



SEATTLE CITY COUNCIL

Transportation and Seattle Public Utilities

Agenda

Tuesday, February 7, 2023

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Alex Pedersen, Chair
Dan Strauss, Vice-Chair
Lisa Herbold, Member
Tammy J. Morales, Member
Kshama Sawant, Member

Chair Info: 206-684-8804; Alex.Pedersen@seattle.gov

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Transportation and Seattle Public Utilities
Agenda
February 7, 2023 - 9:30 AM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/transportation-and-seattle-public-utilities>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Pedersen at alex.pedersen@seattle.gov

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [Res 32080](#) **A RESOLUTION providing an honorary designation of Alaskan Way between Dearborn and Pine Streets, and Elliott Way between Pine and Bell Street as “Dzidzilalich.”**

*Supporting
Documents:*

[Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenters: Marshall Foster and Angela Brady, Office of the Waterfront;
Matt Beaulieu, Seattle Department of Transportation

2. [CB 120507](#) **AN ORDINANCE relating to City streets; designating the name of a new street constructed as part of the Central Waterfront project, connecting Alaskan Way with Elliott and Western Avenues, between Pike and Bell Streets, as “Elliott Way”; truncating use of the Elliott Avenue name at Western Avenue; superseding prior ordinances to the extent inconsistent; and ratifying and confirming certain prior acts.**

Supporting
Documents:

[Summary and Fiscal Note](#)

[Summary Att A – Alaskan Way and New Elliott Way](#)

[Summary Att B - Alaskan Way from Union to Pine](#)

[Summary Att C - Elliott Way from Pine to Virginia](#)

[Summary Att D – Undeveloped Elliott Way RR Franchise](#)

[Summary Att E – Elliott Way from Virginia to Blanchard](#)

[Summary Att F – Elliott Way from Blanchard to Western](#)

[Summary Att G – Elliott Ave at Western](#)

[Central Staff Memo](#)

[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenters: Marshall Foster and Angela Brady, Office of the Waterfront;
Matt Beaulieu, Seattle Department of Transportation

3. [CB 120506](#) **AN ORDINANCE** granting Dunn Lumber Company permission to construct, maintain, and operate a private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way, for a 15-year term, renewable for one successive 15-year term; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

Supporting
Documents:

[Summary and Fiscal Note](#)
[Summary Att A – 3800 Latona Comm Conduit Area Map](#)
[Summary Att B – Annual Fee Assessment Summary](#)
[Central Staff Memo](#)
[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenters: Alyse Nelson and Amy Gray, Seattle Department of Transportation; Tyler Banken, Dunn Lumber; Lish Whitson, Council Central Staff

4. [Res 32079](#) **A RESOLUTION** granting conceptual approval to construct, maintain, and operate a transformer and retaining wall at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, to support the operation of the Alki Wet Weather Treatment Station Facility and 63rd Avenue Pump Station Facility in the West Seattle neighborhood, as proposed by King County.

Supporting
Documents:

[Summary and Fiscal Note](#)
[Summary Att A - King County Alki Transformer Area Map](#)
[Central Staff Memo](#)
[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenters: Alyse Nelson and Amy Gray, Seattle Department of Transportation; Zak Idan, King County Department of Natural Resources Wastewater Treatment Division; Lish Whitson, Council Central Staff

E. Adjournment



Legislation Text

File #: Res 32080, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION providing an honorary designation of Alaskan Way between Dearborn and Pine Streets, and Elliott Way between Pine and Bell Street as “Dzidzilalich.”

WHEREAS, Indigenous people of the lands now known as the Americas have cultivated and stewarded these lands since time immemorial; and

WHEREAS, since time immemorial, the Coast Salish peoples, including Chief Sealth (Seattle), governed the Salish Sea (Puget Sound) region; and

WHEREAS, The City of Seattle, including its central waterfront, is built upon the homelands and places of historical and cultural importance to the Indigenous and first peoples of this region; and

WHEREAS, prior to settlement, the waterfront was a center of tribal life on the Salish Sea - a summer fishing village, and center for trade - a “crossing over place” - between different geographies and tribal communities; and

WHEREAS, the Mayor, City Council, and the Seattle Design Commission have all recognized the need for the City to acknowledge and elevate the region’s tribal history and culture; and

WHEREAS, the Office of the Waterfront and Civic Projects has actively engaged with the region’s Tribes and Native communities through hosting tribal roundtables; visiting the Suquamish, Muckleshoot, Stillaguamish and Tulalip reservations; and joining or hosting events at Native American cultural centers and service organizations, including the Daybreak Star Cultural Center and Chief Seattle Club to determine the best opportunities to center tribal history and culture into the Waterfront project

WHEREAS, as part of this effort to acknowledge and recognize tribal history and culture, and after consulting

with the region’s Tribes and Native communities on place naming opportunities, the City would like to add the honorary street name “Dzidzilalich,” - the name by which the waterfront was known to the Coast Salish people that would roughly translate to the English “Little crossing over place” - to Alaskan Way along Seattle’s renewed Waterfront; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Alaskan Way between Dearborn and Pine Street, and Elliott Way between Pine and Bell Street, shall have an honorary designation as "Dzidzilalich."

Section 2. The Council requests that the Office of the Waterfront and Civic Projects and Seattle Department of Transportation manufacture, install, and maintain honorary signs along Alaskan Way, which shall reflect the “Dzidzilalich” honorary designation.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Dept of Transportation	Bill LaBorde	Aaron Blumenthal

* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

1. BILL SUMMARY

Legislation Title: A RESOLUTION providing an honorary designation of Alaskan Way between Dearborn and Pine Streets, and Elliott Way between Pine and Bell Street as “Dzidzilalich.”

Summary and Background of the Legislation: Seattle Department of Transportation will manufacture, install, and maintain honorary signs on Alaskan Way between Dearborn and Pine Streets, and on Elliott Way between Pine and Bell Streets as “Dzidzilalich,” the name by which the waterfront was known to the Coast Salish people that would roughly translate to the English “Little crossing over place.” The Office of the Waterfront and Civic Projects has actively engaged with the region’s Tribes and Native communities to determine this honorary Dzidzilalich designation as one of several ways to recognize and honor tribal history and culture within the City’s Waterfront project.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The resolution will require SDOT to manufacture, install and maintain signage for this honorary designation. The Waterfront Project budget will cover the \$10,000 cost of the creating and installing 42 honorary signs.

Are there financial costs or other impacts of *not* implementing the legislation?

No

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
The Office of the Waterfront and Civic Projects, as well as SDOT

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation is intended to honor the historical and cultural importance of the Central Waterfront to the Coast Salish Indigenous peoples that lived and stewarded the fisheries and surrounding environment for hundreds of years before non-indigenous settlers started arriving in the mid-19th century. This honorary street name proposal emerged from extensive engagement with the region's Tribes and Native communities.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No..

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

N/A

January 31, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Eric McConaghy, Analyst
Subject: Resolution 32080 - Dzidzilalich Honorary Street Designation and Council Bill 120507- Elliott Way Street Name Designation

On February 7, 2023, the [Transportation and Seattle Public Utilities Committee](#) (Committee) will discuss and possibly vote on two, related pieces of legislation: [Council Bill \(CB\) 120507](#) and [Resolution \(RES\) 32080](#).

Key Takeaways

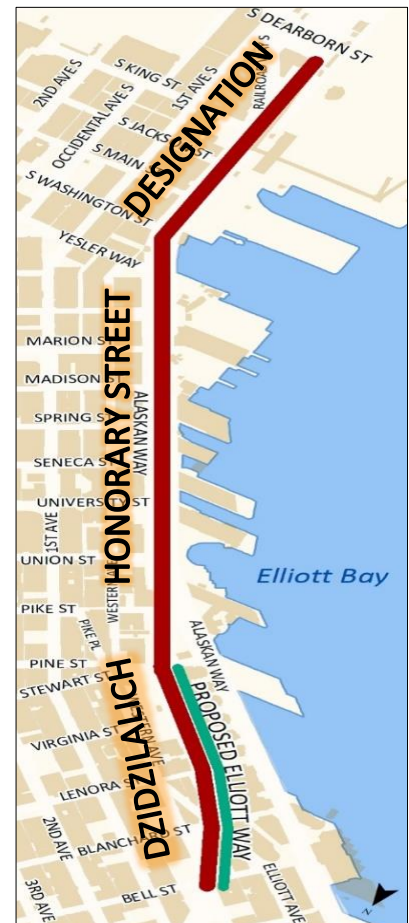
CB 120507 would officially name a new street constructed as part of the Central Waterfront project. This new roadway connects Alaskan Way with Elliott and Western Avenues, between Pike and Bell Streets. From Pine Street to Bell Street the roadway would be designated “Elliott Way” as shown in Figure 1. The segment of the new roadway from Union Street to Pine Street would be a continuation Alaskan Way. CB 120507 would also truncate the use of the Elliot Avenue at Western Avenue.

RES 32080 would provide an honorary designation of “Dzidzilalich” (pronounced: dzee-dzuh-lah-leech) to the continuous roadway composed of Alaskan Way between Dearborn and Pine Streets and the proposed Elliott Way between Pine and Bell Streets. Dzidzilalich is the name by which the Waterfront was known to the Coast Salish people in the Lushootseed language and roughly translates to the English “Little crossing over place.” Please, access these recordings online to hear the spoken pronunciation of the word¹:

- Warren KingGeorge, Muckleshoot Tribe, on [how to pronounce "Dzidzilalich."](#)
- Joseph Moses III, Muckleshoot Tribe, on [how to pronounce "Dzidzilalich."](#)

The Suquamish and the Muckleshoot Tribal Councils provided guidance in selecting the honorary name. The Mayor’s Office (MO), the Office of the Waterfront and Civic Projects (OWCP), the Office of Intergovernmental Relations (OIR), and the Seattle Department of Transportation (SDOT) worked with the Suquamish and Muckleshoot Tribal Councils. The Honorable Leonard Forsman, Chair of the [Suquamish Tribe](#) and President of the [Affiliated Tribes of Northwest Indians](#), and the

Figure 1: Dzidzilalich & Elliott Way



¹ Sourced from Waterfront Seattle’s webpage on the honorary designation. <https://waterfrontseattle.org/dzidzilalich>

Honorable Jaison Elkins, Chair of the [Muckleshoot Tribe](#), have each separately expressed support for the honorary designation².

Background

Unlike official names for streets in Seattle, honorary designations are not used in the addresses of adjacent properties and are not used for routing emergency services. The honorary designation of Dzidzilalich is intended to be a part of the City of Seattle’s effort to acknowledge and recognize tribal history and culture on the Waterfront.

The Executive proposed “Elliot Way” as the official name for the new roadway because the name is consistent with the names of Elliot Avenue and Alaskan Way. The City first unofficially used the name, Elliot Way, in Waterfront planning, design and outreach documents regarding the [Waterfront Seattle Framework and Concept Plans](#) in July 2012. The name also appears in the [Final Environmental Impact Statement](#) for the project. No properties would be assigned new addresses because of the official naming of the new roadway.

Honorary street signs are brown with white lettering to make them distinct from official street signs in green with white lettering. Figure 2, selected from a Waterfront Seattle graphic, shows how the signs would appear once installed³.

Figure 2: Street Signs Example



SDOT is required to manufacture, install, and maintain new, official street name signs. The 2023 Adopted Budget includes appropriation necessary to pay for the signs. Council adoption of RES 32080 would require SDOT to manufacture, install, and maintain 42 honorary signs at a cost of \$10,000 from the Waterfront Project budget.

Committee Chair Pedersen, Council President Juarez, and Councilmember Lewis are sponsoring CB 120507 and RES 32080

Next Steps

If the Committee votes on CB 120507 and RES 32080 on February 7, then Council could take final action on February 14.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Brian Goodnight, Lead Analyst

² MO press release, December 12, 2022. <https://harrell.seattle.gov/2022/12/14/mayor-harrell-council-president-juarez-propose-honorary-name-dzidzilalich-for-alaskan-way-and-elliott-way-elevating-coast-salish-tribal-history-and-culture/>

³ Waterfront Seattle’s webpage. <https://waterfrontseattle.org/dzidzilalich>



ALASKAN WAY & ELLIOTT WAY STREET NAMING ORDINANCE AND RESOLUTION FOR HONORARY TRIBAL DESIGNATION

February 7, 2023

TRANSPORTATION & SEATTLE PUBLIC UTILITIES
COMMITTEE



Seattle

Office of the Waterfront
and Civic Projects

TODAY'S AGENDA



- Waterfront Program Construction Update
- Proposed Ordinance and Resolution
- City/OWCP and Tribes Partnership and Engagement
- Honorary Street Name Designation
- Street Naming Designation

WATERFRONT SEATTLE PROGRAM



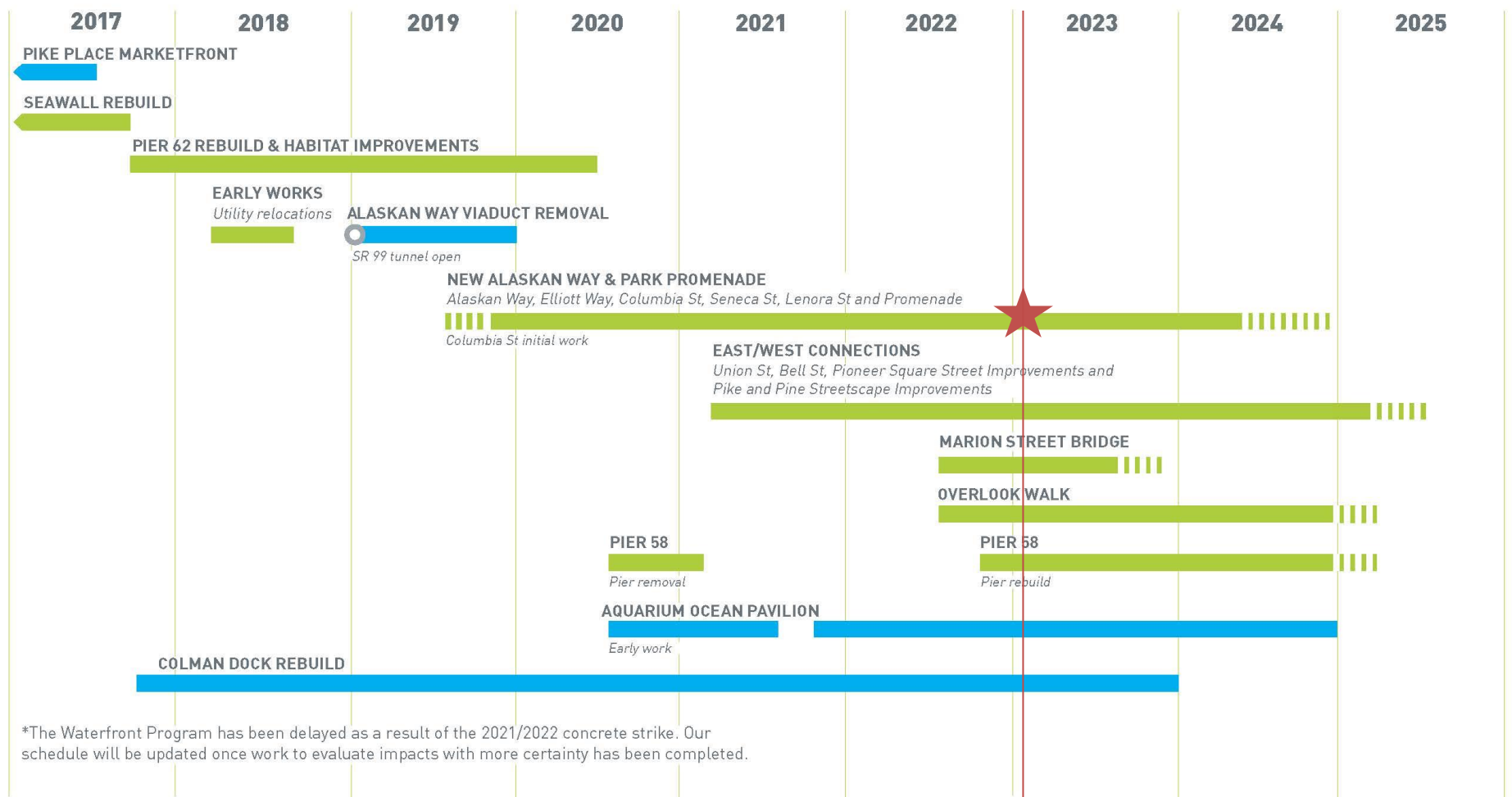
○ Waterfront Seattle Program Area

○ Related Projects

- | | | |
|-----------------------------------|------------------------------------|------------------------------------|
| 1 Railroad Way | 7 Seneca Street | 14 Pike Pine Renaissance: Act One |
| 2 Alaskan Way + Elliott Way | 8 Promenade | 15 Pier 62 Rebuild |
| 3 Pioneer Square Streets | 9 Union Street Elevator and Stairs | 16 Pike Place Market's MarketFront |
| 4 Columbia Street | 10 Waterfront Park | 17 Bell Street Park Extension |
| 5 Marion Street Pedestrian Bridge | 11 Protected bike lane | |
| 6 Seawall | 12 Seattle Aquarium expansion | |
| | 13 Overlook Walk | |

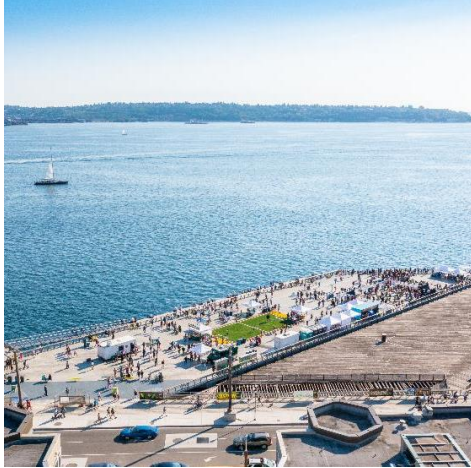
CONSTRUCTION SCHEDULE

■ Waterfront Seattle
 ■ Related projects
 ▤▤▤▤ Concrete strike delays*



*The Waterfront Program has been delayed as a result of the 2021/2022 concrete strike. Our schedule will be updated once work to evaluate impacts with more certainty has been completed.

KEY WATERFRONT CONSTRUCTION MILESTONES 2019-2021



Feb 2019 – Washington Street Boat Landing and Habitat Beach complete

Sept 2019 - Alaskan Way/Elliott Way began

Feb 2020 – Columbia St open (2-way transit)

Sept 2020 – Pier 62 open

Sept 2020 - Pier 58 Emergency Demo began

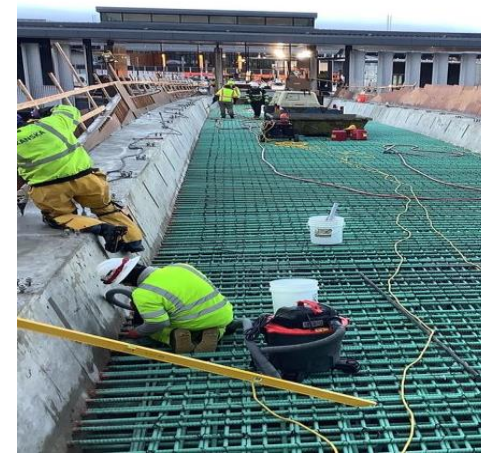
Feb 2021 – Pier 58 Emergency Demo complete

Feb 2021 – Union St Pedestrian Bridge began

July 2021 – Alaskan Way open (King to Columbia)



KEY WATERFRONT CONSTRUCTION MILESTONES 2022



June 2022- Marion St Pedestrian Bridge began

June 2022 – Overlook Walk began

Aug 2022 – Alaskan Way open (King to Union)
+ Promenade starts

Sept 2022 – Pier 58 Replacement and Pier 63
Demo began

Dec 2022 – Union St Pedestrian Bridge open

OVERLOOK WALK, AQUARIUM, ALASKAN WAY INTERFACE 2021/2022



KEY WATERFRONT CONSTRUCTION MILESTONES 2023 PLAN



Promenade and Roadway work, Overlook Walk, Pier 58 work continues throughout 2023

Feb 2023 – Pike & Pine St Improvements begin

Feb 2023 – Kicking off Bell Street Improvements Design

March/April 2023 – Alaskan Way & Elliott Way open (King to Bell);

Summer 2023 – Pioneer Square Improvements begin

Fall 2023 – Marion St Pedestrian Bridge open

Fall 2023 – Advertise Restroom for construction

Early 2024 – Bell St Improvements and Waterfront Restroom begin

PROPOSED ORDINANCE AND RESOLUTION

- Resolution authorizes honorary designation of “Dzidzilalich” (dzee-dzuh-lah-leech)
- Provides an honorary naming designation of Alaskan Way between Dearborn and Pine Streets, and Elliott Way between Pine and Bell Street as “Dzidzilalich”
- Ordinance authorizes Alaskan Way and Elliott Way street naming
 - Formally establishes “Elliott Way” as street name of the new roadway section from Pine Street north to Bell Street, “Alaskan Way” for one-block segment north of Aquarium Ocean Pavilion Project. Consistent with Waterfront Seattle Framework and Concept plans published in July 2012 and October 2016 Final Environmental Impact Statement

Alaskan Way

Dzidzilalich

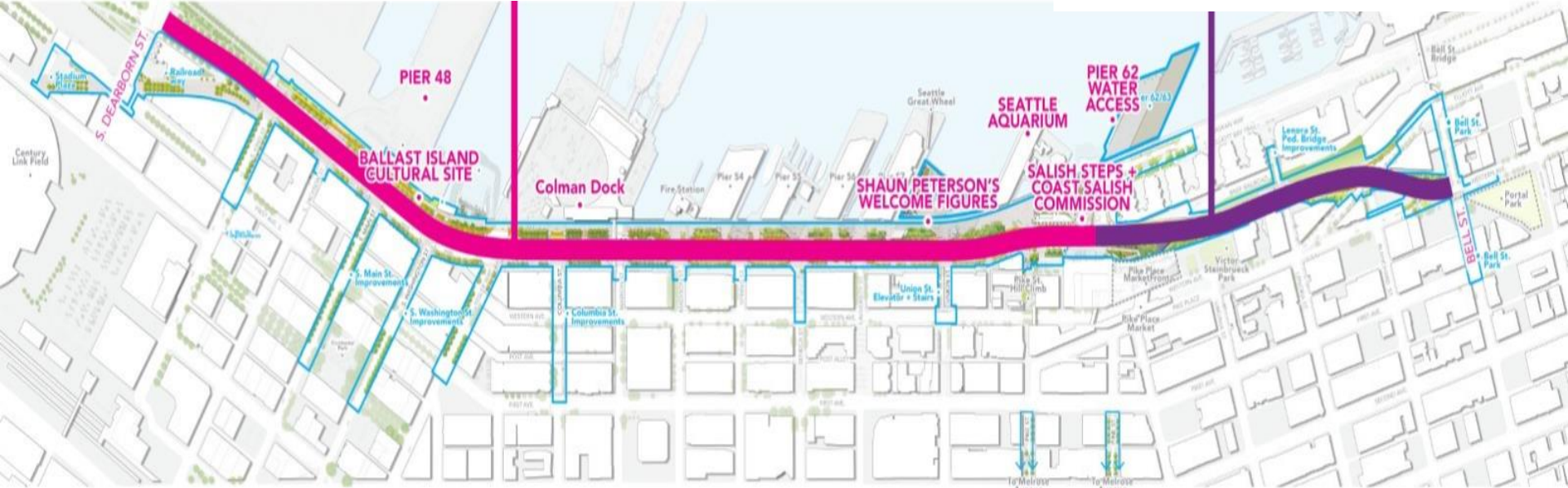
HONORARY NAMING



“DZIDZILALICH” ESTABLISHED AS HONORARY NAME

“ALASKAN WAY” REMAINS OFFICIAL NAME

NEW ROADWAY SECTION:
“ELLIOTT WAY” OFFICIAL NAME



TRIBAL ENGAGEMENT ON THE WATERFRONT



- 2012 Ongoing coordination to fulfill Seawall **Section 106 requirements** to include interpretation of tribal culture and history
- 2013
- 2014 ● Visits to **Suquamish, Muckleshoot, Stillaguamish and Tulalip** reservations and **Daybreak Star Cultural Center**
- 2015 ● **Urban Indian Storytelling Event at Chief Seattle Club**
- 2016 ● Selection of Coast Salish artist for tribal art commission
- 2017 ● **Tribal Roundtables** at Office of the Waterfront
- 2018 ● Coordination on **Pier 62** design and permitting
- 2019
- 2020
- 2021 ● **Pier 62 opening** Selection of Coast Salish artists for Salish Steps by an Indigenous committee
- 2022 ● **Working with Muckleshoot on plant selection** **Partnership with tribes on cultural events** at Waterfront Park and Pier 62
- 2023 ● *Surface Street opens to traffic*
- 2024 ● *Promenade, Overlook Walk, Pier 58 open*



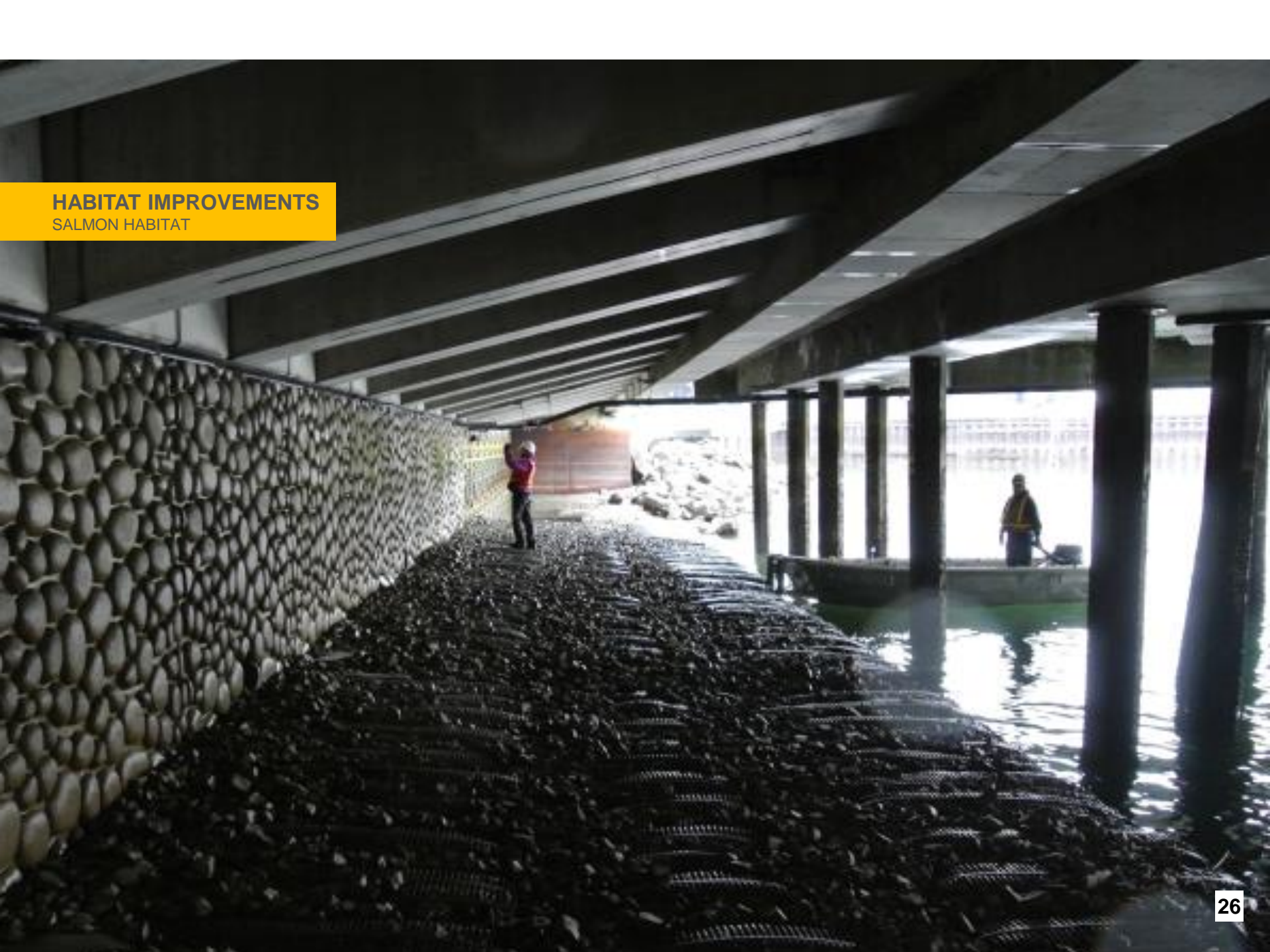
PRIORITIES FOR THE TRIBES: WHAT WE LEARNED



- Protect **salmon habitat** and **marine environment**
- Create design features that **reflect tribal history, art and culture** of the waterfront
- Provide **gathering spaces** that can be used for traditional celebrations
- Coordinate on **public programming** that celebrates tribal history and culture
- Incorporate **native plants with native uses**

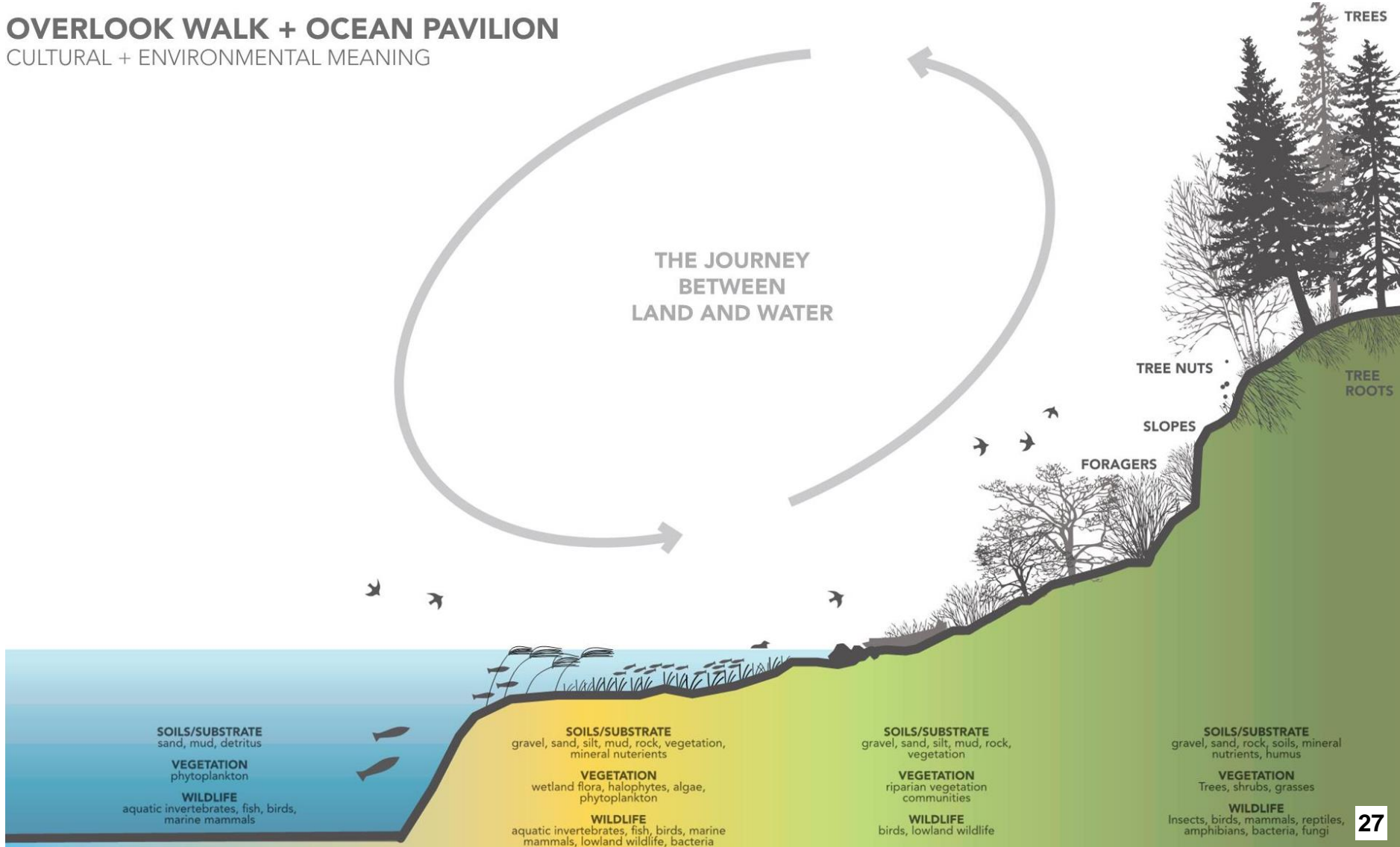
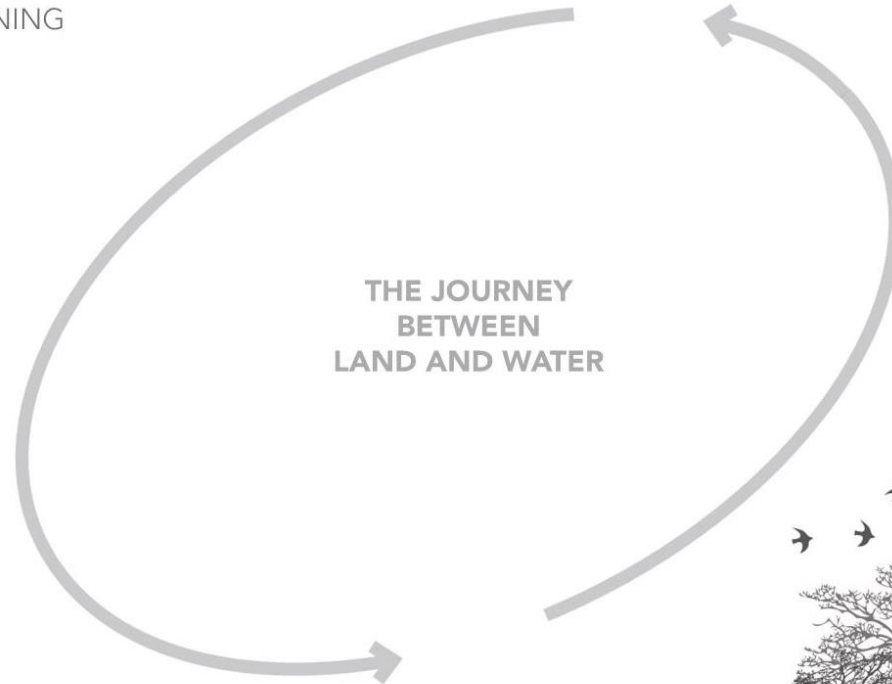


HABITAT IMPROVEMENTS
SALMON HABITAT



TRIBAL CONSULTATION
PLANTINGS AND INTERPRETATION

OVERLOOK WALK + OCEAN PAVILION
CULTURAL + ENVIRONMENTAL MEANING



**ART INSTALLATIONS AND
ACTIVATIONS**

TRIBAL PRESENCE

Family by Shaun Peterson is one of several permanent artworks planned for the waterfront



Oscar Tuazon is collaborating with Randi Purser of the Suquamish Tribe and Keith Stevenson Tyson Simmons of the Muckleshoot Indian Tribe



The MTK Matriarchs – Malynn Foster, Tamela LaClair and Kimberly Deriana – represent both local and Urban Natives and will create a place of cultural learning at the Salish Steps



Muckleshoot Canoe Family performing – public spaces provide opportunities for Indigenous programming



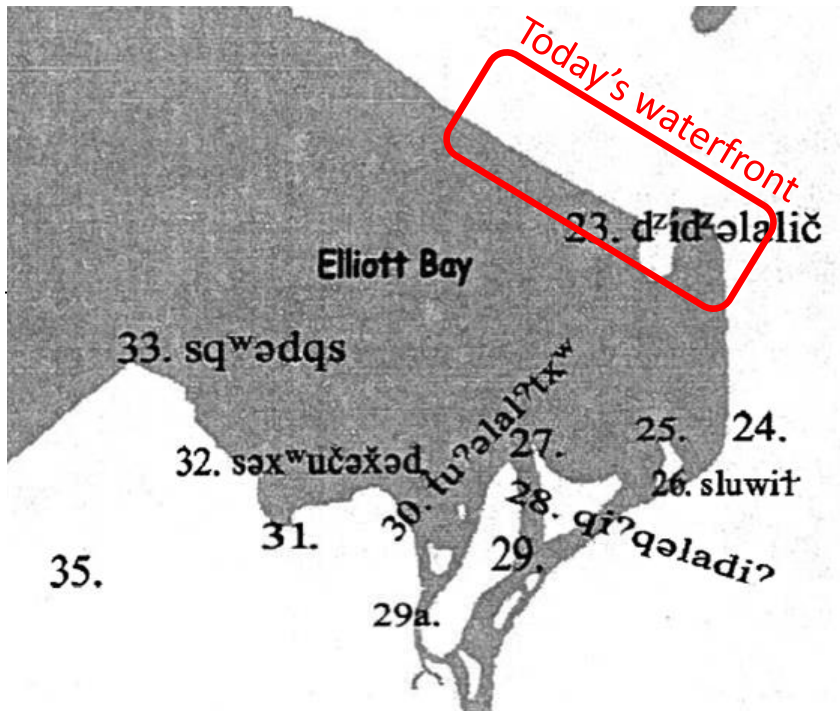
LAND ACKNOWLEDGEMENT



Seattle's Waterfront – Dzidzilich – stands on the lands and shared waters of the Puget Sound Coast Salish People, whose ancestors resided here since time immemorial. With gratitude, we honor the land, the water and its peoples.



DZIDZILALICH *dzee-dzuh-lah-leech* “Little crossing over place”



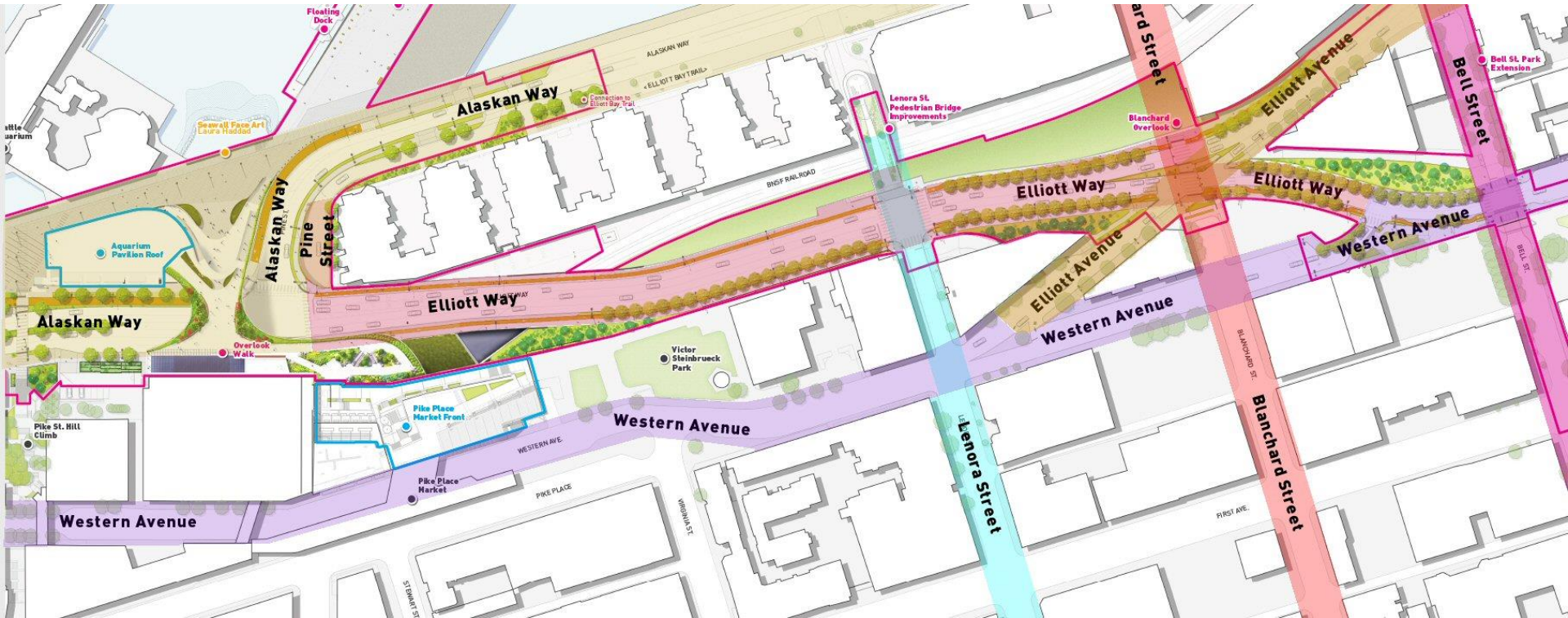
A23 Djidjila'lltc, a diminutive meaning “a little place where one crosses over.” In the vicinity of the present King Street Station in the city of Seattle was formerly a little promontory topped by a few trees with a lagoon behind it. Behind this clump of trees, a trail led from the beach over to the lagoon, which gave rise to the name. There was an Indian village on each side of this promontory. In the lagoon, flounders were plentiful. The native term for crossover is now used by the Indians as the name for the whole city of Seattle. The headman here, during the early days of white occupation, was “Seattle Curly,” whose native name was Ts³aqw³a'L. Another prominent person was Old Charley, Tsai'lkutld.





QUESTIONS?

STREET NAME DESIGNATION ORDINANCE







Legislation Text

File #: CB 120507, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to City streets; designating the name of a new street constructed as part of the Central Waterfront project, connecting Alaskan Way with Elliott and Western Avenues, between Pike and Bell Streets, as “Elliott Way”; truncating use of the Elliott Avenue name at Western Avenue; superseding prior ordinances to the extent inconsistent; and ratifying and confirming certain prior acts.

WHEREAS, in 2008, the State of Washington determined it would replace the State Route 99 Viaduct with a subterranean tunnel, allowing The City of Seattle to commence a citywide planning and design process to reimagine the city’s Central Waterfront, marked by passage of Ordinance 123142 and appointment of a Central Waterfronts Partnerships Committee (CWPC) to guide the citywide planning and design effort; and

WHEREAS, in 2012, the Council and Mayor endorsed the Waterfront Seattle Framework and Concept plans, funding environmental analysis and full design of the James Corner concept plan as recommended by the CWPC; and

WHEREAS, the Central Waterfront Concept Design and Framework Plan, as endorsed by Council in Resolution 31399, includes rebuilding Alaskan Way from S King Street to Pike Street, and building a new street connecting Alaskan Way at Pike Street north to Bell Street where it will connect with the existing Western Avenue and Elliott Avenue couplet; and

WHEREAS, the new connector street has been identified in Central Waterfront plans as “Elliott Way” going back to the Waterfront Seattle Framework and Concept plans published in July 2012 and in subsequent environmental documentation, including the Draft and October 2016 Final Environmental Impact

Statement; and

WHEREAS, the unofficial “Elliott Way” connector roadway has been under construction since December 2019 and is now nearing completion; and

WHEREAS, a staff working group that includes Office of the Waterfront and SDOT staff, recommend designation of the new roadway connector as “Elliott Way” by ordinance; and

WHEREAS, terminating the use of the Elliott Avenue name at Western Avenue is consistent with existing addressing and decreases the number of intersections with similar names; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That portion of “Alaskan Freeway” as called out in Ordinance 95703, lying between Union Street and Pine Street, shall be named Alaskan Way, including such right-of-way that lies east of the newly constructed waterfront roadway.

Section 2. The name of the new street segment constructed as part of the Central Waterfront project is designated as Elliott Way:

A. The newly constructed waterfront roadway lying within that portion of “Alaskan Freeway” as called out in Ordinance 95703, starting at the southern margin of Pine Street, and extending to the center line of vacated Virginia Street, shall be named Elliott Way, including such right of way that lies east of said roadway. Except for: that portion at grade level lying within Elliot Ave right-of-way, and extending under the newly constructed roadway, which shall be considered unnamed alley right-of-way, with the alley proper defined as that 33-foot stretch from Pine Street to the centerline of vacated Virginia Street, bounded to the east by the centerline of Elliott Avenue; and the remainder extending west of the Elliott Avenue centerline under the newly constructed roadway to be considered unnamed non-street right-of-way.

B. That portion of residual Elliott Avenue right-of-way, between the at-grade alley and the newly constructed roadway, shall be named Elliott Way.

C. The newly constructed waterfront roadway lying within that portion of “Alaskan Freeway” as called

out in Ordinance 95703, starting at the centerline of vacated Virginia Street, and extending to the northern margin of Blanchard Street, shall be named Elliott Way, including such right-of-way that lies west of said roadway, as described in Ordinance 77749, and that lies east of said roadway.

D. The newly constructed waterfront roadway lying within that portion of “Alaskan Freeway” as called out in Ordinance 95703, starting at the northern margin of Blanchard Street, and extending to Western Avenue, shall be named Elliott Way, including such right-of-way that lies west of said roadway, as described in Ordinance 77749, and that lies east of said roadway.

Section 3. Those portions of Lots 10 and 11 in block 34 of A. A. Denny's 6th Addition as condemned by Ordinance 12502 shall now be part of Western Avenue, and Elliott Avenue will terminate at the extension of that lot line to the western edge of Western Avenue.

Section 4. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact	CBO Contact
Seattle Dept of Transportation	Bill LaBorde	Aaron Blumenthal

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to City streets; designating the name of a new street constructed as part of the Central Waterfront project, connecting Alaskan Way with Elliott and Western Avenues, between Pike and Bell Streets, as “Elliott Way”; truncating use of the Elliott Avenue name at Western Avenue; superseding prior ordinances to the extent inconsistent; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation: SDOT and the Office of the Waterfront and Civic Projects are building a new roadway connecting the reconstructed Alaskan Way with connecting Alaskan Way existing Western and Elliott Avenue couplet that runs north-south through Belltown. The new street runs from Pike St to Bell St where it connects to Western Ave.

The new street has been designated as “Elliott Way” in all Waterfront planning, design and outreach documents since before publication of the Waterfront Seattle Framework and Concept Plans in July 2012 and in subsequent environmental documentation, including the Draft and Final Environmental Impact Statement, which was published in October 2016. This consistent use of Elliott Way through all phases of project development reflects the intuitiveness of the new name given its geographic location and connection most directly with Elliott Ave at the north end of the street. The new connector street has been under construction since December 2019 and is now nearing substantial completion. Truncating use of the Elliott Avenue name at Western Avenue is consistent with existing addressing and decreases potential confusion from intersections with similar colloquial names.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes x No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes x No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

SDOT is required to manufacture, install and maintain new street name signs regardless of the name ultimately selected and, so, the cost of these signs has already been reflected in the Waterfront spend plan and in appropriations bills already approved by Council.

Are there financial costs or other impacts of *not* implementing the legislation?

Not directly (though see response to Question 4a below)

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

In addition to SDOT and the Office of the Waterfront and Civic Projects, this legislation impacts SFD and SPD and their navigation for emergency services. Disconnected names within the street grid have the potential to create confusion when reporting incidents or responding to incidents, causing an increase in response time. This change will require additional training for first responders and call takers and will need to be included in updates to navigational systems.

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

Yes, this legislation impacts the address of one parcel (King County Parcel ID 1977200245), currently using 2101 Western Avenue, 2103 Western Avenue and 2107 Elliott Avenue as addresses. The parcels are currently occupied by “Allegra Properties.” The addresses will be unchanged.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation is not anticipated to disproportionately impact vulnerable or historically disadvantaged communities.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**

N/A

Summary Attachments:

Summary Attachment A – Alaskan Way and new Elliott Way

Summary Attachment B – Alaskan Way from Union to Pine

Summary Attachment C – Elliott Way from Pine to Virginia

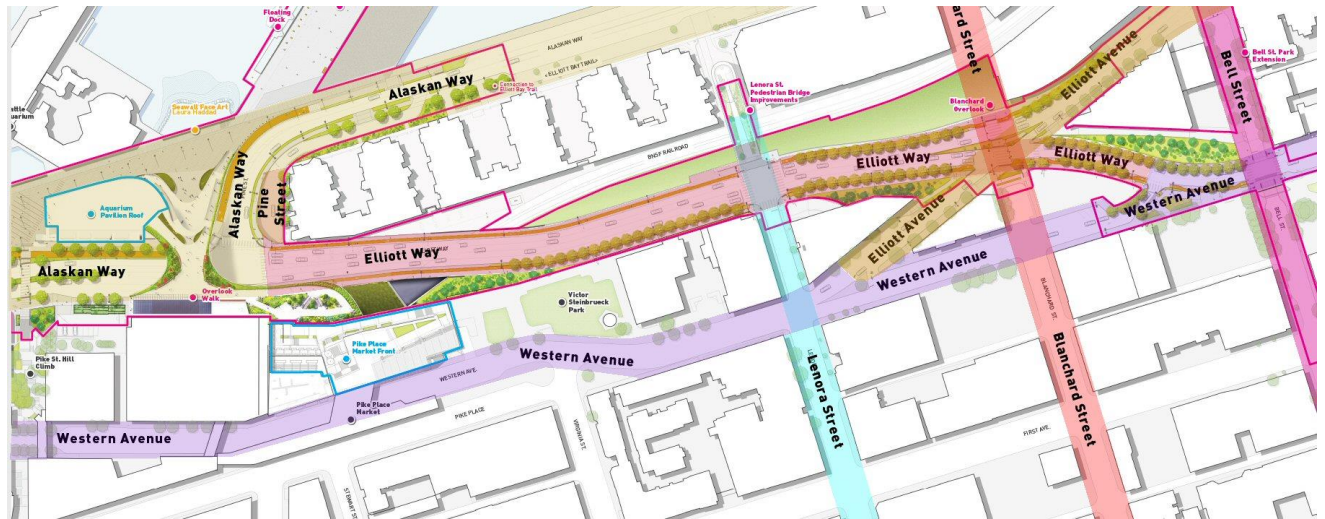
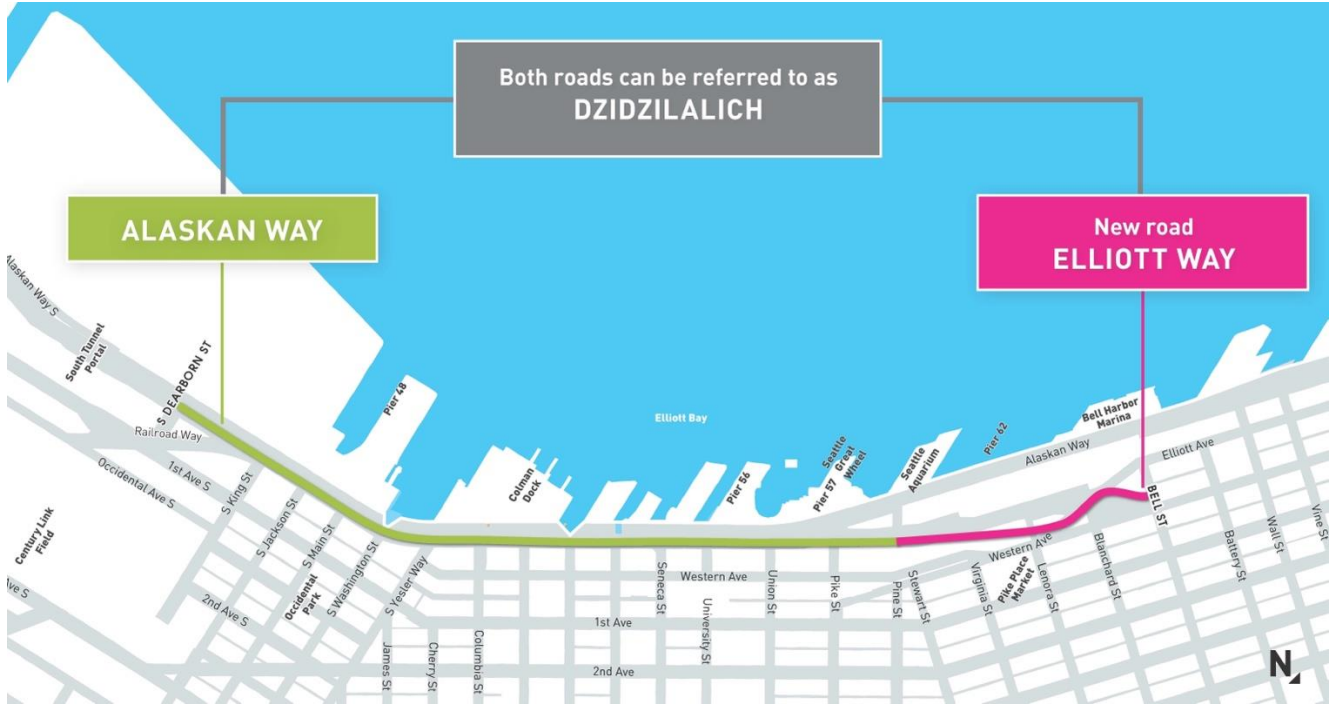
Summary Attachment D – Undeveloped Elliott Way RR Franchise

Summary Attachment E – Elliott Way from Virginia to Blanchard

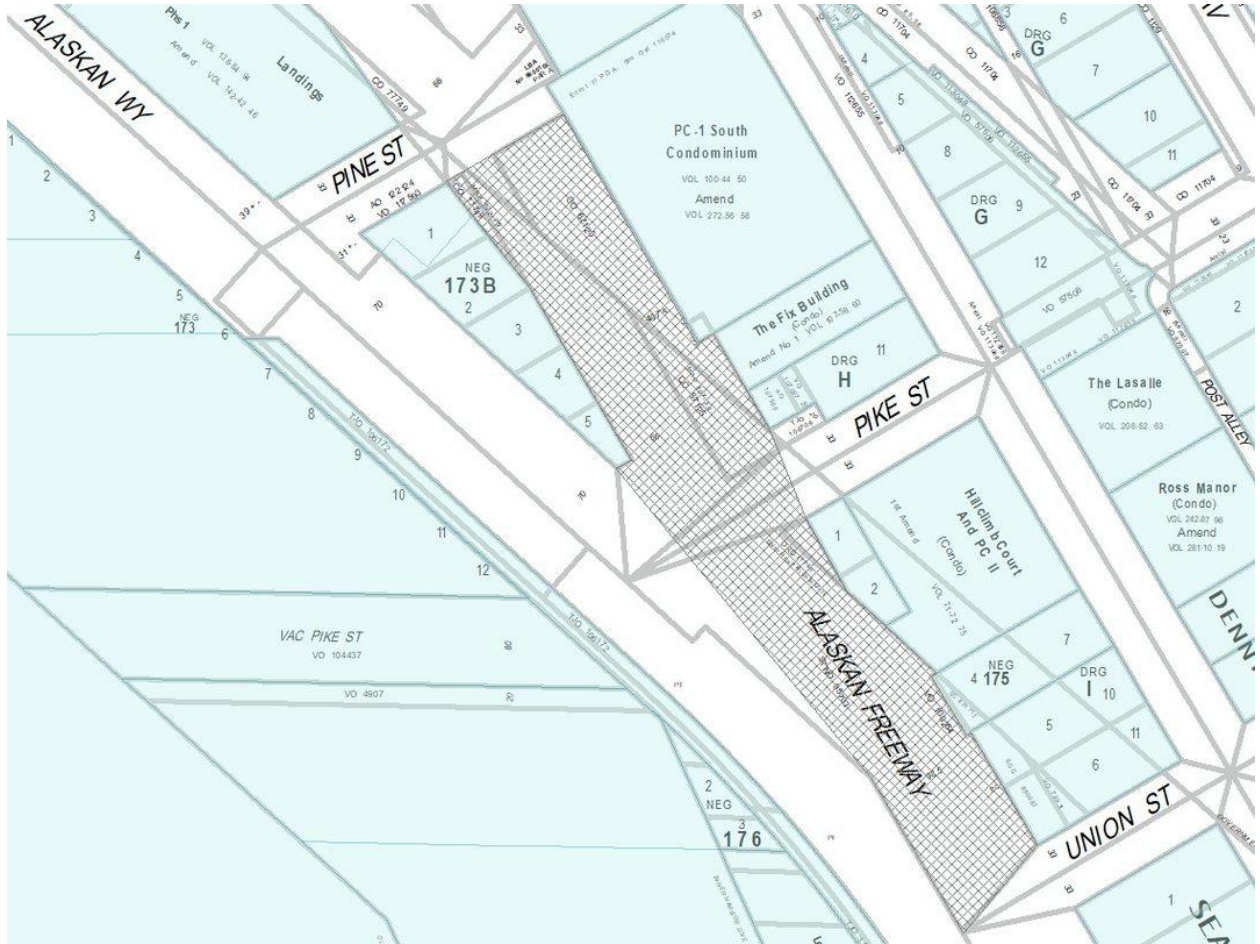
Summary Attachment F – Elliott Way from Blanchard to Western

Summary Attachment G – Elliott Ave at Western

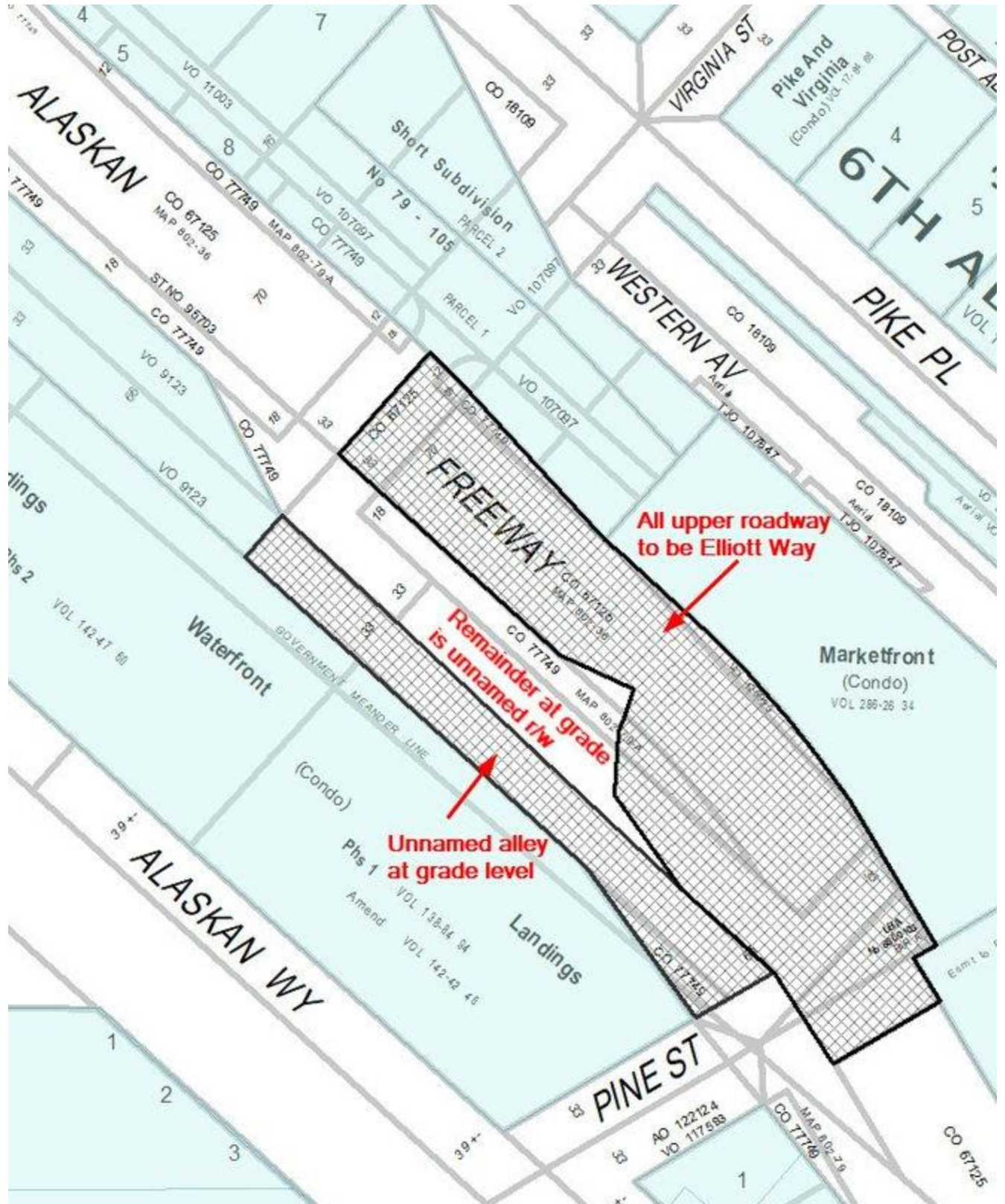
Summary Attachment A – Alaskan Way and new Elliott Way



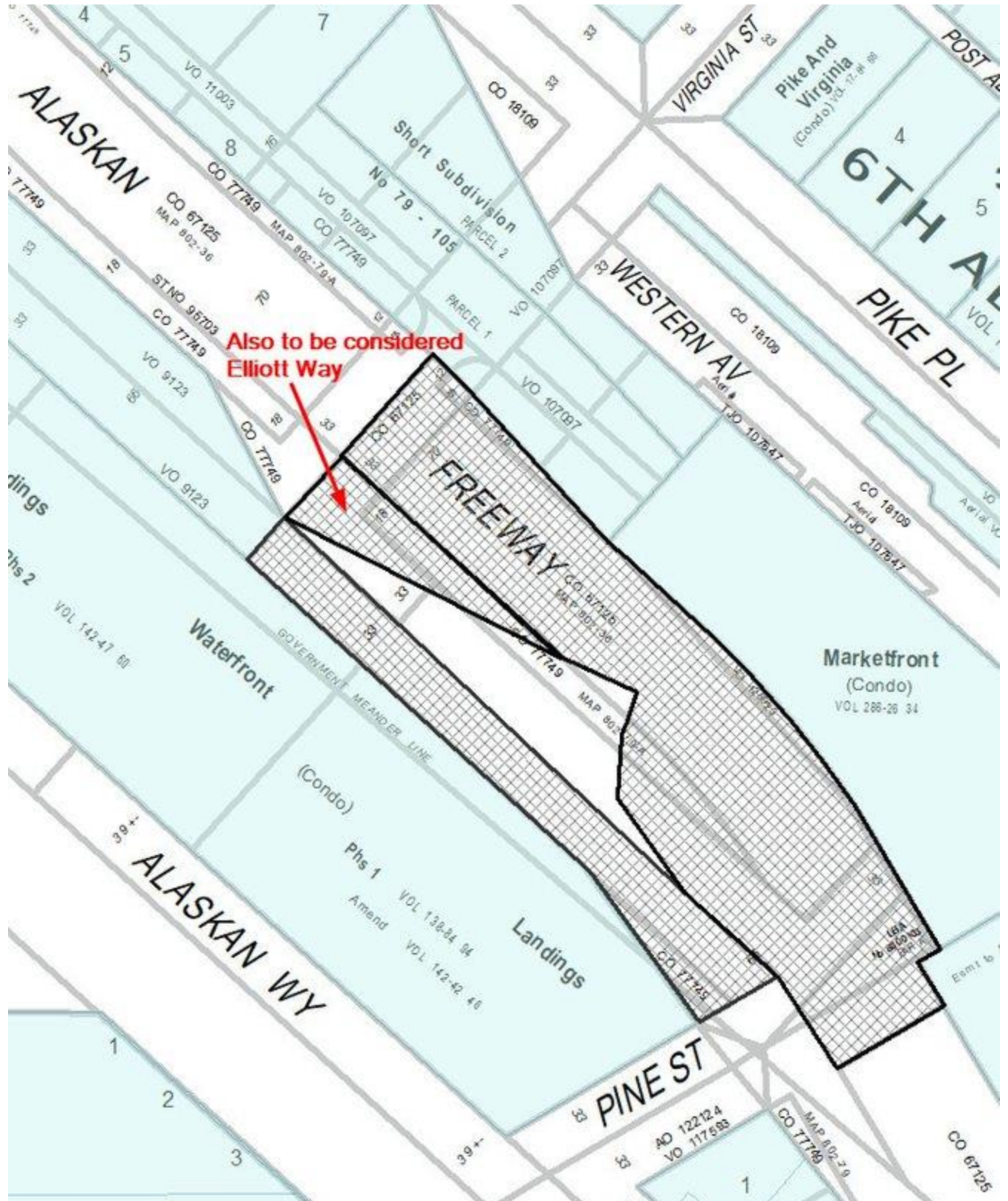
Summary Attachment B – Alaskan Way from Union to Pine



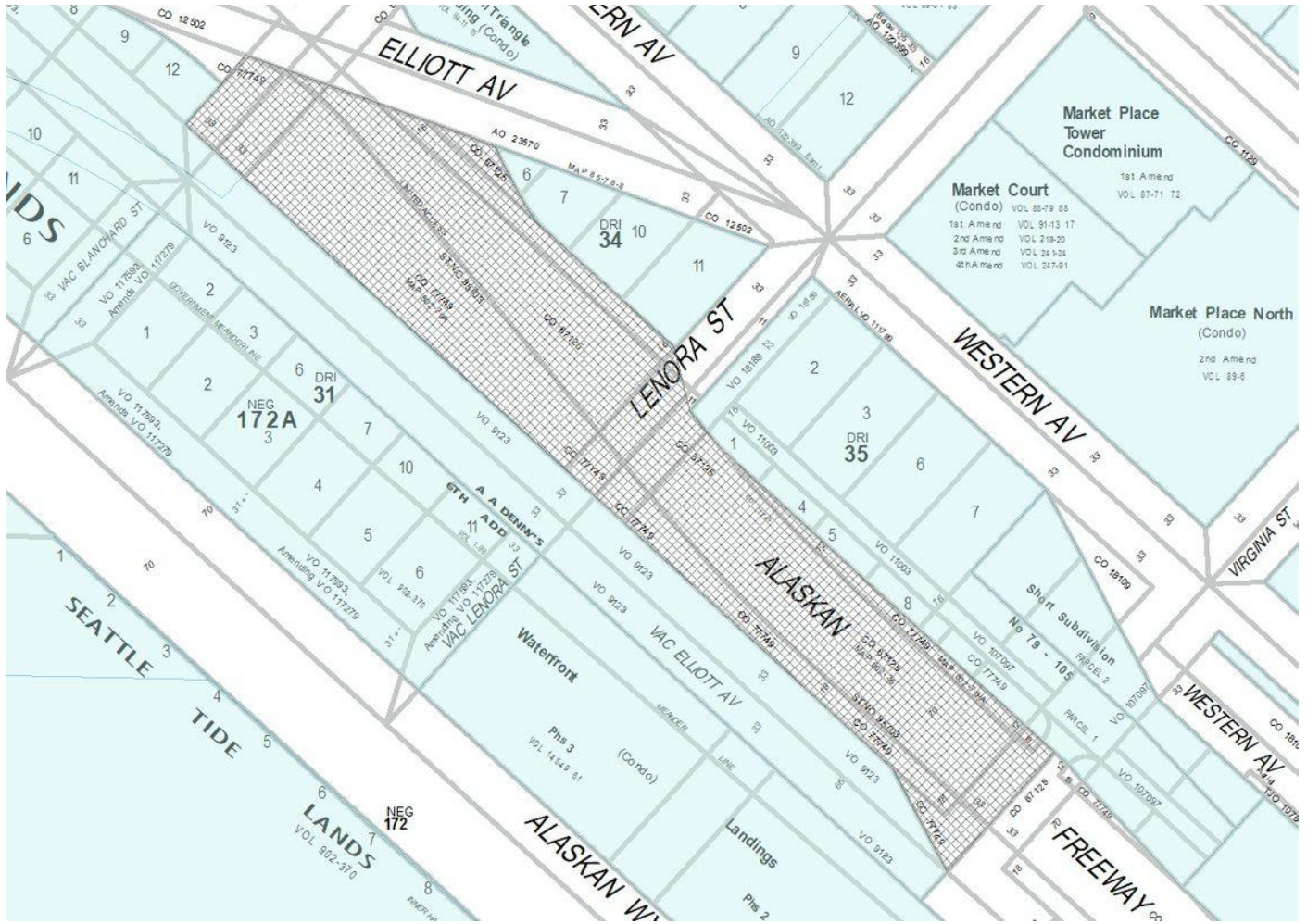
Summary Attachment C – Elliott Way from Pine to Virginia



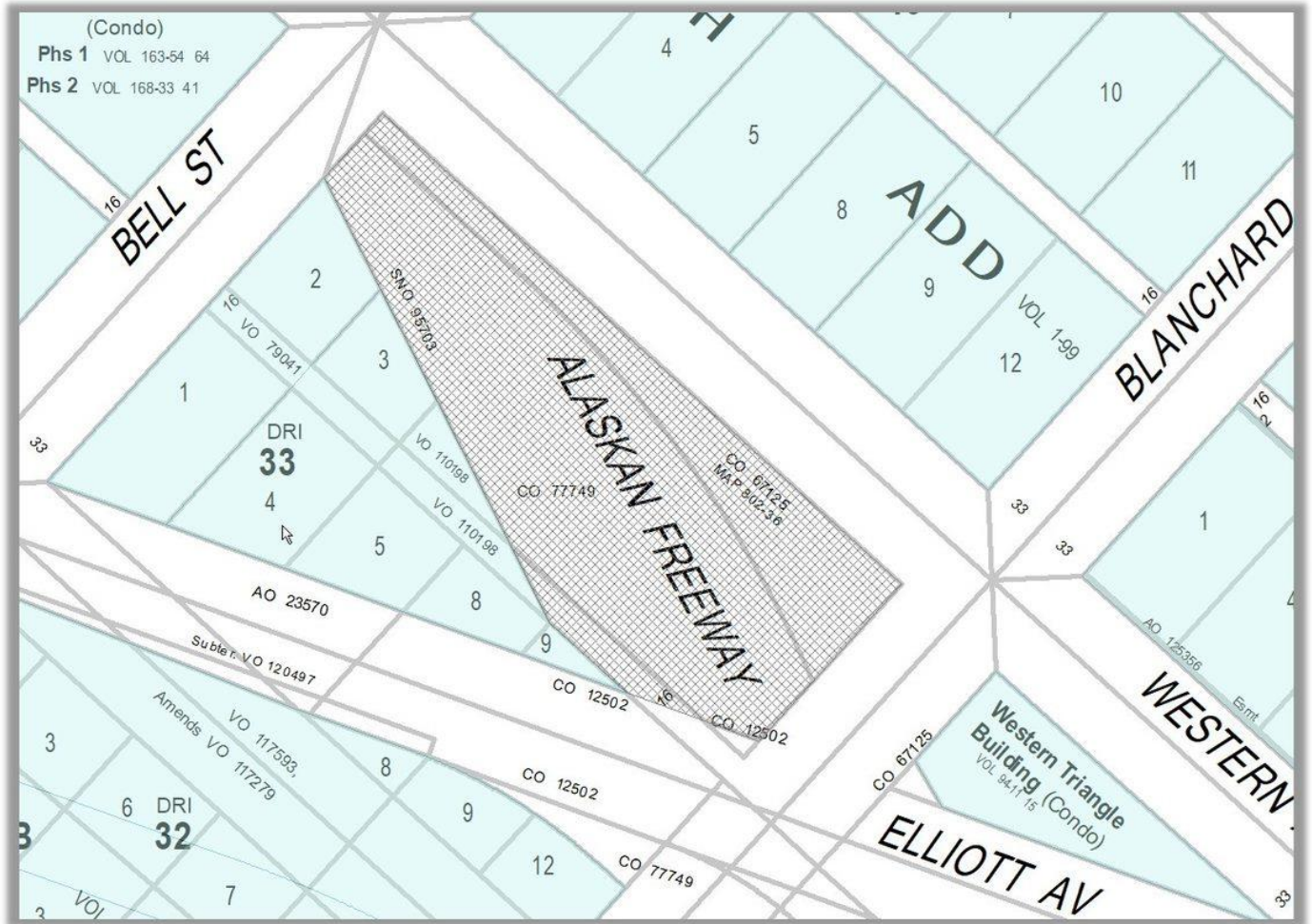
Summary Attachment D – Undeveloped Elliott Way RR Franchise



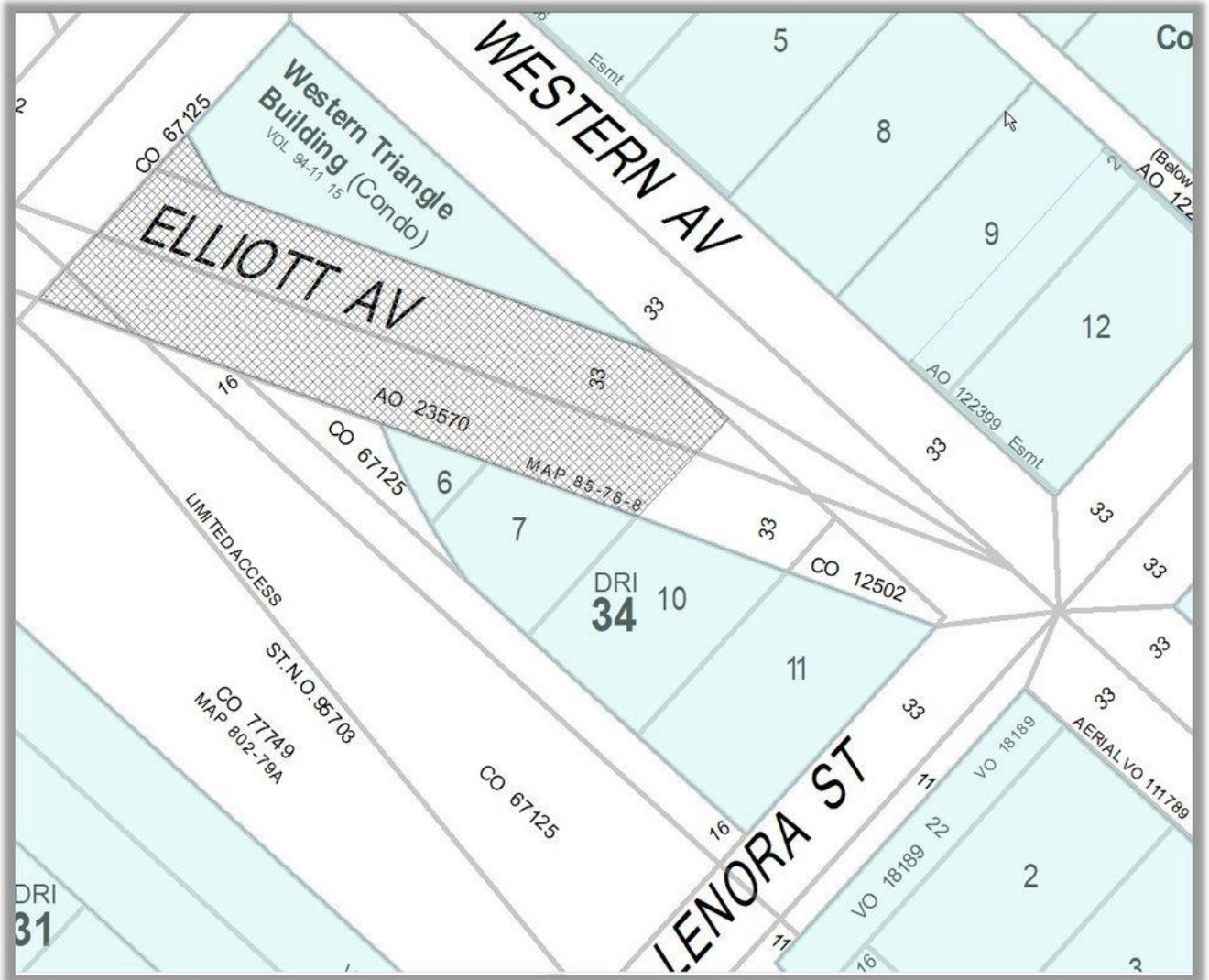
Summary Attachment E – Elliott Way from Virginia to Blanchard



Summary Attachment F – Elliott Way from Blanchard to Western



Summary Attachment G – Elliott Ave at Western



January 31, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Eric McConaghy, Analyst
Subject: Resolution 32080 - Dzidzilalich Honorary Street Designation and Council Bill 120507- Elliott Way Street Name Designation

On February 7, 2023, the [Transportation and Seattle Public Utilities Committee](#) (Committee) will discuss and possibly vote on two, related pieces of legislation: [Council Bill \(CB\) 120507](#) and [Resolution \(RES\) 32080](#).

Key Takeaways

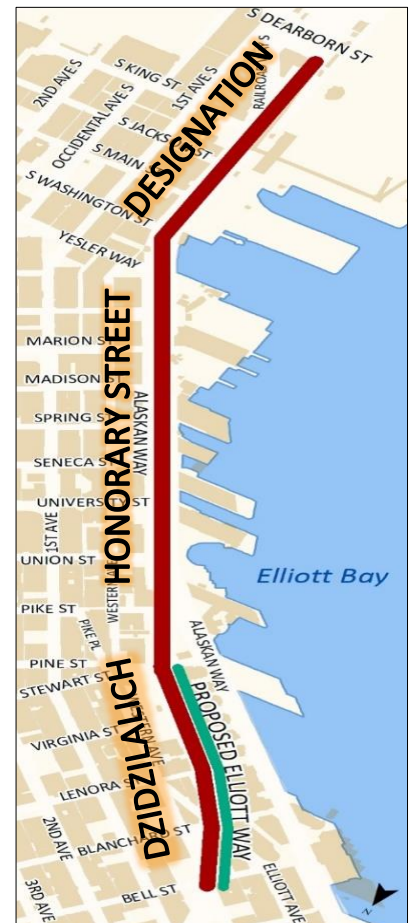
CB 120507 would officially name a new street constructed as part of the Central Waterfront project. This new roadway connects Alaskan Way with Elliott and Western Avenues, between Pike and Bell Streets. From Pine Street to Bell Street the roadway would be designated “Elliott Way” as shown in Figure 1. The segment of the new roadway from Union Street to Pine Street would be a continuation Alaskan Way. CB 120507 would also truncate the use of the Elliot Avenue at Western Avenue.

RES 32080 would provide an honorary designation of “Dzidzilalich” (pronounced: dzee-dzuh-lah-leech) to the continuous roadway composed of Alaskan Way between Dearborn and Pine Streets and the proposed Elliott Way between Pine and Bell Streets. Dzidzilalich is the name by which the Waterfront was known to the Coast Salish people in the Lushootseed language and roughly translates to the English “Little crossing over place.” Please, access these recordings online to hear the spoken pronunciation of the word¹:

- Warren KingGeorge, Muckleshoot Tribe, on [how to pronounce "Dzidzilalich."](#)
- Joseph Moses III, Muckleshoot Tribe, on [how to pronounce "Dzidzilalich."](#)

The Suquamish and the Muckleshoot Tribal Councils provided guidance in selecting the honorary name. The Mayor’s Office (MO), the Office of the Waterfront and Civic Projects (OWCP), the Office of Intergovernmental Relations (OIR), and the Seattle Department of Transportation (SDOT) worked with the Suquamish and Muckleshoot Tribal Councils. The Honorable Leonard Forsman, Chair of the [Suquamish Tribe](#) and President of the [Affiliated Tribes of Northwest Indians](#), and the

Figure 1: Dzidzilalich & Elliott Way



¹ Sourced from Waterfront Seattle’s webpage on the honorary designation. <https://waterfrontseattle.org/dzidzilalich>

Honorable Jaison Elkins, Chair of the [Muckleshoot Tribe](#), have each separately expressed support for the honorary designation².

Background

Unlike official names for streets in Seattle, honorary designations are not used in the addresses of adjacent properties and are not used for routing emergency services. The honorary designation of Dzidzilalich is intended to be a part of the City of Seattle’s effort to acknowledge and recognize tribal history and culture on the Waterfront.

The Executive proposed “Elliot Way” as the official name for the new roadway because the name is consistent with the names of Elliot Avenue and Alaskan Way. The City first unofficially used the name, Elliot Way, in Waterfront planning, design and outreach documents regarding the [Waterfront Seattle Framework and Concept Plans](#) in July 2012. The name also appears in the [Final Environmental Impact Statement](#) for the project. No properties would be assigned new addresses because of the official naming of the new roadway.

Honorary street signs are brown with white lettering to make them distinct from official street signs in green with white lettering. Figure 2, selected from a Waterfront Seattle graphic, shows how the signs would appear once installed³.

Figure 2: Street Signs Example



SDOT is required to manufacture, install, and maintain new, official street name signs. The 2023 Adopted Budget includes appropriation necessary to pay for the signs. Council adoption of RES 32080 would require SDOT to manufacture, install, and maintain 42 honorary signs at a cost of \$10,000 from the Waterfront Project budget.

Committee Chair Pedersen, Council President Juarez, and Councilmember Lewis are sponsoring CB 120507 and RES 32080

Next Steps

If the Committee votes on CB 120507 and RES 32080 on February 7, then Council could take final action on February 14.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Brian Goodnight, Lead Analyst

² MO press release, December 12, 2022. <https://harrell.seattle.gov/2022/12/14/mayor-harrell-council-president-juarez-propose-honorary-name-dzidzilalich-for-alaskan-way-and-elliott-way-elevating-coast-salish-tribal-history-and-culture/>

³ Waterfront Seattle’s webpage. <https://waterfrontseattle.org/dzidzilalich>



ALASKAN WAY & ELLIOTT WAY STREET NAMING ORDINANCE AND RESOLUTION FOR HONORARY TRIBAL DESIGNATION

February 7, 2023

TRANSPORTATION & SEATTLE PUBLIC UTILITIES
COMMITTEE



Seattle

Office of the Waterfront
and Civic Projects

TODAY'S AGENDA



- Waterfront Program Construction Update
- Proposed Ordinance and Resolution
- City/OWCP and Tribes Partnership and Engagement
- Honorary Street Name Designation
- Street Naming Designation

WATERFRONT SEATTLE PROGRAM



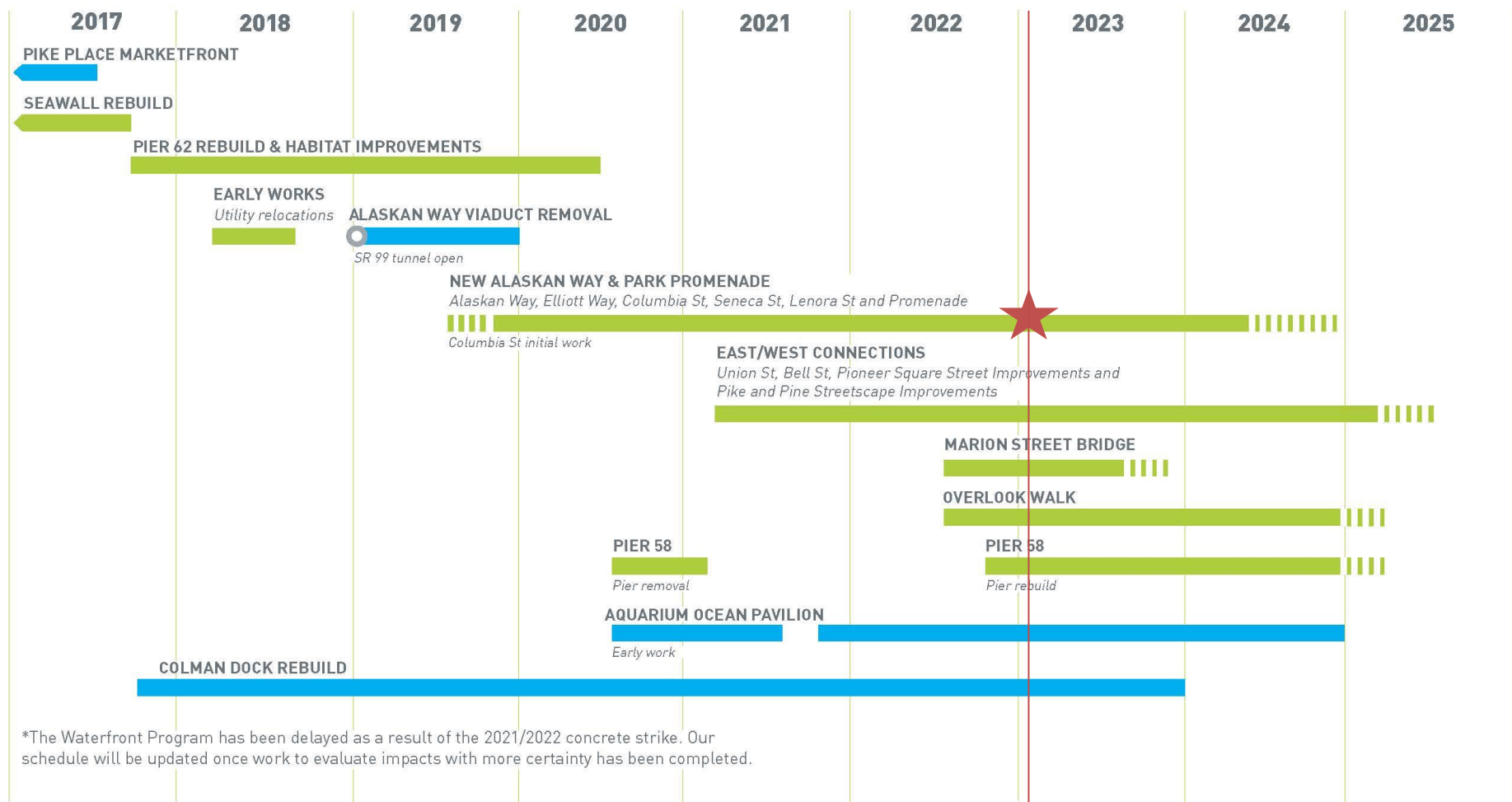
○ Waterfront Seattle Program Area

○ Related Projects

- | | | |
|-----------------------------------|------------------------------------|------------------------------------|
| 1 Railroad Way | 7 Seneca Street | 14 Pike Pine Renaissance: Act One |
| 2 Alaskan Way + Elliott Way | 8 Promenade | 15 Pier 62 Rebuild |
| 3 Pioneer Square Streets | 9 Union Street Elevator and Stairs | 16 Pike Place Market's MarketFront |
| 4 Columbia Street | 10 Waterfront Park | 17 Bell Street Park Extension |
| 5 Marion Street Pedestrian Bridge | 11 Protected bike lane | |
| 6 Seawall | 12 Seattle Aquarium expansion | |
| | 13 Overlook Walk | |

CONSTRUCTION SCHEDULE

■ Waterfront Seattle
 ■ Related projects
 ▤▤▤▤ Concrete strike delays*



*The Waterfront Program has been delayed as a result of the 2021/2022 concrete strike. Our schedule will be updated once work to evaluate impacts with more certainty has been completed.



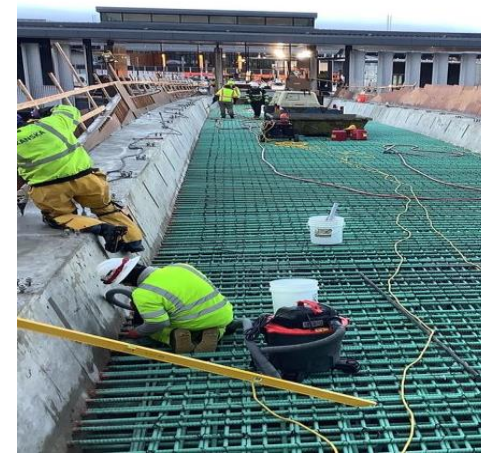
KEY WATERFRONT CONSTRUCTION MILESTONES 2019-2021



- Feb 2019 – Washington Street Boat Landing and Habitat Beach complete
- Sept 2019 - Alaskan Way/Elliott Way began
- Feb 2020 – Columbia St open (2-way transit)
- Sept 2020 – Pier 62 open
- Sept 2020 - Pier 58 Emergency Demo began
- Feb 2021 – Pier 58 Emergency Demo complete
- Feb 2021 – Union St Pedestrian Bridge began
- July 2021 – Alaskan Way open (King to Columbia)



KEY WATERFRONT CONSTRUCTION MILESTONES 2022



June 2022- Marion St Pedestrian Bridge began

June 2022 – Overlook Walk began

Aug 2022 – Alaskan Way open (King to Union)
+ Promenade starts

Sept 2022 – Pier 58 Replacement and Pier 63
Demo began

Dec 2022 – Union St Pedestrian Bridge open

OVERLOOK WALK, AQUARIUM, ALASKAN WAY INTERFACE 2021/2022



KEY WATERFRONT CONSTRUCTION MILESTONES 2023 PLAN



Promenade and Roadway work, Overlook Walk, Pier 58 work continues throughout 2023

Feb 2023 – Pike & Pine St Improvements begin

Feb 2023 – Kicking off Bell Street Improvements Design

March/April 2023 – Alaskan Way & Elliott Way open (King to Bell);

Summer 2023 – Pioneer Square Improvements begin

Fall 2023 – Marion St Pedestrian Bridge open

Fall 2023 – Advertise Restroom for construction

Early 2024 – Bell St Improvements and Waterfront Restroom begin

PROPOSED ORDINANCE AND RESOLUTION

- Resolution authorizes honorary designation of “Dzidzilalich” (dzee-dzuh-lah-leech)
- Provides an honorary naming designation of Alaskan Way between Dearborn and Pine Streets, and Elliott Way between Pine and Bell Street as “Dzidzilalich”
- Ordinance authorizes Alaskan Way and Elliott Way street naming
 - Formally establishes “Elliott Way” as street name of the new roadway section from Pine Street north to Bell Street, “Alaskan Way” for one-block segment north of Aquarium Ocean Pavilion Project. Consistent with Waterfront Seattle Framework and Concept plans published in July 2012 and October 2016 Final Environmental Impact Statement

Alaskan Way

Dzidzilalich

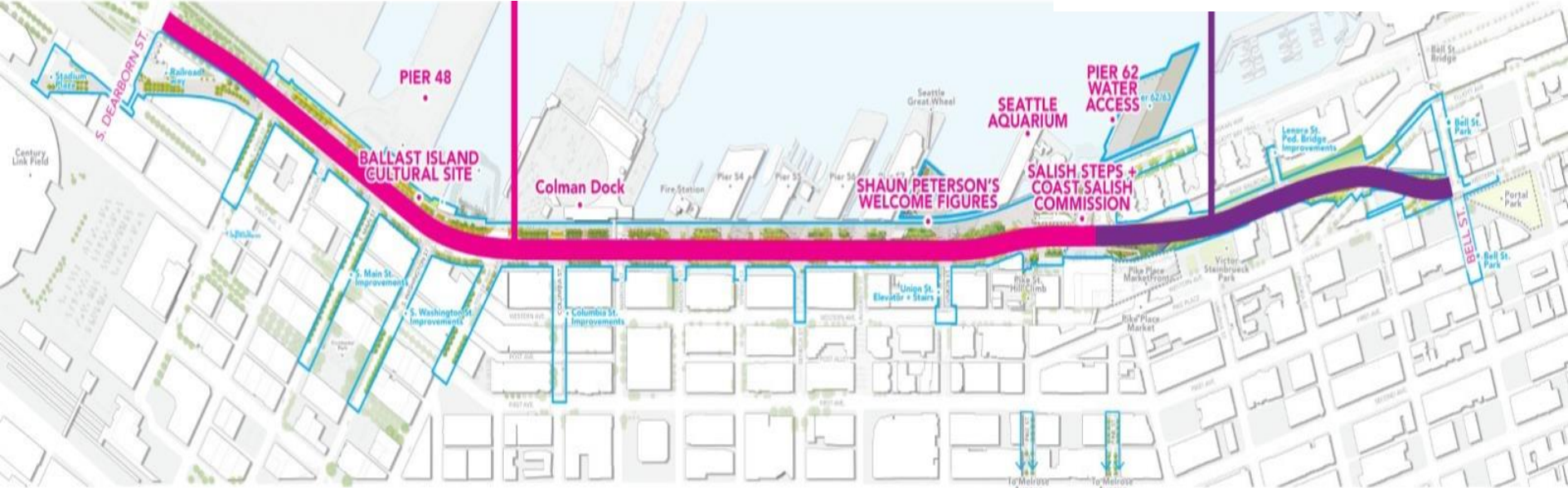
HONORARY NAMING



“DZIDZILALICH” ESTABLISHED AS HONORARY NAME

“ALASKAN WAY” REMAINS OFFICIAL NAME

NEW ROADWAY SECTION:
“ELLIOTT WAY” OFFICIAL NAME



TRIBAL ENGAGEMENT ON THE WATERFRONT



- 2012 Ongoing coordination to fulfill Seawall **Section 106 requirements** to include interpretation of tribal culture and history
- 2013
- 2014 Visits to **Suquamish, Muckleshoot, Stillaguamish and Tulalip** reservations and **Daybreak Star Cultural Center**
- 2015 **Urban Indian Storytelling Event at Chief Seattle Club**
- 2016 Selection of Coast Salish artist for tribal art commission
- 2017 **Tribal Roundtables** at Office of the Waterfront
- 2018 Coordination on **Pier 62** design and permitting
- 2019
- 2020 **Pier 62 opening** Selection of Coast Salish artists for **Salish Steps** by an Indigenous committee
- 2021 **Working with Muckleshoot on plant selection** **Partnership with tribes on cultural events** at Waterfront Park and Pier 62
- 2022
- 2023 **Surface Street opens to traffic**
- 2024 **Promenade, Overlook Walk, Pier 58 open**



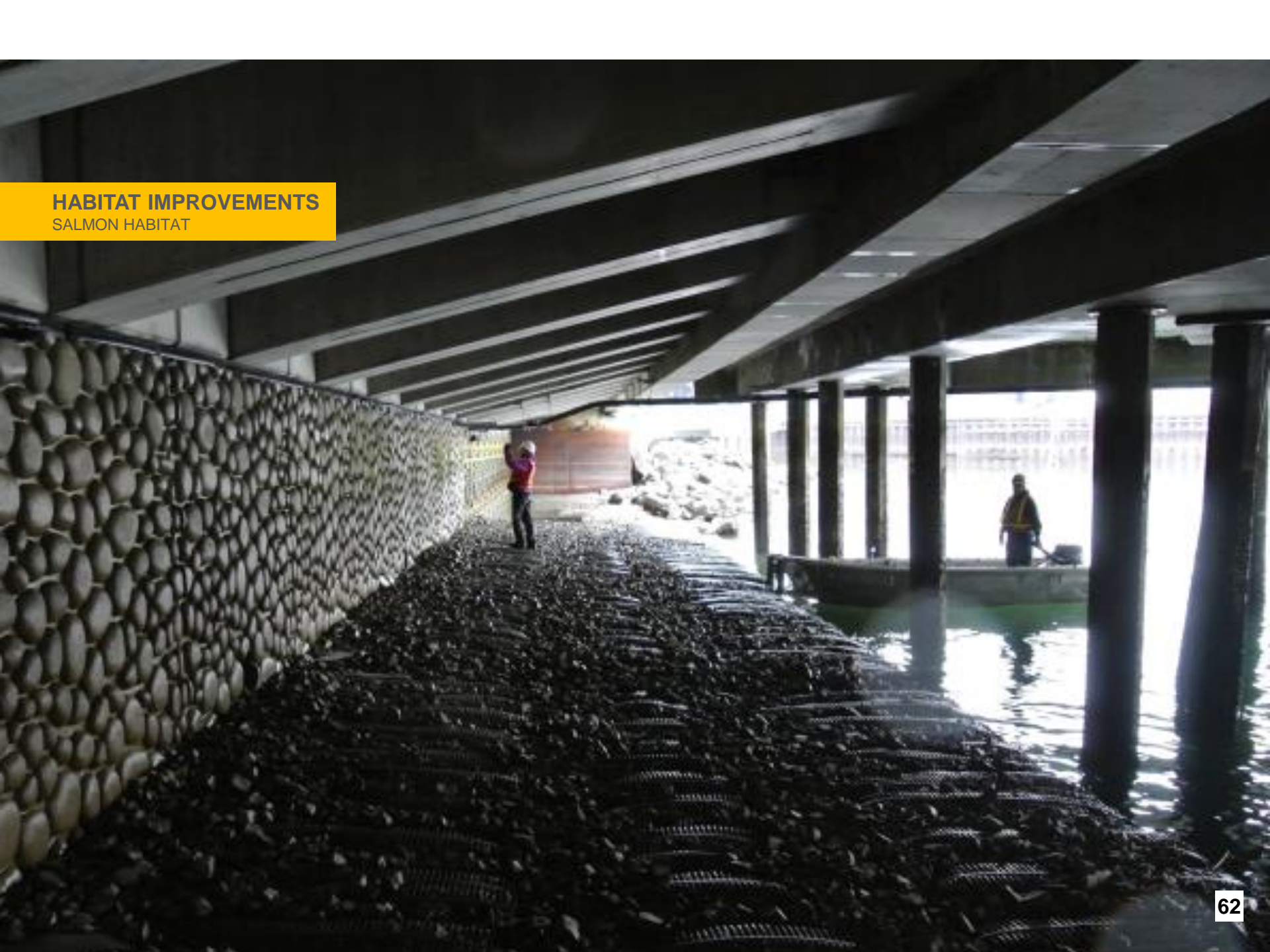
PRIORITIES FOR THE TRIBES: WHAT WE LEARNED



- Protect **salmon habitat** and **marine environment**
- Create design features that **reflect tribal history, art and culture** of the waterfront
- Provide **gathering spaces** that can be used for traditional celebrations
- Coordinate on **public programming** that celebrates tribal history and culture
- Incorporate **native plants with native uses**



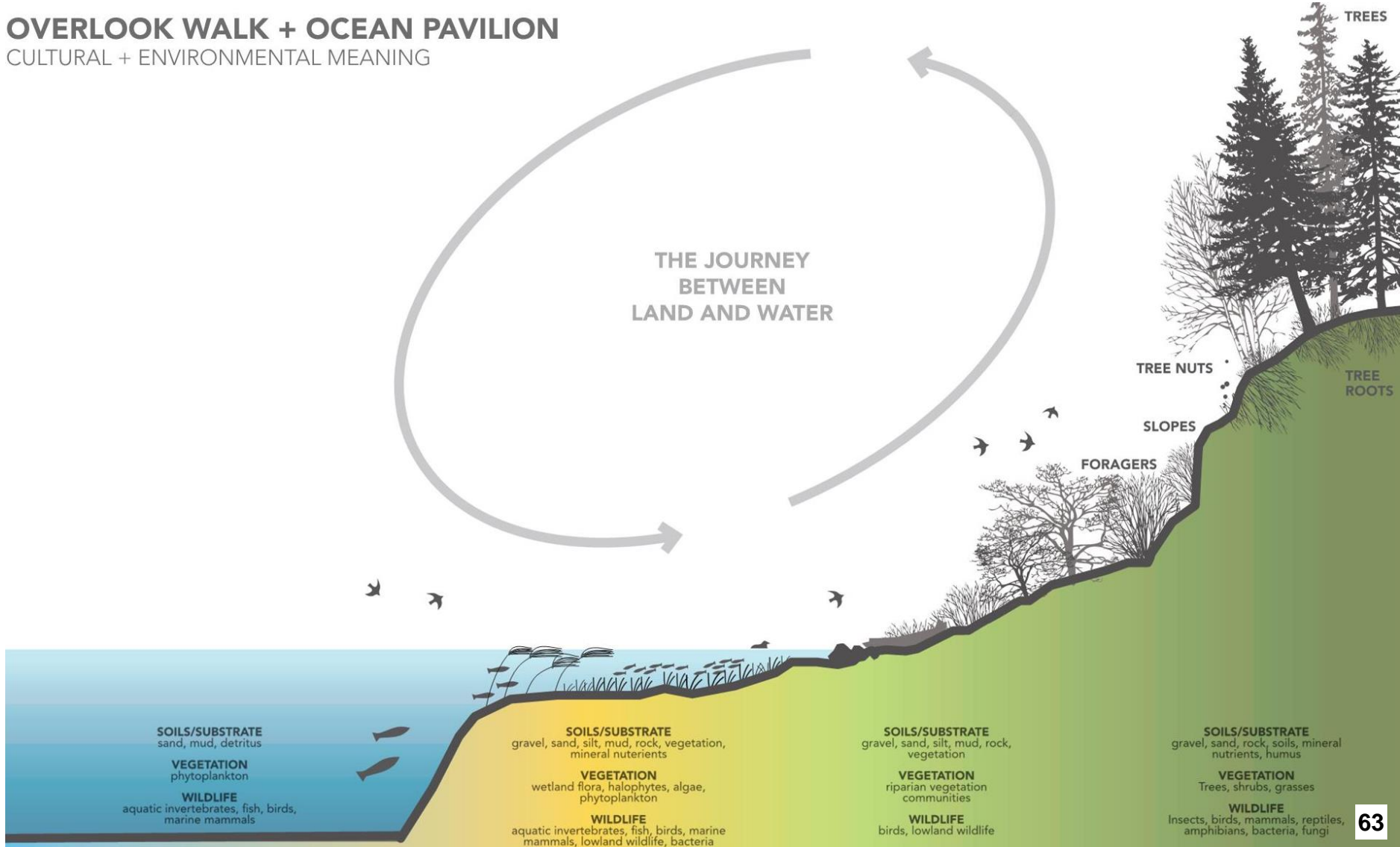
HABITAT IMPROVEMENTS
SALMON HABITAT



TRIBAL CONSULTATION
PLANTINGS AND INTERPRETATION

OVERLOOK WALK + OCEAN PAVILION
CULTURAL + ENVIRONMENTAL MEANING

THE JOURNEY
BETWEEN
LAND AND WATER



**ART INSTALLATIONS AND
ACTIVATIONS**

TRIBAL PRESENCE

Family by Shaun Peterson is one of several permanent artworks planned for the waterfront



Oscar Tuazon is collaborating with Randi Purser of the Suquamish Tribe and Keith Stevenson Tyson Simmons of the Muckleshoot Indian Tribe



The MTK Matriarchs – Malynn Foster, Tamela LaClair and Kimberly Deriana – represent both local and Urban Natives and will create a place of cultural learning at the Salish Steps



Muckleshoot Canoe Family performing – public spaces provide opportunities for Indigenous programming



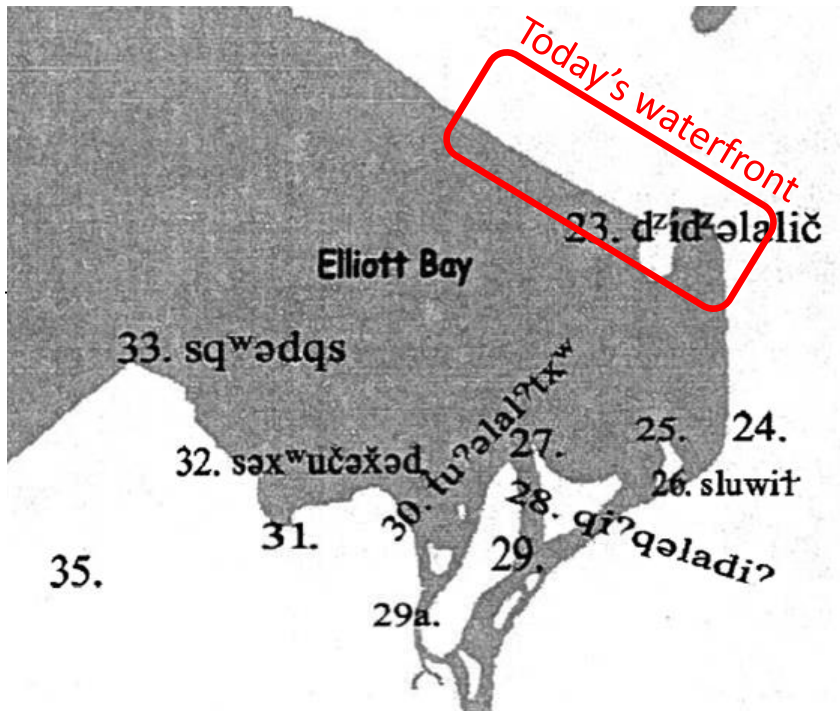
LAND ACKNOWLEDGEMENT



Seattle's Waterfront – Dzidzilich – stands on the lands and shared waters of the Puget Sound Coast Salish People, whose ancestors resided here since time immemorial. With gratitude, we honor the land, the water and its peoples.



DZIDZILALICH *dzee-dzuh-lah-leech* “Little crossing over place”



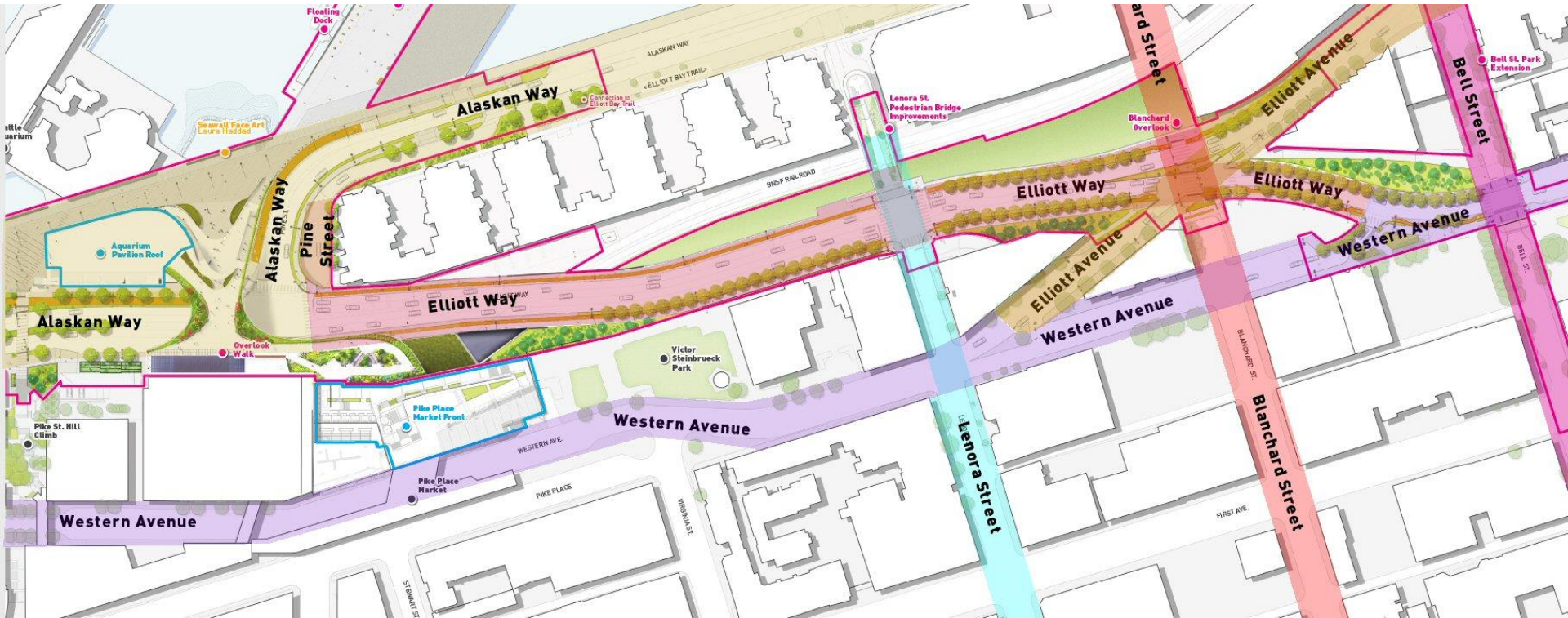
A23 Djidjila'lltc, a diminutive meaning “a little place where one crosses over.” In the vicinity of the present King Street Station in the city of Seattle was formerly a little promontory topped by a few trees with a lagoon behind it. Behind this clump of trees, a trail led from the beach over to the lagoon, which gave rise to the name. There was an Indian village on each side of this promontory. In the lagoon, flounders were plentiful. The native term for crossover is now used by the Indians as the name for the whole city of Seattle. The headman here, during the early days of white occupation, was “Seattle Curly,” whose native name was Ts³aqw³a'L. Another prominent person was Old Charley, Tsai'lkutld.





QUESTIONS?

STREET NAME DESIGNATION ORDINANCE







Legislation Text

File #: CB 120506, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting Dunn Lumber Company permission to construct, maintain, and operate a private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way, for a 15-year term, renewable for one successive 15-year term; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

WHEREAS, Dunn Lumber Company applied for permission to construct, operate, and maintain a private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way in the Wallingford neighborhood (“Communication Conduit”); and

WHEREAS, the obligations of the ordinance remain in effect after the ordinance term expires until the encroachment is removed, or Dunn Lumber Company is relieved of the obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, the Seattle City Council adopted Resolution 32053 and conceptually approved the Communication Conduit, and Dunn Lumber Company has met the obligations described in this resolution; and

WHEREAS, the adoption of this ordinance is the culmination of the approval process for the Communication Conduit to legally occupy a portion of the public right-of-way, and the adopted ordinance is considered to be the permit; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, The City of Seattle

("City") grants permission (also referred to in this ordinance as a permit) to Dunn Lumber Company, and its successors and assigns as approved by the Director of the Seattle Department of Transportation ("Director") according to Section 14 of this ordinance (the party named above and each such approved successor and assign is referred to as the "Permittee"), to construct, maintain, and operate a private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way, (collectively referred to as "Communication Conduit"), adjacent in whole or in part to the property legally described as:

Lots 1-21, inclusive, Block 7, Latona Addition to the City of Seattle according to the plat thereof recorded in Volume 4 of Plats, Page 28, in King County, Washington.

Section 2. **Term.** The permission granted to the Permittee is for a term of 15 years starting on the effective date of this ordinance and ending at 11:59 p.m. on the last day of the fifteenth year. Upon written application made by the Permittee at least one year before expiration of the term, the Director or the City Council may renew the permit once, for a successive 15-year term, subject to the right of the City to require the removal of the Communication Conduit, or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years. The Permittee shall submit any application for a new permission no later than one year before the then-existing term expires. Any new application would be subject to the fees and criteria in place at the time of the new application.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the utilities, and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the Communication Conduit and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, public place) by the City and the public for travel, utility

purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time before expiration of the initial term or any renewal term, and require the Permittee to remove the Communication Conduit or any part thereof or installation on the public place, at the Permittee's sole cost and expense if:

A. The City Council determines by ordinance that the space occupied by the Communication Conduit is necessary for any public use or benefit or that the Communication Conduit interferes with any public use or benefit; or

B. The Director determines that use of the Communication Conduit has been abandoned; or

C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the Communication Conduit interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee's obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the Communication Conduit, the Permittee shall, at its own expense, remove the Communication Conduit and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the Communication Conduit in as good condition for public use as existed prior to constructing the Communication Conduit, and in at least as good condition in all respects as the abutting portions of the public place as required by Seattle Department of Transportation (SDOT) right-of-way

restoration standards.

Failure to remove the Communication Conduit as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the Communication Conduit and restore the public place at the Permittee's expense and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The Communication Conduit shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the Communication Conduit in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the Communication Conduit except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the Communication Conduit reconstructed or repaired at the Permittee's cost and expense because of the deterioration or unsafe condition of the Communication Conduit; because of the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the Communication Conduit be closed or removed at the Permittee's expense if the Director deems that the

Communication Conduit has become unsafe or creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. Continuing obligations. Notwithstanding the termination or expiration of the permission granted, or removal of the Communication Conduit, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled any removal and restoration obligations established by the City, or the Seattle City Council passes a new ordinance to renew the permission granted and/or establishes a new term. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 and Section 20 of this ordinance and shall remain liable for any unpaid fees assessed under Sections 15 and 17 of this ordinance.

Section 9. Release, hold harmless, indemnification, and duty to defend. The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description arising out of or by reason of the Communication Conduit, or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the Communication Conduit or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

B. Anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the Communication Conduit, or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

A. Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the Communication Conduit or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the Communication Conduit;

B. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and

C. Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; \$5,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured

Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington in the amount of \$40,000, and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney's Office may be substituted for the bond. If the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director

determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. **Consent for and conditions of assignment or transfer.** When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner of the Property shall be conferred with the rights and obligations of the Permittee by this ordinance. Other than a transfer to a new owner of the Property, the Permittee shall not transfer, assign, mortgage, pledge, or encumber the same without the Director's consent, which the Director shall not unreasonably refuse or condition. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has provided, at the time of the assignment or transfer, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Sections 15 and 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the Communication Conduit.

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the Communication Conduit during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the Communication Conduit by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the Communication Conduit. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements in the Communication Conduit;
- B. Describes any damages or possible repairs to any element of the Communication Conduit;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted at the request of the Director. In the event of a natural disaster or other event that may have damaged the Communication Conduit, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the Communication Conduit. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the Permittee's obligations.

Section 17. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$3,375, or as adjusted annually thereafter, for the privileges granted by this ordinance for the Communication Conduit.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the

Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. Compliance with other laws. The Permittee shall construct, maintain, and operate the Communication Conduit in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the Communication Conduit, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or successor provisions).

Section 19. Acceptance of terms and conditions. The Permittee shall not commence construction of the Communication Conduit before providing evidence of insurance coverage required by Section 10 of this ordinance, the bond as required by Section 12 of this ordinance, and the covenant agreement required by Section 20 of this ordinance. Obtaining building permits from the Seattle Department of Construction and Inspections, or other applicable City-issued permits, constitutes the Permittee's acceptance of the terms of this ordinance.

Section 20. Obligations run with the Property. The obligations and conditions imposed on the Permittee by this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the Communication Conduit and legally described in Section 1 of this ordinance (the "Property"), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, the Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other

owner(s) of the Property and recorded with the King County Recorder’s Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, the Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 22. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact	CBO Contact
Seattle Department of Transportation	Amy Gray	Christie Parker

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE granting Dunn Lumber Company permission to construct, maintain, and operate a private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way, for a 15-year term, renewable for one successive 15-year term; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

Summary and Background of the Legislation: This legislation allows Dunn Lumber Company to construct, maintain, and operate a private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way. The communication conduit permit is for a period of 15 years, commencing on the effective date of the ordinance. The legislation specifies the conditions under which permission is granted.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? X Yes No

Appropriation change (\$):	General Fund \$		Other \$	
	2023	2024	2023	2024
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2023	2024	2023	2024
			\$3,375	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2023	2024	2023	2024

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
 No.

Are there financial costs or other impacts of *not* implementing the legislation?
 If the legislation is not enacted by City Council, the City of Seattle will not receive the 2023 fee of \$3,375 and future annual fees.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2023 Revenue	2024 Estimated Revenue
Transportation Fund (13000)	SDOT	Annual Fee	\$3,375	TBD
TOTAL			\$3,375	TBD

Is this change one-time or ongoing?
 Ongoing.

Revenue/Reimbursement Notes:
 The 2023 fee is based on the 2023 assessed land value by King County.

3.c. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
 No.
- b. Is a public hearing required for this legislation?
 No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
 No.

d. Does this legislation affect a piece of property?

Yes, a map is attached to this Summary and Fiscal Note.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation does not have any implications for the principles of the Race and Social Justice Initiative and does not impact vulnerable or historically disadvantaged communities.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

N/A

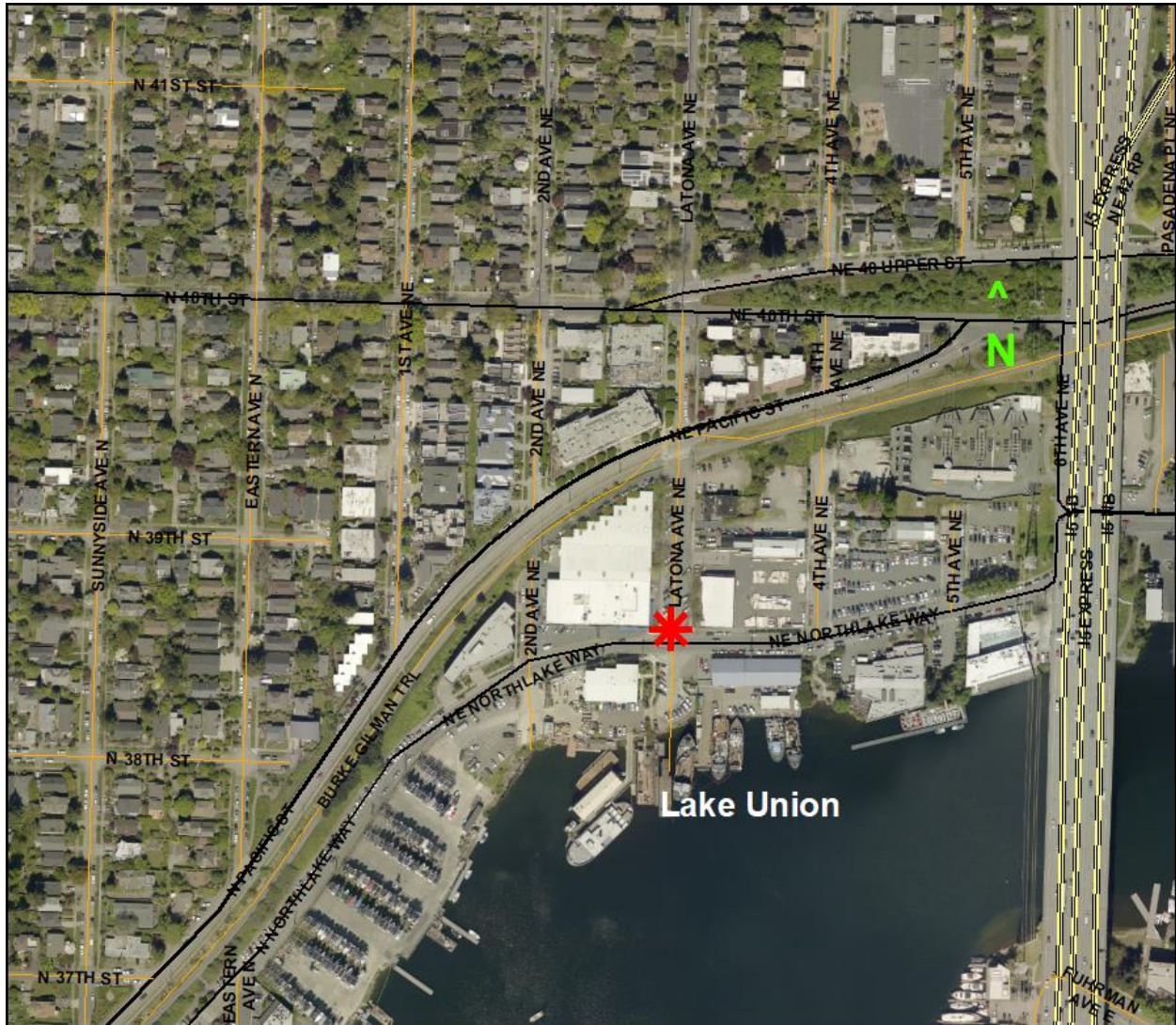
Summary Attachments:

Summary Attachment A – 3800 Latona Communication Conduit Area Map

Summary Attachment B – 3800 Latona Communication Conduit Annual Fee Assessment

Summary

3800 Latona Ave NE Communication Conduit Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/5/2022

Summary:
Land Value: \$300/SF
2023 Permit Fee:
\$3,375

I. Property Description:

A proposed private communication conduit under and across Latona Avenue Northeast, north of Northeast Northlake Way. The private communication conduit provides secure communication services between the Dunn Lumber office building and warehouse. The total area is 500 square feet.

Applicant:

Dunn Lumber Company

Abutting Parcels, Property Size, Assessed Value:

2023

Parcel 4206900315; Lot size: 23,792
Tax year 2023 Appraised Land Value \$7,137,600 (\$300/sq ft)

Parcel 4206900410; Lot size: 45,470
Tax year 2023 Appraised Land Value \$13,641,000 (\$300/sq ft)

II. Annual Fee Assessment:

The 2023 permit fee is calculated as follows:

$(\$300/\text{SF}) \times (500 \text{ SF}) \times (30\%) \times (7.5\%) = \boxed{\$3,375}$ where 30% is the degree of alienation for below-grade utility lines and 7.5% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 124532.

February 1, 2023

MEMORANDUM

To: Transportation & Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: CB 120506: Dunn Lumber Term Permit

On February 7, 2023, the Transportation & Seattle Public Utilities Committee (Committee) will receive a briefing on [Council Bill \(CB\) 120506](#). The bill would grant final approval to Dunn Lumber Company to place a private communication conduit under Latona Avenue NE, between NE Northlake Way and NE Pacific Street (Council District 4).

Conditional conceptual approval for the term permit was granted under [Resolution 32053](#) on May 24, 2022. The Seattle Department of Transportation (SDOT) has negotiated the provisions of CB 120506 to provide for a term permit that is consistent with the conditions of Resolution 32053. The proposed bill would approve the permit for an initial 15-year term, which could be renewed once for a total term of up to 30 years.

This memorandum summarizes the term permit approval process and describes the conditions of approval under the proposed bill.

Significant Structure Term Permits

[Seattle Municipal Code Chapter 15.65](#) establishes the procedures and criteria for approval of term permits for significant structures. A significant structure is a structure that has “a long anticipated duration of encroachment, impede the City’s or public’s flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access; privately maintained public plazas located in the right-of-way; and overhead structures attached to buildings.

[SMC 15.65.040.C](#) identifies ten issues that are considered when reviewing whether to approve a significant structure:

1. Adequacy of horizontal, vertical, and other clearances;
2. View blockage and impacts due to reduction of natural light;
3. Construction review is at 60 percent conceptual approval;
4. Interruption or interference with existing streetscape or other street amenities;
5. Effect on pedestrian activity;
6. Effect on commerce and enjoyment of neighboring land uses;

7. Availability of reasonable alternatives;
8. Effect on traffic and pedestrian safety;
9. Accessibility for the elderly and handicapped; and
10. The public benefit mitigation elements provided by the proposal, to the extent required based on the nature of the structure.

Once the Director of SDOT reviews the term permit petition and determines that approval is appropriate, SDOT transmits a recommendation to the City Council for conceptual approval. Council's review of the proposal considers the ten items noted above to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. The Council may provide conceptual approval, conditional conceptual approval, or deny the term permit through a resolution.

Conceptual approval allows the petitioner to proceed with developing final construction plans. If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT forwards a bill to the Council for its final decision to grant or deny the application for a proposed new structure permit. Council's decision to grant or deny the application must be grounded in whether the final plans are consistent with the conditional approval.

Dunn Lumber Communication Conduit

Dunn Lumber Company seeks to place a communication conduit under and across Latona Avenue NE. The proposed conduit would allow for private communication between Dunn Lumber Company's facilities, including a new warehouse to be constructed at the at 3800 Latona Avenue NE. The conduit would be wholly underground while within the street right-of-way.

SDOT has determined that Dunn Lumber has met the following conditions from Resolution 32053 and recommends that the Council adopt the bill, granting final approval for a term permit to Dunn Lumber, allowing them to install the communication conduit under Latona:

1. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation ("SDOT"), which the Director of SDOT ("Director") will circulate to other City departments and any public and private utilities affected by the installation of the Communication Conduit;
2. Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City's Risk Manager;
3. Pay all City permit fees;
4. Obtain all necessary permits;
5. Maintain and inspect the Communication Conduit; and

6. Remove the Communication Conduit and restore the right-of-way to in as good condition for public use as existed prior to construction of the Communication Conduit and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way restoration standards upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

Dunn Lumber has met conditions 1 through 4. Provisions in the bill would ensure that Dunn Lumber would meet conditions 5 and 6 if the bill is adopted.

Next Steps

The Committee is anticipated to consider and may vote on the proposed bill at its February 7 meeting. The bill could be considered by the City Council as early as February 14.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Supervising Analyst

An aerial photograph of the Seattle waterfront, showing the city skyline across the water, a marina with many boats, and a hillside with residential buildings. In the foreground, there is a rendering of a modern, multi-story building with a dark facade and large windows. The building has a central courtyard area with a paved walkway, some greenery, and people walking. The text is overlaid on a semi-transparent blue banner across the middle of the image.

Dunn Lumber Company Private Communication Conduit Ordinance

Council Transportation & Seattle Public Utilities Committee

Council Transportation & Seattle Public Utilities Committee
Amy Gray, SDOT
February 7, 2023

Presentation overview

- Dunn Lumber Company is seeking approval for a private communication conduit under Latona Ave NE, north of NE Northlake Way
- The communication conduit will connect the existing Dunn Lumber office and warehouse with the new warehouse
- SDOT recommends approval of the ordinance

New conduit for fiber optic cabling to connect the existing Dunn facility with the new Dunn Warehouse and Showroom



Significant Structures- Seattle Municipal Code 15.65

Definition:

- The structure will be in the right-of-way for a long duration
- It impedes the City's or public's flexibility in using the right-of-way
- Is necessary for the functioning of the business

Term permit process - new permits

Two Step Process

Step 1 – Council adopted Resolution 32053 on May 24, 2022, providing conceptual approval for the communication conduit

Step 2 - Passage of the ordinance details the obligations of the permit, including annual fee, maintenance obligations, indemnification, insurance, and bond requirements

Proposal

- Dunn Lumber Company is proposing to construct and maintain private communication conduit under Latona Ave NE, north of NE Northlake Way
- The private communication conduit provides connectivity between the existing Dunn Lumber office and warehouse and the new warehouse across the street.

Proposed location

New conduit for fiber optic cabling to connect the existing Dunn facility with the new Dunn Warehouse and Showroom



Proposed development



Looking northeast at 3800 Latona Ave NE



Looking southeast at 3800 Latona Ave NE (from NE Pacific St)

Project neighborhood - Wallingford



Requested action

- We seek approval of this Council Bill to grant permission to Dunn Lumber Company to construct, maintain, and operate the private communication conduit
- If the ordinance is approved, the permit will be in place for 15 years, with one renewable 15-year term

Questions?

amy.gray@seattle.gov | (206) 386-4638

www.seattle.gov/transportation





Legislation Text

File #: Res 32079, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION granting conceptual approval to construct, maintain, and operate a transformer and retaining wall at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, to support the operation of the Alki Wet Weather Treatment Station Facility and 63rd Avenue Pump Station Facility in the West Seattle neighborhood, as proposed by King County.

WHEREAS, King County applied for permission to construct, maintain, and operate a transformer and retaining wall (“Transformer”) at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, as part of the Alki Wet Weather Treatment Station/63rd Avenue Pump Station Standby Power Project (“Project”); and

WHEREAS, the Project involves the construction of a permanent high-capacity generator to ensure consistent power for the Alki Wet Weather Treatment Station Facility and the 63rd Avenue Pump Station Facility pumps in the event of a power outage, preventing a cease in operations resulting in raw wastewater overflow; and

WHEREAS, Seattle City Light required King County to install the transmission lines and duct bank under Beach Drive Southwest; and

WHEREAS, the Transformer steps down the power from the subterranean ducts back to appropriate voltage levels for the operation of the 63rd Avenue Pump Station; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by King County to construct the Transformer and recommends that conceptual approval be granted; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR

CONCURRING, THAT:

Section 1. The City Council finds that the Transformer at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, as proposed by King County, is in accordance with and in the public interest.

Section 2. As conditions for obtaining permission to construct the Transformer at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, King County shall:

(1) Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation (“SDOT”), which the Director will circulate to other City departments and any public and private utilities affected by the installation of the Transformer;

(2) Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City’s Risk Manager;

(3) Obtain a Revocable Use Permit from Seattle Parks & Recreation for the conduit connecting to the Transformer;

(4) Pay all City permit fees;

(5) Obtain all other necessary permits;

(6) Maintain and inspect the Transformer; and

(7) Remove the Transformer and restore the right-of-way to in as good condition for public use as existed prior to construction of the Transformer and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way restoration standards upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

Section 3. After this resolution is adopted, SDOT will present to the Council a draft term permit ordinance identifying the conditions under which permission may be granted for the use of the right-of-way for the Transformer. Permission to use the right-of-way is subject to the Council’s decision to approve, deny, or

modify the draft term permit ordinance presented by the Director.

Section 4. As recommended by the Director and the Mayor, conceptual approval for construction of the Transformer at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, is GRANTED.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Department of Transportation	Amy Gray	Christie Parker

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: A RESOLUTION granting conceptual approval to construct, maintain, and operate a transformer and retaining wall at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street, to support the operation of the Alki Wet Weather Treatment Station Facility and 63rd Avenue Pump Station Facility in the West Seattle neighborhood, as proposed by King County.

Summary and Background of the Legislation: The legislation provides conceptual approval to King County to construct, maintain, and operate a transformer and retaining wall at 63rd Avenue Southwest, intersecting with Beach Drive Southwest and Southwest Spokane Street.

King County is installing a high-capacity standby generator for both the Alki Wet Weather Treatment Station Facility and the 63rd Avenue Pump Station at 3535 Beach Drive Southwest. These facilities currently do not have full-time permanent back up power. The project involves trenching the transmission wires in Southwest Hinds Street, Southwest Wilton Court, 64th Avenue Southwest, and Beach Drive Southwest (approximately 0.25 miles) since Seattle City Light would not approve overhead transmission. This requires the installation of two transformers to regulate voltage between the facilities and the subterranean duct bank. One transformer will be located at the Alki Wet Weather Treatment Station Facility. The transformer for the 63rd Avenue Pump Station Facility will be in right-of-way.

The Alki Wet Weather Treatment Station Facility is a combined sewer overflow (CSO) facility that operates only after heavy rainfall, and the 63rd Avenue Pump Station Facility sends flows to the Alki CSO in the event of heavy runoff.

After this resolution is adopted, a draft term permit ordinance specifying all of the permit conditions will be submitted to the City Council by SDOT.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

Are there financial costs or other impacts of *not* implementing the legislation?

If the resolution is not adopted, the City would not receive an annual fee as a condition of the term permit ordinance.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

Yes, the King County owned property at 3535 Beach Drive Southwest.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

There are no perceived implications to the principles of the Race and Social Justice Initiative.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Yes, this project will provide standby power so that the wastewater treatment plant and the pump station can be running within a minute of any utility power outage, allowing high flows to be pumped and avoiding uncontrolled combined sewer overflows. Climate change is increasing the intensity and frequency of storms, and the storm season appears to be getting longer. King County anticipates that their facilities will see higher flows

more often as the years progress. Standby power will greatly reduce uncontrolled combined sewer overflows due to power outages.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

N/A

Summary Attachments (if any):

Summary Attachment A – King County Alki Transformer Area Map

King County Alki Transformer Area Map



Proposed transformer location



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

February 1, 2023

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Resolution 32079: King County Alki Transformer Term Permit Conceptual Approval

On Tuesday, February 7, 2023, the Transportation and Seattle Public Utilities Committee (Committee) will consider [Resolution 32079](#). This resolution would grant conceptual approval for a new “significant structure” term permit to King County’s Wastewater Treatment Division, allowing them to take steps to locate an electrical transformer and retaining wall to support their Combined Sewer Overflow (CSO) system in the Beach Drive SW right-of-way in the Alki neighborhood, Council District 1.

The transformer would support a generator that will provide back-up power to the Alki [Wet Weather Treatment Station](#) (WWTS) and the 63rd Avenue Pump Station in case the electrical system fails. The Alki WWTS is a CSO facility that operates only after heavy rainfall. The 63rd Avenue Pump Station sends flows to the Alki WWTS in the event of heavy runoff.

Because the proposed transformer would occupy part of the city street, approval must be granted by the City Council pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.65 – Significant Structure Term Permits](#). Conditional conceptual approval of the term permit is the first step in approving the use of the street for this purpose. Resolution 32079 would grant conceptual approval to King County for the installation of the transformer and would direct the Seattle Department of Transportation (SDOT) to negotiate final approval of a term permit.

This memorandum summarizes the term permit approval process and describes the conditions of approval under Resolution 32079.

Significant Structure Term Permits

Significant structures are structures that have “a long-anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. SMC Chapter 15.65 establishes the procedures and criteria for approval of term permits for significant structures.

[SMC 15.65.040.C](#) identifies ten issues that are considered when reviewing whether to approve a significant structure:

1. Adequacy of horizontal, vertical, and other clearances.
2. View blockage and impacts due to reduction of natural light.
3. Construction permit review is at 60% conceptual approval.
4. Interruption or interference with existing streetscape or another street amenities.
5. Effect on pedestrian activity;
6. Effect on commerce and enjoyment of neighboring land uses;
7. Availability of reasonable alternatives;
8. Effect on traffic and pedestrian safety;
9. Accessibility for the elderly and handicapped; and
10. The public benefit mitigation elements provided by the proposal, to the extent required based on the nature of the structure.

Once the SDOT Director reviews a term permit petition, the director transmits a recommendation to the City Council for conceptual approval. The Council's review of the proposal considers the ten items noted above in order to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. The Council may provide conceptual approval, conditional conceptual approval or deny the term permit through a resolution.

If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT forwards a bill to the City Council for its final decision to grant or deny the application for a proposed new structure permit. Generally, the City grants approval for a 15-year term, renewable once for a total term of 30 years but the Council may approve a different term.

King County Alki Generator

The Wastewater Treatment Division of King County's Department of Natural Resources and Parks operates the Alki WWTS at 3350 Beach Drive SW, south of Benton Place SW. The WWTS is located one block southwest of the intersection of Beach Drive SW and Alki Avenue SW. It is across the street from the [Charles Richey Sr Viewpoint](#), a City park. The WWTS provides "primary treatment (physical settling of solids), disinfection (usually chlorination), and dechlorination of CSOs" during heavy rainfall.

King County is installing a high-capacity standby generator for both the Alki WWTS and the 63rd Avenue Pump Station at 3535 Beach Drive SW. These facilities currently do not have full-time permanent back up power. The project involves trenching the transmission wires in SW Hinds Street, SW Wilton Court, 64th Avenue SW, and Beach Drive SW (approximately 0.25 miles). The project requires the installation of two transformers to regulate voltage between the facilities

and the subterranean duct bank. One transformer will be located at the Alki WWTS. The transformer for the 63rd Avenue Pump Station Facility will be in right-of-way and is the subject of this petition.

Beach Drive SW, including the section between SW 63rd Street and SW 64th Street, is a "[Healthy Street](#)." SDOT is currently exploring permanent improvements to this block.

Resolution 32079 would grant conditional conceptual approval for a term permit to King County for a transformer in the Beach Drive SW right-of-way. King County would need to meet the following conditions outlined in the resolution before SDOT recommends approval and King County receives a term permit:

1. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation ("SDOT"), which the Director will circulate to other City departments and any public and private utilities affected by the installation of the Transformer;
2. Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City's Risk Manager;
3. Obtain a Revocable Use Permit from Seattle Parks & Recreation for the conduit connecting to the Transformer;
4. Pay all City permit fees;
5. Obtain all other necessary permits;
6. Maintain and inspect the Transformer; and
7. Remove the Transformer and restore the right-of-way to in as good condition for public use as existed prior to construction of the Transformer and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way restoration standards upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

The resolution directs SDOT to draft a term permit bill that reflects these conditions for Council consideration. If Council approves the bill, King County would have the right to build and use the transformer.

Next Steps

If the Committee recommends adoption of the resolution at its meeting on February 7, final adoption could occur as early as the City Council meeting on February 14. Once the resolution is adopted and King County meets the conditions listed above, SDOT would begin to draft a bill to approve the term permit.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Supervising Analyst



King County Alki Transformer Resolution

Council Transportation & Seattle Public Utilities Committee

Presentation overview

King County is seeking conceptual approval for a transformer and retaining wall at 63rd Ave SW, intersecting with Beach Dr SW and SW Spokane St.

The transformer is necessary to support the permanent back up generator at the Alki Wet Weather Treatment Station Facility and 63rd Ave Pump Station.

SDOT recommends conceptual approval.



Significant Structures- Seattle Municipal Code 15.65

Definition:

- The structure will be in the right-of-way for a long duration.
- It impedes the City's or public's flexibility in using the right-of-way.
- Is necessary for the functioning of the business.

Term permit process - new permits

Two Step Process:

Step 1 – Adoption of the resolution provides conceptual approval for the private use in the right-of-way, subject to the terms and conditions to be established in the term permit ordinance.

Step 2 - Passage of the ordinance details the obligations of the permit, including annual fee, maintenance obligations, indemnification, insurance, and bond requirements.

Proposal

King County is proposing to construct and operate a transformer and retaining wall at 63rd Ave SW, intersecting with Beach Dr SW and SW Spokane St

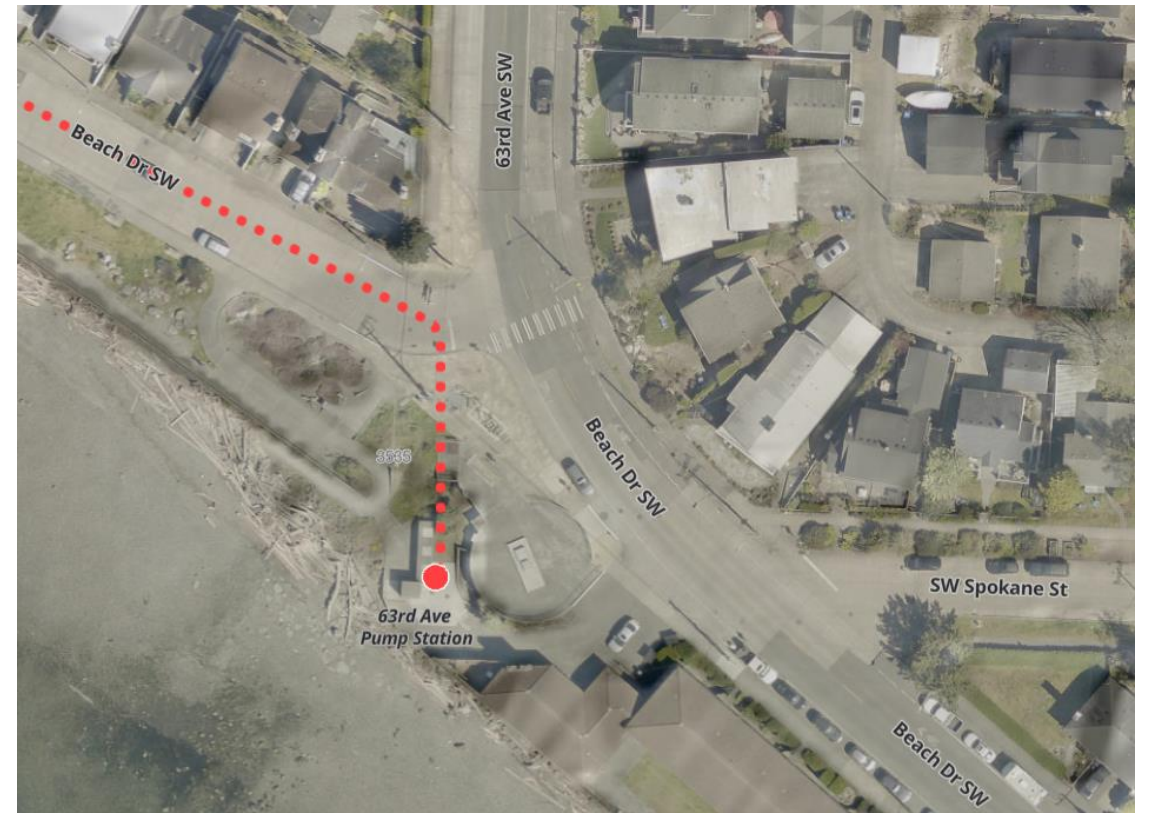
King County is installing a high-capacity standby generator for both the Alki Wet Weather Treatment Station Facility and the 63rd Avenue Pump Station.

The project involves placing the electrical lines below-grade and requires the installation of two transformers to regulate the voltage between the two facilities and the new subterranean duct bank.

- One transformer will be located on King County's property; the other will be located in the ROW adjacent to the Pump Station.
- Transformer adjacent to the 63rd Ave Pump Station will be approximately 6 feet high and 9 feet wide.

The transformer will occupy approximately 300 square feet in the right-of-way and King County seeks a term permit for this encroachment.

Proposed location



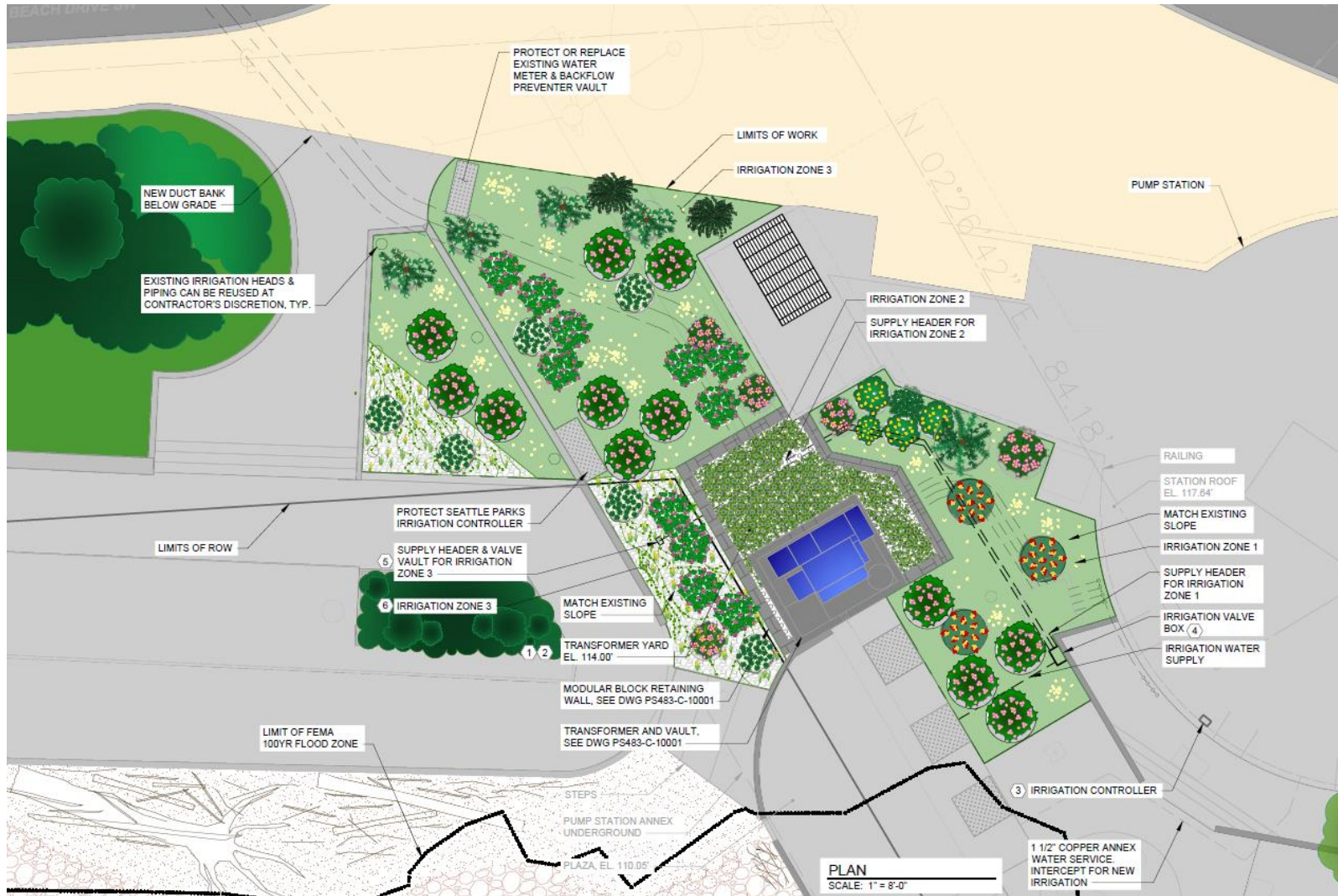
Existing site



Proposal Images



Proposed landscaping plans

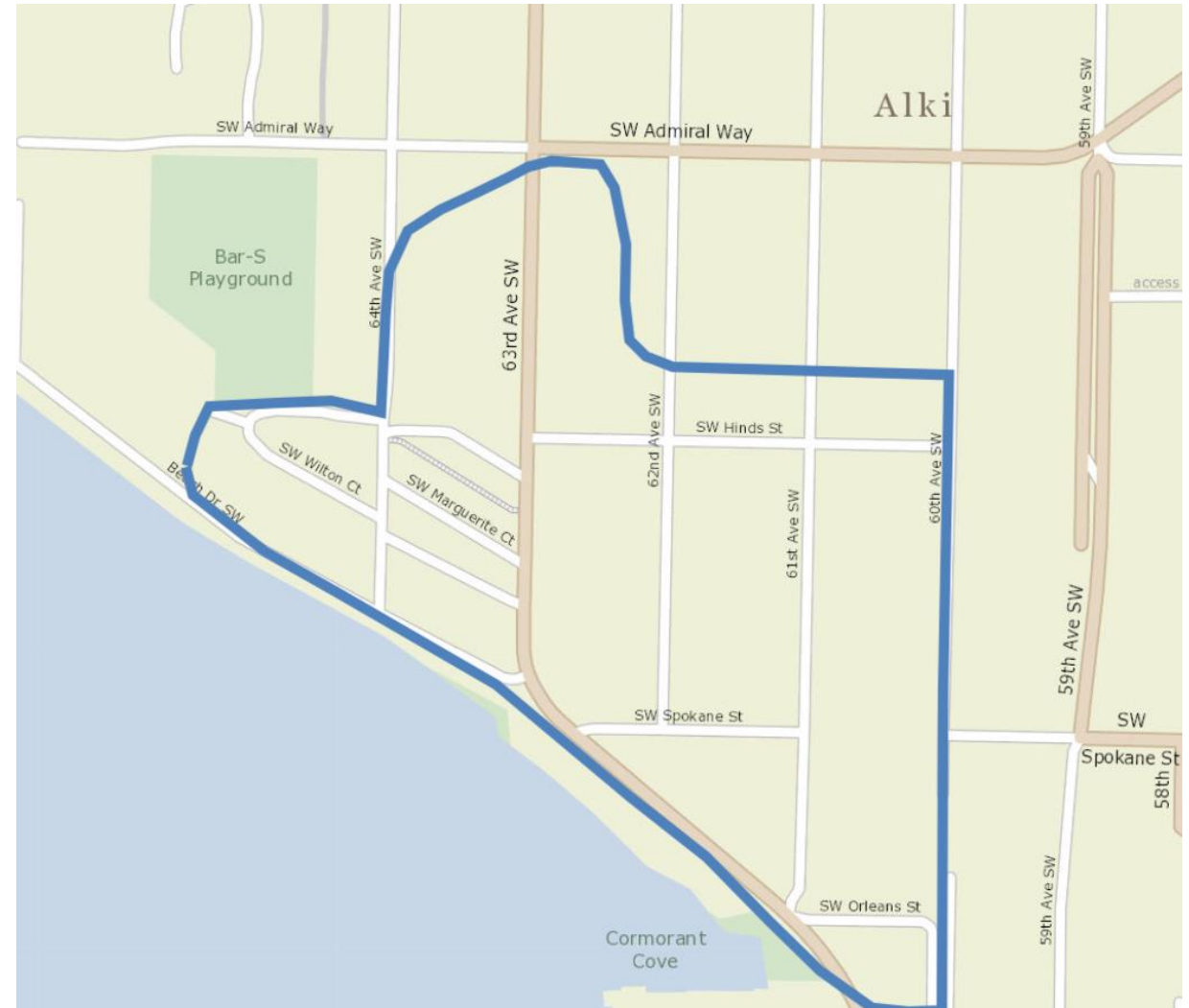


SHRUB / GROUNDCOVER LEGEND:

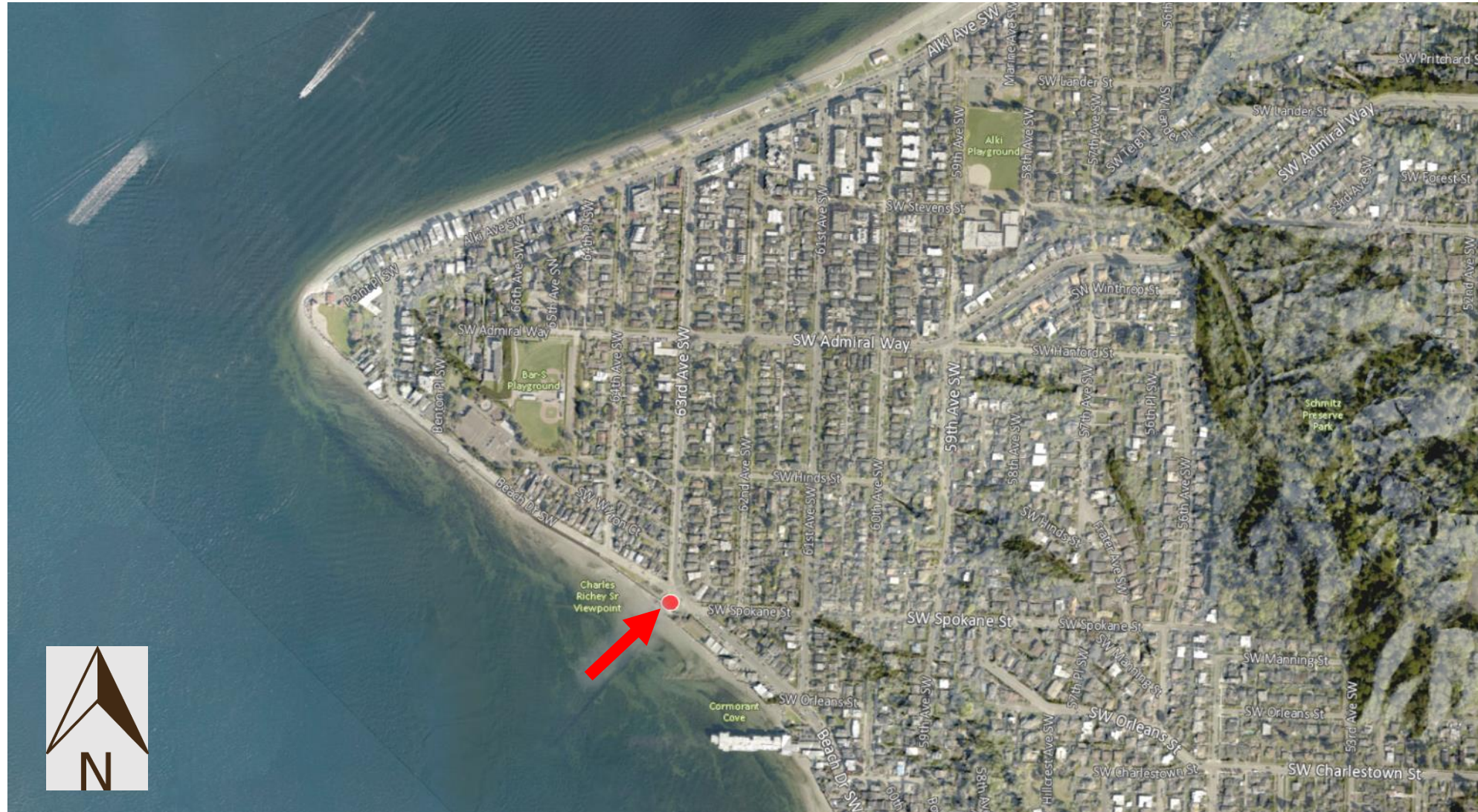
-  MAHONIA AQUIFOLIUM / OREGON GRAPE, QTY. 4
-  ROSA NUTKANA / NOOTKA ROSE, QTY. 11
-  RIBES SANGUINEUM / RED FLOWERING CURRANT, QTY. 10
-  ARBUTUS UNEDO P 'COMACTA' / DWARF STRAWBERRY TREE, QTY. 3
-  PINUS CONTORTA / SHORE PINE, QTY. 1
-  PINUS MUGO / DWARF MUGO PINE, TRANSPLANT QTY. 4
-  LONICERA PILEATA / BOXLEAF HONEYSUCKLE, TRANSPLANT QTY. 2
-  MYRICA CALIFORNICA / PACIFIC WAX MYRTLE, QTY. 8
-  EXISTING ROSA RUGOSA / RUGOSA ROSE
-  EXISTING MYRICA CALIFORNICA / PACIFIC WAX MYRTLE
-  CISTUS SALVIFOLIUS 'PROSTRATUS' / WHITE SAGE LEAF ROCKROSE @ 48" OC ~1170 SF
-  50/50 MIX SISYRINCHIUM CALIFORNICUM / YELLOW EYED GRASS & SEDUM SPATHULIFOLIUM / BROADLEAF STONECROP, ~260SF
-  GRASS PAVERS PER NOTES 1 & 2 BELOW ~140SF

Public outreach

- May 2019, Posting in the West Seattle Blog [Early Heads Up: Beach Drive CSO plant project planning](#)
- March 2022, flyers sent door to door within a specified distance from the Alki Treatment Plant and the 63rd Ave Pump Station describing the overall project
- September 2022, follow up flyers sent in September 2022 specifically calling out the transformer adjacent to the 63rd Ave Pump Station



Project neighborhood - West Seattle



Requested action

- We seek Council adoption of this resolution for conceptual approval of the transformer.
- If the resolution is adopted, we will prepare the term permit ordinance.
- If the ordinance is approved, the permit will be in place for as long as King County operates the Alki Wet Weather Treatment Station Facility and 63rd Ave Pump Station.

Questions?

amy.gray@seattle.gov | (206) 386-4638

www.seattle.gov/transportation

