

February 24, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Resolution 31988: East Howe Street Parking Conceptual Approval

On Wednesday, March 3, 2021 the Transportation and Utilities Committee will consider [Resolution 31988](#). This Resolution would grant conceptual approval for a new “significant structure” term permit to BSOP 1 LLC, allowing them to take steps to place private parking spaces on an unopened street right-of-way in the Eastlake neighborhood, Council District 4. As a condition of the resolution, BSOP will contribute toward the construction and long-term maintenance of a public plaza within the right-of-way adjacent to the parking.

Because these proposed parking spaces 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 private parking. Resolution 31988 would grant conceptual approval to BSOP for the construction of the parking 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 31988.

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 ten-year term, renewable two times for a total term of thirty years but the Council may approve a different term.

E Howe Street Private Parking

BSOP 1, LLC, the owners of an office building at 1910 Fairview Avenue E, propose to construct 16 private parking spaces and four public spaces in the E Howe Street right-of-way, east of Fairview Avenue. The private parking spaces would be used by the tenants of 1910 Fairview during the day and would be available to the public in the evening and weekends. In exchange for use of the right-of-way for parking, BSOP 1, LLC would contribute to the development and maintenance of a public plaza adjacent to the parking. The plaza is being designed and will be developed in coordination with the East Howe Street Plaza Steering Committee, a neighborhood organization.

E Howe Street between Fairview and Eastlake avenues is not developed for street purposes. Adjacent to Eastlake, the right-of-way has been developed with a pedestrian plaza in exchange for a subterranean street vacation. In the middle of the block, a set of stairs connects the Eastlake street grade with the Fairview street grade, 20 feet below Eastlake. A public plaza is proposed to be built connecting the bottom of the stairway to Fairview. The plaza would include a sloped walkway, small overlook, retaining wall, seat wall, railings and planted areas. A [diagram](#) showing the proposed locations of the parking spaces and plaza is attached to the fiscal note for Resolution 31988.

East of Eastlake, E Howe Street passes through the I-5 Colonnade Park and connects Eastlake to Capitol Hill. The proposed plaza would complete connections from Fairview Ave E to 15th Avenue E, at the north end of Lake View Cemetery.

Resolution 31988 would grant conditional conceptual approval for a term permit to BSOP for private parking in the E Howe Street right-of-way. BSOP would need to meet the following conditions outlined in the resolution before SDOT recommends approval and BSOP 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 Private Parking Area;
2. Continue to work with the [East Howe Street Plaza] Steering Committee to address the comments from the Seattle Design Commission and other City departments on the design and implementation of the public plaza, including signage for the Private Parking Area that is consistent with city policies on restricted parking areas;
3. 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;
4. Pay all City permit fees;
5. Obtain all necessary permits;
6. Contribute \$500,000 for the construction of the public plaza and provide ongoing maintenance of the public plaza for the duration of the Private Parking Area term permit and any subsequent Private Parking Area term permits;
7. Maintain and inspect the Private Parking Area; and
8. Remove the Private Parking Area and restore the right-of-way to in as good condition for public use as existed before constructing the Private Parking Area 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, BSOP would have the right to build and use the private parking spaces.

Next Steps

If the Committee recommends adoption of the resolution at its meeting on March 3, final adoption could occur as early as the City Council meeting on March 7. Once the resolution is

adopted and BSOP meets the conditions listed above, SDOT would begin to draft a bill to approve the term permit.

cc: Dan Eder, Interim Director
Aly Pennucci, Supervising Analyst