT recommendation and other relevant information and vote on the proposed vacation. The Transportation Committee then forwards its findings to the full Council for consideration.

Final Ordinance – The Vacation approval process is in two parts. If the Council grants the vacation, the Petitioner may proceed to develop the project and work on meeting all the conditions imposed on the project. When all fees have been paid, any easements recorded and conveyed, and all conditions are satisfied, as determined by the City, the City Council will pass an ordinance formally vacating the right-of-way. The ordinance is signed by the Mayor and recorded in the King County Records for public record. A signed copy of the ordinance is then sent to the petitioner.

What are the costs for a street vacation?

Initial Filing Fee: - \$450 non-refundable filing fee,

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Post Hearing Fee: - \$300 for all property, but \$150 for single family residential zoned property,

Appraisal Fee: - the actual cost of the appraisal; but \$600 is the cost for single family residential zoned property.

Vacation Fee: - the full appraised fair market value is required for streets and alleys that have been a part of the dedicated public right-of-way for 25 years or more.

The petitioner also bears the costs of providing any information necessary for the review process such as project drawings, maps, EIS and traffic analysis as well as other costs such as the cost of review by the Design Commission.

May I apply for a Master Use Permit before a decision is made on the Vacation petition?

Yes. Most developers petition for a vacation and begin the DCLU review process at the same time because DCLU and SDOT will ask for similar project information for the respective reviews. You must petition for the vacation before DCLU will accept a Master Use Permit (MUP) application. The Vacation petition and the MUP may then be under review at the same time. Part of the vacation process includes review by the Design Commission and if the project is also subject to Design Review, Commission staff will coordinate the two design procedures. When SDOT has completed its work and forwards the Petition to the City Council, the Council must make a decision on the Vacation petition before DCLU may issue a MUP. If your project is complicated and may include Landmark review, a rezone or Major Institution Master Plan; City staff will work with you to outline the steps in the review process.

What is the order of the Vacation and MUP decisions?

1. Petition for the vacation: DCLU will not accept a MUP application unless a valid vacation petition has been filed with SDOT.
2. Apply for the MUP.
3. Both processes may proceed concurrently, including environmental review, traffic analysis, review by the Design Commission review and Design Review Board, and other elements.
4. City Council decision on the vacation petition: DCLU cannot issue a MUP unless the City Council has acted to grant conditional approval of the vacation petition.
5. MUP issuance: if the vacation petition is granted by the City Council, DCLU may issue the MUP.
6. Project development/meeting conditions: following conditional approval of the vacation, DCLU and other City departments may issue permits and the petitioner may construct the project and work to satisfy the conditions imposed on the vacation.
7. Final Vacation ordinance: the final vacation ordinance is passed only after the petitioner has satisfied all the conditions imposed on the vacation to the satisfaction of the City and has paid all fees.

How long does the vacation process take?

The vacation process can take 8-10 months depending on the issues identified, the level of environmental review required by DCLU, and the complexity of the project. Environmental review can be one of the most time consuming elements of the review. If an EIS is required by

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DCLU, the vacation petition cannot proceed to the City Council until the completion of the EIS process.

Where can I get additional information about Street Vacations?

For specific questions and more information, please call Beverly Barnett at 684-7564, Moira Gray at 684-8272 or Marilyn Senour at 684-7553, or make an appointment to meet us at 700 Fifth Avenue, Suite 3900, Key Tower, Seattle, Washington 98104-5043.

Where can I get other information?

Street Use Permits may be obtained through the Street Use Section of the Seattle Department of Transportation by calling 684-5284 or on the 37th Floor of Key Tower, 700 Fifth Avenue, Seattle, Washington 98104-5043.

For official property and land use records contact King County Department of Records and Elections, Records Division, at 296-1570 or at 311 King County Administration Building, 500 Fourth Avenue, Seattle, Washington 98104.

Plat maps may be obtained from Seattle Public Utility, Engineering Services Records Vault, Key Tower, 700 Fifth Avenue, Suite 4798, 684-5132.

Design Commission information may be obtained from Layne Cubell at 233-7911, information about coordinating with the Design Review process may be obtained from Brad Gassman at 684-0435. Please call 3-4 weeks in advance of the desired Design Commission presentation date. Staff can help answer any questions about the Commission and set up a preparatory meeting to discuss project details.

DCLU information may be obtained at 684-8600 or on the 20th floor of Key Tower, 700 Fifth Avenue, Seattle, Washington 98104-5043.

Geographic Information System (GIS) mapping services are available at 684-0965 or on the 20th floor of Key Tower.

How do I start the Petition process?

Step 1. Pre-petition Determination

Street vacation staff will meet with you to discuss your proposal, and to explain the petition process, including the timeframe and costs and the criteria in the Street Vacation Policies. Staff will try to provide early guidance as to whether a vacation seems feasible and to identify what might be issues or concerns.

Step 2. Petition Request

Following the pre-petition meeting, if a vacation seems feasible and you wish to proceed, you must request a petition in writing. Your written petition request must include the following:

A map of the area and legal description of the right-of-way you wish to vacate. The map must have dimensions of the proposed vacated area and the right-of-way you wish to vacate must be highlighted.

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- Name, address and phone number of petitioner.
- Name, address and phone number of contact person, if applicable.
- Names and addresses of other property owners adjacent to the proposed vacated right-of-way.

Step 3. Petition Submittal

Petitions submitted without all of the supporting documentation will be returned to the Petitioner.

Please provide two copies of the Petition submittal. Your submittal should include a response to all the following, numbered and in the order listed.

- 1) Filing Fee: Check for \$450.00 filing fee payable to City of Seattle Department of Finance. (only one copy necessary).
- 2) Required Signatures: Signed and completed petition with signatures representing ownership of 2/3 of the property abutting the right-of-way proposed to be vacated. Specifically, the petition must contain the signatures of the property owners on both sides of the affected street (alley), even though only a portion (or side thereof) is sought for vacation. Corporately owned property must be signed by two authorized officers and their signatures must be notarized. The submittal must include documentation (such as articles of incorporation) and names and titles of officers who are authorized to bind the corporation.
- 3) Reason for the Vacation: Describe why you want the vacation and list specifically what the vacation contributes to the project in terms of increased development potential, flexibility or addressing site constraints. Provide a “no vacation” alternative that describes what could be built on the site as a matter of right without a vacation.
- 4) Project description: Provide specific project information. This should include a description of what the project is, the uses, dimensions, height, stories, parking spaces, etc in sufficient detail to understand how the site will function.
- 5) Compliance with the Vacation Policies: Refer to the Street Vacation Policies and address the 3 elements of the vacation review, including impacts on the traffic system and utilities, land use impacts, and the provision of public benefit. Provide a detailed description of the public benefit provided by your project.
- 6) Company/Agency Information: Include background information about your business or agency, its history, how long at your present location, number of employees, etc. Describe how your business or agency will grow with the vacation, such as number of employees or patients, or students served by the proposed development.
- 7) Development schedule: Provide a proposed development timeline and schedule.
- 8) Site Plans, Maps & Photographs: Fully dimensioned site plans, if available. Dimension all property lines, and include square footage of the proposed vacation area. Site maps showing current ownership of all property abutting the proposed right of way. Vicinity and zoning maps should be provided for a 9-block area. Project sketches or conceptual drawings, including dimensions of your project. A copy of the plat map is required. Color photographs of the site, at least four views looking both at the site and away clearly labeled with direction of photos, i.e., looking west at proposed vacation area, etc.

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- 9) Impact on Public Transportation Projects: If your project site is in the vicinity of a major transportation project such as Sound Transit or the Monorail, provide information about how your project supports the public project.
- 10) Other Land Use Actions: Provide information about other land use actions, such as a rezone, Major Institution Master Plan, or conditional use, or review from the Landmarks Preservation Board, Design Review Board or other special review. Staff will need final recommendations resulting from any such review when it becomes available.
- 11) Environmental Impact Statement (EIS): If DCLU determines that an EIS is required, the Petition may not proceed to City Council until this work is completed. DCLU will require that the EIS contain a “No Vacation” alternative. Provide a copy of the Draft and Final EIS with vacation/no vacation alternatives, or an environmental checklist, if applicable.
- 12) Neighborhood Plan: Is your project within the boundaries of an adopted neighborhood plan? If so, demonstrate how your project advances the goals of the plan.
- 13) Comprehensive Plan and other City plans and goals: Provide information as to how your project advances City goals as identified in the Comprehensive Plan and any other relevant plans.

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