

Street Vacation Stakeholder Group

SUMMARY OF MEETING HELD JANUARY 18, 2017

Seattle City Hall, Room 307

Members Present: Mark Brands, Sally Clark, Theresa Doherty, Howard Greenwich, Alex Hudson, Michael Jenkins, Doris Koo, Yesler Community Collaborative, Michael Laslett, Abby Lawlor, Shannon Loew, Xochitl Maykovich, Eric Oliner—represented by Rachel Jenner, John Savo, Ross Tilghman, Mike Woo; **Council:** Councilmember Mike O’Brien; BrynDel Swift—representing Councilmember Juarez **Staff:** Jasmine Marwaha; Susie Levy **Presenter:** Beverly Barnett; **Facilitator:** John Howell

WELCOME AND INTRODUCTIONS

Jasmine Marwaha welcomed the Stakeholder Group members. Members introduced themselves and noted the following interests and issues related to street vacation:

- Best practices for street vacation policies and practices
- Evaluation of public benefit and broader community benefits
- The outreach and petition process
- Balancing public, private and utility interests and needs
- Scaling public benefit to the size of the project
- Social justice and avoiding displacement of communities of color and low-income residents
- Considering right-of-way as public space rather than just utilitarian
- Impact of multiple street/alley vacations
- How major institutions interact with street vacation process

CHARGE TO THE GROUP Councilmember Mike O’Brien

Requests for street and alley vacations have increased in number and scale over the past 10 years. The Street Vacation Stakeholder Group was designed to bring multiple organizations together to review the City’s policy for street and alley vacations, discuss what is working, what could be improved, and what outcomes are desirable, particularly in terms of public benefit and process improvements. The Council is interested in both areas of consensus and differences of opinion among group members.

Councilmember O’Brien encouraged the Stakeholder Group to have open brainstorming related to how the street vacation process could be improved.

The Stakeholder Group will meet four times and will conclude at the end of March. Councilmember O’Brien, as Chair of the City Council Transportation Committee, will use the Stakeholder Group’s views in drafting legislation for legal review in approximately mid-summer.

GROUND RULES

John Howell introduced a draft set of ground rules for the Stakeholder Group’s meetings (see handout, “Draft Street Vacation Stakeholder Group Committee Ground Rules,” dated 1/18/17). He highlighted the draft ground rules related to having the meetings be open to the public but not include public comment (#1); expecting differences of opinion but treating each other with respect (#3); thinking creatively and

working to understand the interests behind another member’s point of view (#4); operating by consensus (#5); strong encouragement for members to attend all four meetings (#7); and responding to media inquiries (#11).

Stakeholder Group members raised the following questions and points about the draft ground rules:

- **How consensus will be determined:** John Howell said that consensus will need a strong “thumbs up” vote from a large majority of members and “thumbs sideways” (can live with) from others. If members indicate thumbs down or there are many sideways, he will facilitate further discussion of the group to address the members’ concerns. If the final outcome is not mostly thumbs up, the other point(s) of view will be noted in the written report.
- **Group power dynamics:** There was a request that all group members keep in mind the power dynamics of a group and one’s own role. One suggestion was to use the “WAIT”—why am I talking?— approach before speaking. John noted that his role as facilitator includes making sure everyone has a chance to speak and that no one is dominating the conversation or decision-making.
- **Personal pronouns:** There was a suggestion to ask members what personal pronoun they prefer. Group members responded in turn with their preferred pronoun.
- **Questions the group is to consider:** There will be two sources for the issues and questions that the Stakeholder Group will consider: suggestions from group members and from the staff.

➡ **Follow-up action:** John will revise the ground rules to emphasize that all group members will have opportunities to speak and express their views.

☑ **Decision:** The Stakeholder Group gave a thumbs-up to the draft ground rules, with the amendment suggested.

DEVELOPING A SHARED UNDERSTANDING OF CURRENT POLICIES AND PROCESS

Background Notebooks – Jasmine Marwaha

Members received a packet at this meeting with hard copies of the meeting materials. In the future, the materials will be available in two ways: (1) through an online site through which members will be able to review and download the materials for each meeting; and (2) as attachments to an email that Jasmine will send in advance of the meetings.

Members should email Jasmine any questions they have related to the street vacation and any ideas about background information or materials they would find helpful.

Overview of City Policies, State Law and Street Vacation Process – Beverly Barnett

Most street right-of-way has been created through the platting process. The public has an easement in perpetuity for transportation purposes. Street and alley vacation decisions are fundamentally different from other land use actions because there is no right to acquire or use street right-of-way. Vacation decisions are discretionary decisions made by the City Council. The City Council sets the criteria for vacation decisions, under authority given to legislative bodies by the State Legislature. The City Council acts as a trustee for the public in its administration of the right-of-way.

There are five fundamental elements of street right-of-way: circulation, access, light, air, open space and views. Beverly's PowerPoint presentation provided details of the history and current City policy and process for street vacations.

The following summarizes Stakeholder Group members' comments and responses to their questions:

- **Tunnels and skybridges:** These are permits, not vacations, and are not covered by the street vacation policy, and the Stakeholder Group's work does not include them. Tunnels do not require public benefit, and skybridges require public benefit but are approved for only a specific period of time.
- **Difference between design groups:** The Design Commission is an advisory body that makes recommendations to City departments and the City Council to assist in decision making. The Design Review Board is regulatory body that is part of the SDCI land use process.
- **Area of impact:** The Design Commission considers a nine-block area to understand the context for a proposed street vacation's possible impact in a variety of ways such as to movement of pedestrians, such as to reach a bus stop, and to traffic flow.
- **Power lines:** The City Council has other ways to deal with overhead power lines that might obstruct public views. Stakeholder Group members suggested that there might be a need for the Council to prioritize how much room to allow for different uses in public space.
- **"Feasible no-vacation alternative":** It is part of the Design Commission's review process to ask the developer what they would do on the site if the street vacation were not granted. This question helps to illuminate what the developer gains and the public gains from the proposed vacation.
- **Possible change in priorities considered:** Historically Seattle's streets and alleys mostly follow the grade of the terrain so that the flatter areas were available as developable building sites. However, this approach ignores building to capture views for the building and for the public. It was suggested that given the larger buildings of today, we need to think differently about streets and alleys.
- **Transparency of the process:** It is important to have a clear and open process for street vacations. One challenge for the public has been getting information from applicants as to what the project's ultimate use is. The public may have the impression that the developer is "getting away with something." It was suggested that the street vacation process needs to address this concern.
- **Economic impact:** Historically, the economic impact of a project has not been addressed in the street vacation application process. There is no requirement in the process for the applicant to share information on economic impact. The policies do not currently acknowledge economic activity as a public benefit as in the past, the Council has noted that every project brings economic activity, such as construction activity and new jobs, but not a vacation related benefit as described in the policies. The street vacation process has focused on loss of space and public access, and what will happen when the right of way is taken away. Recently applicants have been asked for a dollar value of the public benefit, however.

- **Public understanding:** Stakeholder group members noted that the general public would not likely see much difference between economic benefit and public benefit. Questions of economic benefit could be part of the Stakeholder Group’s discussion.
- **City code:** The procedural aspect of street vacations is in city code: the fees, the process. City Council legislation provides the policy criteria and guidelines.
- **State law:** Councilmember O’Brien said he hopes the group will not focus too heavily on the state law regarding street vacations. Issues related to potential changes in state law would have to be addressed by the City Council as they consider any changes to Seattle’s street vacation policies and practices.

NEXT STEPS

Information Requests

Stakeholder Group members listed the following requests for information:

- What does state law say?
- The Design Commission video on the Amazon development street vacation
- The number of private, nonprofit, and public vacation requests
- The history of how requests for public benefits related to jobs to be created, labor standards, and housing available for employees of the new facility
- Any information on public benefits that might be stimulated by the projects
- What fee payments, not considered public benefits, have funded
- Information on neighborhood plans – how current they are and who is their steward
- The timeline and number of months for each step in the street vacation process
- Who the stakeholders are in the street vacation conversation, and whether there are patterns in their involvement and impact on decisions
- Any differences in the process for treatment of public, nonprofit or private applicants
- Examples of the required public notice for the street vacation process – mailers, what the required area is to which they must be mailed, language needed
- Examples of some petitions, such as for South Lake Union; examples of the 25-point checklist and an example of a completed checklist; examples of a long-term study of space, such as for a public plaza
- How SDOT and the Design Commission influence the Council’s decisions, and whether there has always been consensus.

Next Meeting

The Stakeholder Group’s next meeting will be on Wednesday, February 1 at 2:00 PM, again in Room 307. In response to a question about the meeting’s focus, Jasmine said that the next meeting would begin discussion at the heart of the group’s change.

☞ Stakeholder Group members should let Jasmine know of any issues or topics they would like to have discussed.