

What does state law say on the subject of street vacations?

State requirements relating street vacations can be found in Revised Code of Washington (RCW) [Chapter 35.79](#); City code relating to street vacations can be found in [Seattle Muni Code \(SMC\) 15.62](#); the adopted Street Vacation Policies can be found in Clerk File [310078](#).

Statement of the Design Review Board's charge/mission vs. the Design Commission's charge/mission regarding street vacations:

The Design Commission is an advisory body that makes recommendations to City departments and the City Council to assist in decision making on both urban design merit and public benefits as a result of a propose street vacation. The Design Review Board is regulatory body that is part of the SDCI land use process, and reviews merits of a particular proposed development in relation to [Seattle Design Guidelines](#). Where there is a street vacation proposal for a private development project, the Design Commission generally reviews the impacts to the right-of-way and any proposed public benefit features. The Design Review board reviews the design of the building (if any) and any non-public benefit parts of the development.

More about Design Commission:

<http://www.seattle.gov/dpd/cityplanning/designcommission/aboutus/whatwedo/>

Design Review Board:

<http://www.seattle.gov/DPD/aboutus/whoweare/designreview/program/default.htm>

Number of street vacations done by type of requester; public entity, private nonprofit, private for-profit, etc. Is there any difference in process and treatment for public, nonprofit and private requests?

The Street Vacation Policies treat all applicants the same, and there is not a difference between the process for different applicants or how applicants are treated. Each applicant goes through the same review of impacts to the public trust function, land use impacts and review of proposed public benefits.

There may be some consideration of the activities to be facilitated by the street vacation in review of public benefits. The Street Vacation public benefit policies state:

The following do not constitute a public benefit:

...

- Facilitating economic activity.
- Providing a public, governmental or educational service; while the nature of the project is a factor in determining the adequacy of a public benefit proposal, it does not in and of itself constitute an adequate public benefit. (page 29)

In the deliberation about public benefits the City also considers:

...

- Provision of affordable or special need housing or other human services;
- Public nature of the project (library, governmental purposes, low-income housing); ...
(page 30)

Payment of fees and how they are used.

Between 1995 and 2015, street vacations generated \$44,200,000 or \$2,100,000 a year on average. For information about the amount of vacation fees received, please see the Seattle Department of Transportation’s [memo on street vacations](#).

The [2017-2022 Capital Improvements Program](#) identified \$25,869,000 of street vacation funding that has been spent in previous years on 18 transportation projects, including many general maintenance projects. These funds reflect various time frames depending on the project. For example, Arterial Major maintenance is a long-term on-going project. Other projects, like the Mercer Corridor West project, have more defined starts and ends.

**Projects identified in the 2017-2022 Capital Improvement Program
with Street Vacation Expenditures**

Project Title	Street Vacation funds expended through 2016 (000s)	Total project costs through 2016 (000s)
Major Maintenance/Replacement		
Arterial Asphalt and Concrete Program	950	233,426
Arterial Major Maintenance	590	41,007
Bridge Rehabilitation and Replacement	1,529	92,252
Miscellaneous, Unforeseen, and Emergencies	1,128	2,509
Bridge Seismic - Phase III	2,826	4,157
Bridge Rehabilitation and Replacement Phase II	1,142	4,265
Major Projects		
Magnolia Bridge Replacement Project	40	10,021
SR-520 Project	54	3,796
Mercer Corridor Project West Phase	5,001	91,107
Alaskan Way Main Corridor	5,686	80,165
Mobility-Capital		
Burke-Gilman Trail Extension	380	21,888
Freight Spot Improvement Program	386	4,417
Linden Avenue North Complete Streets	436	9,375
Neighborhood Parks Street Fund (NPSF)	92	32,594
Fauntleroy Way SW Boulevard	1,000	2,600

Northgate Bridge and Cycle Track	2,032	7,253
Greenwood Avenue Sidewalks	17	3,504
Center City Gateway and South Michigan Street Intelligent Transportation Systems (ITS)	2,580	5,311
Total	25,869	649,647
Total All Seattle Department of Transportation CIP Projects		2,051,380

Because Street Vacation funds are not a predictable source of funding, they are typically not included in the Capital Improvements Program as a funding source for projects in future years. Instead, they are often used to fill funding gaps, address critical infrastructure needs, or match other sources of transportation funds based on citywide priorities.

How current are our neighborhood plans, and who are the stewards of them?

Neighborhood Plans were first adopted in the late 1990s after an extensive multi-year citywide process. This process resulted in neighborhood plans being adopted into the Seattle’s [Comprehensive Plan](#). You can see the official Neighborhood Plan policies that drive City decisions [here](#).

Many of these plans have been updated since first adopted. Often, the official plans are accompanied by Neighborhood Plan reports that are developed by the City in collaboration with the local community. You can find the original reports [here](#).

The Office of Planning and Community Development (OPCD) works with neighborhoods across the City as interest and situations warrant and as funding is available. The current projects OPCD is working on can be seen [here](#).

Implementing the plans involves a partnership between the community and City government. The City sees community members, community organizations and City departments as joint stewards of these plans.

Timeline for street vacation process – number of months for each step

The time it takes to review a street vacation proposal varies considerably. While a smaller project may require a ten-month review time most street vacation proposals are complex. Many vacation proposals also include another land use action such as a Major Institution Master Plan or a rezone and many will require environmental review. When an Environmental Impact Statement is required or other land use actions are involved, the vacation review time can be 18 months or longer.

Who are the stakeholders in the conversation, how are they decided? How is public notice applied? Examples?

Concurrence and the signature of abutting property owners is needed to start the vacation process. Comments are solicited from the following offices:

Police and Fire Departments
Department of Neighborhoods
Seattle Department of Construction and Inspections

Office of Planning and Community Development
City Light
Seattle Public Utilities
Department of Parks & Recreation
Seattle Design Commission
Puget Sound Energy
Community, Neighborhood and Business Groups*
Sound Transit
Department of Housing & Human Services
King County/Metro
Qwest Communications
Seattle Steam Corporation
Burlington Northern Railroad
Union Pacific Railroad
Washington State Dept of Transportation

*Community, Neighborhood and Business Groups are usually identified by geographic proximity to the location. If SDOT has gotten comments or questions about a vacation from either a group or individuals in the community, SDOT will include them in any public notice.

Seattle Department of Transportation (SDOT) Recommendation - after receiving all comments on the potential vacation, SDOT will review the proposal for compliance with the Vacation Policies and other applicable policies and draft a recommendation to the City Council including recommended conditions, mitigation and public benefit.

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 forwards its findings to the full Council for consideration.

Here's an example of a notice of Council hearing:

<http://web6.seattle.gov/DPD/LUIB/Notice.aspx?BID=1154&NID=22885>

And here's an example of a notice of a petition:

<http://web6.seattle.gov/dpd/luib/Notice.aspx?BID=1165&NID=23178>

Street Vacation Checklist

[checklist in separate document – attached]

Example of a maintenance agreement, on a space like a public plaza.

Ordinance [125223](#) is the final vacation ordinance for Block 14, an Amazon project. The ordinance also includes the Property Use & Development Agreement (a PUDA) which addresses maintenance obligations.

How do SDOT and the Design Commission influence Council decisions, has there always been consensus?

The City Council is the final reviewer and approver of street vacation petitions, but they rely on the advice of the Seattle Design Commission (SDC) and Seattle Department of Transportation (SDOT) to guide their decisions. The Council sees the Department and Commission as providing significant expertise that Councilmembers generally do not have. Consequently, the Council places great weight on their recommendations.

The Council generally adopts the bulk of the recommendations made by these bodies. However, the Council does use its independent judgment and considers comments from members of the public and other interested groups during their deliberation.

For example, in reviewing a recent application for Block 21 in the Denny Triangle neighborhood (the block bounded by 7th and 8th Avenues and Bell and Blanchard Streets), the Council accepted all of the recommendations by SDOT and the SDC. In response to comments from the public, it added conditions related to the public nature of on-site open space that was provided as a public benefit. The Council's amendments required that free speech activities be permitted in the on-site public spaces, which was not in the SDOT or SDC recommendations.

In recent years, there has generally been consensus between the SDC, SDOT and the Council on whether to approve a vacation petition and whether the public benefits proposed are adequate. However, in the case of the Seattle Arena proposal, the Council disagreed with the recommendation from SDOT and the

SDC and decided that traffic impacts from the proposed Arena were of sufficient concern to deny the street vacation. This is the only project in recent memory where the Council disagreed with recommendations to approve a street vacation petition from SDOT and SDC.