



CITY OF SEATTLE

City Council

Agenda

Monday, August 17, 2020

2:00 PM

**Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.**

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

[Watch Council Meetings Live](#) [View Past Council Meetings](#)

**For accessibility information and for accommodation requests, please call
206-684-8888 (TTY Relay 7-1-1), email CouncilAgenda@Seattle.gov, or visit
<http://seattle.gov/cityclerk/accommodations>.**



CITY OF SEATTLE

City Council Agenda

August 17, 2020 - 2:00 PM

Meeting Location:

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council>

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.8 through September 1, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. 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.

Submit written comments to all Councilmembers at

Council@seattle.gov

Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS**D. APPROVAL OF THE JOURNAL**

[Min 294](#) August 10, 2020

Attachments: [Minutes](#)

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 268](#) August 17, 2020

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. PUBLIC COMMENT**

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at
<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. 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.

H. PAYMENT OF BILLS

These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.

[CB 119864](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of August 3, 2020 through August 7, 2020 and ordering the payment thereof.

I. COMMITTEE REPORTS

*Discussion and vote on Council Bills (CB), Resolutions (Res),
Appointments (Appt), and Clerk Files (CF).*

LAND USE AND NEIGHBORHOODS COMMITTEE:

1. [CB 119831](#) AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Strauss, Mosqueda, Lewis, Pedersen

Opposed: None

Attachments: [Full Text: CB 119831](#)

Supporting

Documents: [Summary and Fiscal Note](#)
[Summary Att 1 - Zones Affected](#)

CITY COUNCIL:

2. [CB 119840](#) AN ORDINANCE named in honor of MiChance Dunlap-Gittens and relating to the Seattle Police Department; prohibiting law enforcement officers from questioning, except in limited circumstances, persons 18 years of age or younger where a Miranda warning is administered unless legal counsel is provided; prohibiting law enforcement officers from requesting permission from a person under 18 years of age to conduct a search of the person or property, dwellings, or vehicles under that person's control unless legal counsel is provided for that person; and adding a new Section 3.28.147 to the Seattle Municipal Code.

Attachments: [Summary and Fiscal Note](#)

3. [Res 31963](#) A RESOLUTION supporting The George Floyd Justice in Policing Act of 2020 (H.R. 7120).

Supporting Documents:

[Summary and Fiscal Note](#)

4. [CB 119742](#) AN ORDINANCE vacating portions of the alleys in Block 3, Norris Addition to West Seattle, in the West Seattle Junction and accepting a Property Use and Development Agreement on the petition of The Whittaker, a Condominium Association, a Washington non-profit corporation (Clerk File 312783).

Attachments: [Ex 1 – Whittaker Alley Vacation PUDA](#)

Supporting Documents:

[Summary and Fiscal Note](#)

[Summary Att A – Whittaker Alley Vacation Map](#)

[Central Staff Memo \(8/17/20\)](#)

5. [CB 119844](#) AN ORDINANCE relating to a pedestrian skybridge over and across Sixth Avenue, north of Pine Street; amending Ordinance 118631 to update insurance and bond requirements; amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to MPH Pacific Place LLC; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Attachments: [Summary and Fiscal Note](#)

Supporting Documents:

[Summary Att A – MPH Pacific Place LLC Skybridge Area Map](#)

[Summary Att B – MPH Pacific Place LLC Skybridge Photo](#)

[Summary Att C – MPH Pacific Place LLC Skybridge Fee Assessment](#)

[Central Staff Memo](#)

6. [CB 119845](#) AN ORDINANCE granting Onni DEU (John Street) LLC permission to construct, maintain, and operate a below-grade private thermal energy exchange system under and across John Street, east of Boren Avenue and west of Fairview Avenue North, 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 – 1120 John Street Thermal Exchange
Area Map](#)

[Summary Att B – 1120 John Street Thermal Exchange](#)

[Fee Assessment](#)

[Central Staff Memo](#)

7. [CB 119846](#) AN ORDINANCE granting SMRE Marketside LLC permission to maintain and operate a pedestrian skybridge over and across Post Alley at the north margin of Union Street for a fifteen-year term, renewable for one successive fifteen-year term; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Att A – SMRE Marketside LLC Skybridge
Area Map](#)

[Summary Att B – SMRE Marketside Skybridge Photo](#)

[Summary Att C - SMRE Marketside Skybridge Fee
Assessment](#)

[Central Staff Memo](#)

8. [CB 119850](#) AN ORDINANCE relating to the Department of Transportation; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of The City of Seattle a Quit Claim Deed from King County, a political subdivision of the State of Washington, located in a portion of Block B, Supplementary Plat of Edes and Knight's Addition to the City of Seattle, a portion of the Northwest quarter of Section 32, Township 26 North, Range 4 East, Willamette Meridian, a portion of Block 1, Ross Home Addition, and a portion of Block 48, Yesler's 2nd Addition (Supplemental) to the City of Seattle; designating the property for street purposes and laying it off as right-of-way; placing the property under the jurisdiction of the Department of Transportation; and ratifying and confirming certain prior acts.

Attachments: [Att A - Quit Claim Deed](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Att 1 - Vicinity Map for Parcel No. 225450-2530](#)

[Summary Att 2 - Vicinity Map for Parcel No. 322604-9544](#)

[Summary Att 3 - Vicinity Map for Parcel No. 744600-0070](#)

[Summary Att 4 - Vicinity Map for Parcel No. 982870-2355](#)

[Central Staff Memo](#)

9. [CB 119851](#) AN ORDINANCE accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: South Trenton Street abutting Parcel A and Parcel B, City of Seattle Short Subdivision Number 3026975, recorded under King County Recording Number 20180131900006 (formerly known as Lot 15, Dunlap's Plat of Land on Lake Washington); South Rose Street and 39th Avenue South abutting Tract 31 and Tract 32, Lake Dell; the alley in Block 34, Woodlawn Addition to Green Lake; the alley in Block 4, Hillman City Addition to the City of Seattle, Division No. 1; the alley in Block 33, Little City Farms, Division No. 5; the alley in Block 148, Gilman Park; the alley in Block 1, Bowyer's Addition to the City of Seattle; the alley in Block 22, Hill Tract Addition to the City of Seattle; the alley in Block 4, Weedin's Division of Green Lake Addition to Seattle; Aurora Avenue North and North 128th Street abutting Parcel B and Parcel C, City of Seattle Lot Boundary Adjustment No. 3026911, recorded under King County Recording Number 20180516900007 (previously known as Tract 10, Tract 11, and Tract 12, Schreiner's Garden Tracts); the alley in Block 158, Replat of Blocks 65, 66, 158, 159, 160, 161, and 163, Gilman Park; the alley in Block 15, University Park Addition to the City of Seattle; the alley in Parcel B, Seattle Short Subdivision Number 3027671, recorded November 9, 2017, under King County Recording Number 20171109900007 (previously known as Block 7, Francies R. Day's LaGrande); the alley in Parcel A and Parcel B, City of Seattle Lot Boundary Adjustment 3028296, recorded under King County Recording Number 20180301900004 (previously known as Block 23, South Park); the alley in Block 12, Pettit's University Addition to the City of Seattle; the alley in Block 3, Borzone's 2nd Addition to the City of Seattle; the alley in Parcel A and Parcel B, City of Seattle Short Subdivision Number 3030547-LU, recorded under King County Recording Number 20180824900003 (previously known as Block 26, Gilman Park); and the alley in Block 4, Lawton Heights.)

**Supporting
Documents:**

[Summary and Fiscal Note](#)

[Summary Att 1- 20 - Dedication Deed Acceptance No.
41](#)

10. [CB 119852](#) AN ORDINANCE accepting twenty limited purpose easements for public sidewalk, and emergency vehicle, street, or alley turn-around purposes; placing the real property conveyed by such easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts. (This ordinance concerns the following rights of way; the sidewalk adjoining Block 4, Robinson's Tracts, together with a portion of vacated 39th Avenue South, vacated under Ordinance 118837; the sidewalk adjoining Block 3, Davis Addition to Seattle; the sidewalk adjoining Parcels B and C, City of Seattle Lot Boundary Adjustment Number 3013809, recorded under King County Recording Number 20121018900001 (previously known as Block 111, Gangloff's Addition to the City of Seattle, and a portion of The Donation Claim of D. T. Denny and Louisa Denny, his wife, and Government Lot 7, located in the Southeast quarter of the Southeast quarter of Section 30, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington); the sidewalk adjoining Block 81, D. T. Denny's Park Addition to North Seattle; the sidewalk adjoining Block 33, Block 43, and Block 44, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), together with a portion of vacated Pine Street, vacated Terry Avenue, Lots 1 and 12, and the alley approved for vacation by Seattle City Council per Clerk File Number 314338 on May 7th, 2018, all within said blocks; the sidewalk adjoining the Northwest quarter of the Southwest quarter of Section 16, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington; the street turn-around and the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3023386, recorded under King County Recording Number 20161011900002 (previously known as Tracts A, B, C, and D, Blocks 2, 3, and 26, Joseph R. McLaughlin's Water Front Addition to the City of Seattle, together with a portion of vacated Front Street, vacated Second Avenue South, vacated Third Avenue South, and vacated alley, vacated under Ordinance Numbers 86205, 86872 and 109967, all within said block); the sidewalk adjoining Block 235, Seattle Tide Lands, together with a portion of South Lyons Street vacated under Ordinance 91450; the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3023038-LU, recorded under King County Recording Number 20180726900001 (previously known as a portion of the Southeast quarter of Section 16, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington and the Easterly margin of Martin Luther King Jr. Way South as established by Condemnation under King County

Superior Court Cause Number 98096, pursuant to City of Seattle Ordinance Number 30673); the sidewalk adjoining Lot 13, Carney's Supplemental Plat of Tract 5 in Bayside Addition to the City of Seattle; the sidewalk adjoining Block 5, Sorenson's Addition to the City of Seattle; the sidewalk adjoining Block 135, Seattle Tide Lands, together with a portion of the vacated alley within said block lying between Lots 3 and 4, vacated under City of Seattle Ordinance Number 5009, and a portion of vacated West Galer Street, vacated under City of Seattle Ordinance Number 5010; the street turn-around abutting Block 140, Seattle Tide Lands; the emergency vehicle turn-around abutting Block 139, Seattle Tide Lands; the alley turn-around abutting Parcel A, City of Seattle Lot Boundary Adjustment Number 9905264, recorded under King County Recording Number 20000424900010 (previously known as Block 1, Pioneer Addition to the City of Seattle); the sidewalk adjoining Parcel A, City of Seattle Short Subdivision Number 3026975, recorded under King County Recording Number 20180131900006 (previously known as Lot 15, Dunlap's Plat of Land on Lake Washington); and the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3031112-LU, recorded under King County Recording Number 20180924900001 (previously known as Block 29, Woodland Addition to Salmon Bay City).)

**Supporting
Documents:**

[Summary and Fiscal Note](#)

[Summary Att 1-20 - Dedication Easement Acceptance
No. 42](#)

11. [CB 119853](#) AN ORDINANCE accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: the alley in Block 5, Sorenson's Addition to the City of Seattle; Eastlake Avenue East abutting Block 8, T. J. Carle's Supplemental Plat of Block Eight of D. T. Denny's 2nd Addition of North Seattle; Klickitat Avenue Southwest abutting Block 408, Seattle Tidelands; Klickitat Avenue Southwest, 13th Avenue Southwest, and 16th Avenue Southwest abutting Block 401, Seattle Tide Lands; the alley in Block 5, Sorenson's Addition to the City of Seattle; the alley in Block 29, Town of Seattle, as laid out by D. S. Maynard, Commonly known as D. S. Maynard's Plat of Seattle; the alley in Block 10, Greenwood Park Add. to the City of Seattle; the alley in Block 33, South Park; the alley in Block "L", Bell's 5th Addition to the City of Seattle; the alley in Block 12, Cowen's University Park; the alley in Block 5, South Park, the alley in Block 10, Westlake Boulevard Addition to the City of Seattle; the alley in Block 12, Pettit's University Addition to the City of Seattle; the alley in Block 7, Gilman Park; the alley in Block 7, Pettit's University Addition to the City of Seattle; the alley in Block 2, Capitol Hill Addition to the City of Seattle, Division No. 1; the alley in Block 12, Empire Way Addition to the City of Seattle; the alley in Parcels C, D, & E, City of Seattle Short Subdivision No. 3003381, recorded under King County Recording Number 20071126900008, previously known as Block 11, Denny's Addition to Ballard and Seattle; and the alley in Block 32, South Park.)

**Supporting
Documents:**

[Summary and Fiscal Note](#)

[Summary Att 1-20 - Dedication Deed Acceptance No.
43](#)

12. [CB 119854](#) AN ORDINANCE accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: 41st Avenue Northeast abutting the Southeast quarter of the Southwest quarter of Section 10, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington; the alley in Block 95, David T. Denny's First Addition to North Seattle; the alley in Block 57, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle); the alley in Block 12, North Seattle; the alley in Block 4, White Center; the alley in Block 5, University Heights; the alley in Block 6, Ross Second Addition to the City of Seattle; the alley in Block 39, Central Seattle; South Holgate Street abutting a portion of Jeffrey's Replat of Block 13 Jos. C. Kinnear's Addition to the City of Seattle; the alley in a portion of Lot 25, Wilson's 2nd Addition to the City of Seattle; the alley in Block 2, Norris' Addition to West Seattle; the alley in Block 5, Burke & Farrar's Fifth Addition to the City of Seattle; the alley in Block 44, Central Seattle; 16th Avenue Southwest abutting Block 406, Seattle Tide Lands, together with a portion of vacated Southwest Hanford Street; and Klickitat Avenue Southwest abutting Block 408, Seattle Tide Lands.)

**Supporting
Documents:**

[Summary and Fiscal Note](#)

[Summary Att 1-21 - Dedication Deed Acceptance No.
44](#)

13. [CB 119855](#) AN ORDINANCE accepting twenty limited purpose easements for public sidewalk, walkway, pedestrian, alley, utility, bicycle, and bridge purposes; placing the real property conveyed by such easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts. (This ordinance concerns the following rights of way: the public walkway in Block 15, Portion of the Town of Seattle, as laid out on the Land Claim of Wm. H. Bell, and the North Western Extremity of the Claim of A. A. Denny (Commonly known as Bell & Denny's Addition to the City of Seattle); the alley and underground utility in Block 40, Denny and Hoyt's Addition to the City of Seattle; the alley in Block 1, Orchard Hill Addition to the City of Seattle; the sidewalk adjoining Block 118, A. A. Denny's Broadway Addition to the City of Seattle; the sidewalk adjoining Parcel B, City of Seattle Short Subdivision Number 3022602-LU, recorded under King County Recording Number 20160505900007, as recorded in Book 342 of Surveys, pages 168 through 170, records of King County (previously known as Block 6, Union Lake Addition Supplemental to the City of Seattle; the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment No. 3029150, recorded under King County Recording Number 20180309900001, as recorded in Volume 380 of Surveys, page 145, records of King County (previously known as Block 14, Greenwood Park Fifth Addition to the City of Seattle); the sidewalk adjoining Block 34, Woodlawn addition to Green Lake; the alley in Block 3, Stewart's First Addition to West Seattle; the sidewalk adjoining Block 15, University Park Addition to the City of Seattle; the sidewalk adjoining Parcel B, City of Seattle Lot Boundary Adjustment No. 3031112-LU, recorded under King County Recording Number 20180924900001, as recorded in Volume 391 of Surveys, page 166, records of King County, Washington (previously known as Block 29, Woodlawn Addition to Salmon Bay City); and the sidewalk adjoining Block 2, Norris' Addition to West Seattle; the sidewalk adjoining Block 7, Jackson Street Addition to the City of Seattle and Block 2, Burke's Second Addition to the City of Seattle, together with a vacated portion of 24th Avenue South; the sidewalk adjoining Block 28, D. S. Maynard's Plat of the Town of Seattle; the bridge and bridge column abutting Block 407, Seattle Tide Lands together with a portion of vacated Southwest Hanford Street; the sidewalk adjoining Block 7, Highland View; the sidewalk adjoining a portion of the Southeast quarter of the Southeast quarter of Section 5, Township 25 North, Range 4 East, Willamette Meridian, King County, Washington; the sidewalk adjoining Unit Lot A, City of Seattle Unit Lot Subdivision No. 3033930-LU, recorded under King

County Recording No. 20191018900001 (previously known as Block 12, Pettit's University Addition to the City of Seattle); and the bicycle and pedestrian trail abutting Blocks 139, 146, and 147, Seattle Tidelands, together with portions of vacated West Laramie Street and vacated Puget Avenue West, and a portion of Parcel A, City of Seattle Lot Boundary Adjustment No. 3010369, recorded under King County Recording Number 20110503900006 (previously known as Blocks 139, 140, 145, 146, 147, and 149, Seattle Tidelands, together with portions of vacated West Laramie Street, vacated Puget Avenue West, vacated Stevens Street West, vacated Alaskan Way West, and the bisecting alleyways).

**Supporting
Documents:**

[Summary and Fiscal Note](#)

[Summary Att 1-20 - Dedication Easement Acceptance
No. 45](#)

14. [CB 119856](#) AN ORDINANCE accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: the alley in Block 9, University Heights; Northeast 75th Street abutting Block 7, Manor's University Addition to the City of Seattle; the alley in a portion of the Northwest quarter of the Southeast quarter of Section 4, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington; the alley in Parcel A and Parcel B, City of Seattle Lot Boundary Adjustment Number 9804296, as recorded under King County Recording Number 19990629900016; the alley in Block 2, Shelton's Addition to the City of Seattle; 11th Avenue Northeast abutting Block 2, Shelton's Addition to the City of Seattle; South Juneau Street abutting Parcels A, B, C, D, E, and F, City of Seattle Short Subdivision Number 9804566, as recorded under King County Recording Number 20000329900010, and Parcel H, City of Seattle Short Subdivision Number 9804571, as recorded under King County Recording Number 199812089007; the alley in Block 78, Denny & Hoyt's Supplemental Plat; the alley in Block 52, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle); the alley in Block 87, D. T. Denny's Park Addition to North Seattle; the alley in Block 9, The Byron Addition to the City of Seattle; the alley in Block 5, The Byron Addition to the City of Seattle; the alley in Block 81, Plat of D. T. Denny's Park Addition to North Seattle; the alley in Block 10, Claremont Addition to the City of Seattle; the alley in Block 5, University Heights; the alley in Block 10, Randell's 2nd Addition to the City of Seattle; Southwest Charlestown Street abutting Block 4, Seaboard Addition to the City of Seattle; 37th Avenue South abutting Lots 16 through 25, Holtfreter's Addition to the City of Seattle; the alley in Lots 16 through 25, Holtfreter's Addition to the City of Seattle; the alley in Block 15, Hillman City Addition to the City of Seattle, Division No. 6; and South Grand Street abutting Block 6, Sunnyside Addition to the City of Seattle.)

**Supporting
Documents:**

[Summary and Fiscal Note](#)

[Summary Att 1-20 - Dedication Deed Acceptance No.
46](#)

15. [CB 119857](#) AN ORDINANCE relating to the City Light Department; clarifying that residents living in the City Light Department owned housing in the Diablo and Newhalem communities are subject to the City Light Department's rates under Chapter 21.49 and 21.56 of the Seattle Municipal Code; amending Section 21.56.030 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

**Supporting
Documents:**

[Summary and Fiscal Note](#)
[Central Staff Memo](#)

16. [CB 119859](#) AN ORDINANCE relating to taxation; delaying the effective date of the heating oil tax on heating oil service providers under Chapter 5.47 of the Seattle Municipal Code; and delaying the date of the Office of Sustainability and Environment's first annual heating oil tax program status report.

**Supporting
Documents:**

[Summary and Fiscal Note](#)
[Central Staff Memo](#)
[Proposed Amendment 1](#)

17. [CB 119847](#) AN ORDINANCE relating to historic preservation; imposing controls upon the Canterbury Court, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

**Supporting
Documents:**

[Summary and Fiscal Note](#)
[Summary Ex A – Vicinity Map of Canterbury Court](#)

18. [CB 119848](#) AN ORDINANCE relating to historic preservation; imposing controls upon the University of Washington Engineering Annex, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Attachments: [Att A - Building Plans and Section](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Ex A – Vicinity Map of UW Engineering Annex](#)

19. [CB 119849](#) AN ORDINANCE relating to historic preservation; imposing controls upon the Roy Vue Apartments, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Ex A – Vicinity Map of Roy Vue](#)

20. [Res 31964](#) A RESOLUTION sponsoring and requesting the entrance of the King County Regional Homelessness Authority into the Association of Washington Cities Employee Benefit Trust.

Supporting

Documents:

[Summary and Fiscal Note](#)

21. [Res 31965](#) A RESOLUTION delegating temporary authority to the City Clerk to set the time and place for a hearing on any appeals from the report, findings, recommendation, and decision of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751, and directing that the City Clerk provide any required notice of the hearing in the manner required by law.

Supporting

Documents:

[Summary and Fiscal Note](#)

22. [Appt 01591](#) Appointment of La Rond Baker as member, Community Police Commission, for a term to December 31, 2020.

Attachments: [Appointment Packet](#)

23. [Appt 01592](#) Appointment of Judith M. Tobin as member, Seattle Ethics and Elections Commission, for a term to December 31, 2021.

Supporting Documents: [Appointment Packet](#)

24. [Appt 01593](#) Appointment of Hardeep Singh Rekhi as member, Seattle Ethics and Elections Commissions, for a term to December 31, 2022.

Attachments: [Appointment Packet](#)

25. [Appt 01602](#) Reappointment of Chris Mefford as member, City Light Review Panel, for a term to April 11, 2023.

Attachments: [Appointment Packet](#)

J. ADOPTION OF OTHER RESOLUTIONS

K. OTHER BUSINESS

L. ADJOURNMENT



Legislation Text

File #: Min 294, **Version:** 1

August 10, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, August 10, 2020

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.8 through September 1, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.8 and guidance provided by the Attorney General's Office, on August 10, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

Present: 7 - González , Herbold, Lewis, Mosqueda, Pedersen, Sawant, Strauss

Excused: 1 - Juarez

Late Arrival: 1 - Morales

By unanimous consent, the City Council meeting recessed until 2:45 p.m.

The City Council meeting came back to order at 2:45 p.m.

The following Councilmembers were present and participating electronically:

Present: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Excused: 1 - Juarez

C. PRESENTATIONS

There were none.

D. APPROVAL OF THE JOURNAL

[Min 292](#)

July 27, 2020

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen,
Sawant, Strauss

Opposed: None

[Min 293](#)

August 3, 2020

**Motion was made, duly seconded and carried, to adopt the
proposed Minutes by the following vote, and the President signed
the Minutes:**

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen,
Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 267](#)**August 10, 2020**ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar.

ACTION 2:

Motion was made by Councilmember Lewis and duly seconded, to amend the proposed Introduction and Referral Calendar by introducing Resolution 31962, Co-Sponsored by Councilmembers Herbold and Juarez, and by referring it to the City Council for adoption at today's meeting after Agenda item 11, Resolution 31954.

Resolution 31962, A RESOLUTION relating to policing and public safety; establishing the Council's intent to create a civilian-led Department of Community Safety & Violence Prevention; identifying actions in 2020 to remove certain functions from the Seattle Police Department and provide funding for a community-led process to inform the structure and function of the new department; requesting modifications to policing practices; requesting reporting to the Council; providing guidance on layoff decisions; and establishing a work program and timeline for creating a new department.

ACTION 3:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PUBLIC COMMENT

By unanimous consent, the Council Rules were suspended to provide a 75 minute Public Comment period.

The following individuals addressed the City Council:

Abby Brockman
Joanna Bitton
Andrea Diaz
Bryan Clark
Charlotte Thistle
Mairi Dulaney
Phoenica Zhang
Joe Kunzler
Katie Roberts
Kelsey Montgomery
Ashley Meyer
Thomas Moriarty
Gina Bourgeois
Lauren Peterson
Tobin Holliday
Sara Geiger
Howard Gale
Katherine Campbell
Kristina Nielander
Kathryn Dawson
Cassandra Leon
Devitta Briscoe
Joshua Ryder
Sean Riccio
Ashok Chandwaney
Eric Salinger
Star Willey
Jazz English
Kelsey McGrath
Sally Kincaid
James Donaldson
Sara Moran
Robert Brulet
Mark Taylor-Canfield
Susan Rubstello

H. PAYMENT OF BILLS

[CB 119843](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of July 27, 2020 through July 31, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119843.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS

SELECT BUDGET COMMITTEE:

1. [CB 119818](#) **AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget, including the 2020-2025 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new CIP projects and revising project allocations for certain projects in the 2020-2025 CIP; abrogating positions; modifying positions, and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 7 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Strauss

Opposed: 1 - Sawant

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: 1 - Sawant

2. [CB 119819](#) **AN ORDINANCE authorizing, in 2020, acceptance of funding from non-City sources; authorizing the Mayor or Mayor's designee to accept specified grants, private funding, and subsidized loans and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 8 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

3. [CB 119820](#) **AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget, including the 2020-2025 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 8 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

4. [CB 119821](#) **AN ORDINANCE amending Ordinance 125724, which adopted the 2019 Budget, including the 2019-2024 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 8 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

5. [Res 31951](#) **A RESOLUTION authorizing an exception to the level of General Fund support to Seattle Parks and Recreation due to exigent economic circumstances, by a 3/4 vote of the City Council.**

The Committee recommends that City Council adopt the Resolution (Res).

In Favor: 8 - Mosqueda, Herbold, González , Juarez, Lewis, Morales, Pedersen, Strauss

Opposed: 1 - Sawant

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 7 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: 1 - Sawant

6. [CB 119822](#) **AN ORDINANCE relating to the 2020 Budget; suspending the Minimal Annual General Fund Appropriation to the Seattle Department of Transportation budget as required in Ordinance 124796, the Levy to Move Seattle; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 8 - Mosqueda, Herbold, González , Juarez, Lewis, Morales, Pedersen, Strauss

Opposed: 1 - Sawant

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: 1 - Sawant

7. [CB 119823](#) **AN ORDINANCE relating to the 2018 Families, Education, Preschool, and Promise Levy; amending the levy implementation and evaluation plan adopted by Ordinance 125807; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 9 - Mosqueda, Herbold, González , Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

8. [Res 31952](#) **A RESOLUTION adopting revised financial policies for the Cumulative Reserve Subfund of the General Fund; and superseding Attachment B to Resolution 31848.**

The Committee recommends that City Council adopt as amended the Resolution (Res).

In Favor: 9 - Mosqueda, Herbold, González , Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

9. [CB 119824](#) **AN ORDINANCE related to the City's response to the 2020 COVID-19 crisis; amending Ordinance 126000, which adopted the 2020 Budget; accepting funding from non-City sources; changing appropriations to various departments and budget control levels, and from various funds in the Budget; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 8 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

10. [CB 119825](#) **AN ORDINANCE related to the City's response to the 2020 COVID-19 crisis; amending Ordinance 126000, which adopted the 2020 Budget; changing appropriations to various departments and budget control levels, and from various funds in the Budget; imposing a proviso; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 7 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Strauss

Opposed: 1 - Sawant

ACTION 1:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council at least two hours before the meeting, was suspended to consider two amendments to Council Bill 119825.

ACTION 2:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 119825, by adding a new Section, as shown in the underlined language below:

Section [X] . Of the appropriations in the 2020 budget for the Human Service Department's (HSD's) Preparing Youth for Success BSL (HSDBO-HS-H2000) Budget Summary Level, \$4 million is appropriated solely for community-led investments such as the Seattle's Community Safety Initiative (including HSD's associated administrative costs) and may be spent for no other purpose, notwithstanding powers provided to the Mayor by Section 3 of the Proclamation of Civil Emergency dated March 3, 2020. Funded organizations engaging in community safety should share some or all of the following characteristics: Culturally-relevant expertise rooted in community connections and support, experience in holistic community safety efforts, including de-escalation skills and mental health support, experience providing wrap-around support services, and experience responding to incidents of violence in high-risk communities. The Council requests that the Mayor provide the Chair of the Community Economic Development Committee with a report identifying the selected organizations.

ACTION 3:

Motion was made by Councilmember Morales, duly seconded and carried,

to amend Council Bill 119825, by adding a new Section, as shown in the underlined language below:

Section [X]. Of the appropriations in the 2020 budget for the Human Service Department's (HSD's) Preparing Youth for Success BSL (HSDBO-HS-H2000) Budget Summary Level, \$10 million is appropriated solely for community-led efforts to scale up organizations to increase public safety through technical support, capacity building, and expansion of capacity (including HSD's associated administrative costs) and may be spent for no other purpose, notwithstanding powers provided to the Mayor by Section 3 of the Proclamation of Civil Emergency dated March 3, 2020. These funds are intended to support the Council's re-imagining of community safety work. Furthermore, none of the money so appropriated may be spent until the City Council approves by ordinance a proposed spending plan submitted by HSD to the City Council committee with oversight over civil rights issues and the City Council Central Staff Director.

ACTION 4:

Motion was made and duly seconded to pass Council Bill 119825 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 7 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: 1 - Sawant

11. [Res 31954](#) **A RESOLUTION relating to the City's annual budget process; stating intent that the City will consider a one-year budget proposal for 2021 only; and superseding Resolution 28885 to the extent inconsistent.**

The Committee recommends that City Council adopt as amended the Resolution (Res).

In Favor: 8 - Mosqueda, Herbold, González , Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

CITY COUNCIL:

From the amended Agenda

[Res 31962](#) **A RESOLUTION relating to policing and public safety; establishing the Council's intent to create a civilian-led Department of Community Safety & Violence Prevention; identifying actions in 2020 to remove certain functions from the Seattle Police Department and provide funding for a community-led process to inform the structure and function of the new department; requesting modifications to policing practices; requesting reporting to the Council; providing guidance on layoff decisions; and establishing a work program and timeline for creating a new department.**

Motion was made and duly seconded to adopt Resolution 31962.

The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

12. [CB 119839](#) **AN ORDINANCE relating to appropriations for the Office for Civil Rights; amending Ordinance 126000, which adopted the 2020 Budget; and lifting provisos.**

Motion was made and duly seconded to pass Council Bill 119839.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

13. [CB 119841](#) **AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for premium pay for gig workers in Seattle; amending Sections 100.015, 100.027, and 100.200 of Ordinance 126094 to make technical corrections; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

Motion was made and duly seconded to pass Council Bill 119841.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

14. [CB 119842](#) **AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for paid sick and paid safe time for gig workers working in Seattle; and amending Sections 100.015 and 100.080 of Ordinance 126091 to make technical corrections.**

Motion was made and duly seconded to pass Council Bill 119842.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

15. [Res 31961](#) **A RESOLUTION affirming the rights of members of the press, legal observers, and medical personnel covering the protests against police brutality.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31961.

ACTION 2:

Motion was made by Councilmember Mosqueda, duly seconded and carried, to amend Resolution 31961, by substituting version 4 for version 2a.

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31961 as amended.

The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

In Favor: 8 - González , Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:48 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on August 17, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: IRC 268, **Version:** 1

August 17, 2020



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<u>By: Mosqueda</u>		
1. CB 119864	AN ORDINANCE appropriating money to pay certain audited claims for the week of August 3, 2020 through August 7, 2020 and ordering the payment thereof.	City Council
<u>By: Lewis</u>		
2. CB 119869	AN ORDINANCE relating to violations of civil emergency orders; amending Section 10.02.110 of the Seattle Municipal Code to establish enforcement actions for violations of civil emergency orders; adding a new Section 10.02.120 to the Seattle Municipal Code to establish a severability clause to Chapter 10.02; repealing Chapter 12A.26 of the Seattle Municipal Code to consolidate provisions related to civil emergency orders; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.	City Council
<u>By: Pedersen</u>		
3. CB 119870	AN ORDINANCE relating to the City Light Department; authorizing the General Manager and CEO to execute a ten-year agreement with Pend Oreille County, for loss of revenues and additional financial burdens associated with the City Light Department's operation of the Boundary Hydroelectric Project on the Pend Oreille River pursuant to RCW 35.21.420, 35.21.425, 35.21.426, and 35.21.427; and ratifying and confirming certain prior acts.	City Council
<u>By: Pedersen</u>		
4. CB 119871	AN ORDINANCE relating to the City Light Department; establishing updated eligibility requirements for net metering and customer-requested net metering aggregation billing arrangements; and amending Section 21.49.082 of the Seattle Municipal Code.	City Council
<u>By: Lewis</u>		
5. Res 31966	A RESOLUTION modifying the City Council's adoption by Resolution 31945 of a modified civil emergency order issued by the Mayor on April 24, 2020, relating to capping restaurant delivery and pick-up commission fees.	City Council

By: Pedersen

6. [Appt 01595](#) Reappointment of Leland Bruch as member, Seattle School Traffic Safety Committee, for a term to March 31, 2023. City Council

By: Pedersen

7. [Appt 01596](#) Reappointment of Margaret McCauley as member, Seattle School Traffic Safety Committee, for a term to March 31, 2023. City Council

By: González

8. [Appt 01603](#) Reappointment of Dwane Chappelle as Director of Education for the Department of Education and Early Learning, for a term to January 1, 2024. City Council

By: Strauss

9. [Appt 01604](#) Appointment of Brianna S. Holan as Chair, Seattle Design Commission, for a term to February 28, 2021. City Council

By: Strauss

10. [Appt 01605](#) Appointment of Elizabeth Conner as member, Seattle Design Commission, for a term to February 28, 2022. City Council

By: Strauss

11. [Appt 01606](#) Appointment of Azzurra Cox as member, Seattle Design Commission, for a term to February 28, 2022. City Council

By: Strauss

12. [Appt 01607](#) Reappointment of Justin Clark as member, Seattle Design Commission, for a term to February 28, 2022. City Council

By: Strauss

13. [Appt 01608](#) Reappointment of Mark Johnson as member, Seattle Design Commission, for a term to February 28, 2022. City Council

By: González

14. [Appt 01609](#) Appointment of Shelby Cooley as member, Families, Education, Preschool, and Promise Levy Oversight Committee, for a term to December 31, 2020. City Council

By: González

15. [Appt 01610](#) Appointment of Jennifer Matter as member, Families, Education, Preschool, and Promise Levy Oversight Committee, for a term to December 31, 2021. City Council

By: González

16. [Appt 01611](#) Appointment of Princess Shareef as member, Families, City Council

Education, Preschool, and Promise Levy Oversight Committee, for a term to December 31, 2022.

By: González

17. [Appt 01612](#) Reappointment of Erin Okuno as member, Families, Education, Preschool, and Promise Levy Oversight Committee, for a term to December 31, 2022. City Council

By: Pedersen

18. [CB 119745](#) AN ORDINANCE granting the University of Washington (UW) permission to maintain and operate five existing pedestrian skybridges located around the perimeter of the UW campus as a Campus Pedestrian Skybridge Network, for a ten-year term; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts. Transportation and Utilities Committee

By: Pedersen

19. [CB 119865](#) AN ORDINANCE relating to street and sidewalk use; amending Ordinance 125706 and the Street Use Permit Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code; and ratifying and confirming certain prior acts. Transportation and Utilities Committee

By: Pedersen

20. [CB 119866](#) AN ORDINANCE relating to Seattle Public Utilities; creating a restricted cash account for depositing donations and gifts; authorizing the General Manager/CEO of Seattle Public Utilities to accept donations and gifts into the account for the purpose of providing financial assistance to its low-income customers. Transportation and Utilities Committee

By: Strauss

21. [CB 119867](#) AN ORDINANCE relating to the City's traffic code; amending Sections 11.46.010 and 11.46.020 of the Seattle Municipal Code to revise permissible areas of operation in the right-of-way and other public pathways for electric personal assistive mobility devices and motorized foot scooters. Transportation and Utilities Committee

By: Strauss

22. [CB 119868](#) AN ORDINANCE relating to use of City right-of-way by free-floating scooters; amending Section 15.17.005 of the Seattle Municipal Code; adopting a Free-Floating Scooter Share Program Fee Schedule; and ratifying and confirming certain prior acts. Transportation and Utilities Committee



Legislation Text

File #: CB 119864, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 3, 2020 through August 7, 2020 and ordering the payment thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$23,316,752.47 on PeopleSoft 9.2 mechanical warrants numbered 4100362763- 4100364399 plus manual or cancellation issues for claims, E-Payables of \$83,283.51 on PeopleSoft 9.2 9100006888 - 9100006957 and Electronic Financial Transactions (EFT) in the amount of \$81,833,968.81 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Payment of the sum of \$51,579,485.99 on City General Salary Fund mechanical warrants numbered 51337053- 51337219 plus manual warrants, agencies warrants, and direct deposits numbered 330001 - 332702 representing Gross Payrolls for payroll ending date August 4, 2020 as detailed in the Payroll Summary Report for claims against the City which were audited by the Auditing Committee and reported by said committee to the City Council August 13, 2020 consistent with appropriations heretofore made for such purpose from the appropriate Funds, is hereby approved.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

Section 4. 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 17th day of August 2020, and signed by me in open session in authentication of its passage this 17th of August 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: CB 119831, **Version:** 1

AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

The Full Text is provided as an attachment.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.050 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, subject to the following requirements:

* * *

D. The occupation may be conducted within any legal principal or accessory dwelling unit or structure(~~(, provided that licensed child care may be conducted only in the principal structure or in an accessory dwelling unit)~~). Home occupations may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home occupation does not preclude a resident of another legally established dwelling unit on the property from also conducting a home occupation.

* * *

F. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the home occupation visible from the exterior of the structure, provided that:

1 1. Outdoor play areas for ((~~licensed~~)) child care programs and outdoor activities
2 customarily incidental to the residential use are permitted;

3 2. Interior and exterior alterations and additions that comply with the development
4 standards of the zone are permitted;

5 3. Alterations and additions that are required by licensing or construction codes
6 for ((~~licensed~~)) child care programs are permitted; and

7 4. Signs identifying the home occupation are permitted subject to compliance with
8 Chapter 23.55, Signs.

9 * * *

10 H. Except for ((~~licensed~~)) child care programs, no more than two persons who are not
11 residents of a dwelling unit on the lot may work in a home occupation, regardless of whether the
12 persons work full or part-time or are compensated.

13 * * *

14 ~~((L. Licensed child care programs in the home of the operator are limited to 12 children~~
15 ~~per day including the children of the operator.))~~

16 Section 2. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance
17 125791, is amended as follows:

18 **23.44.006 Principal uses permitted outright**

19 The following principal uses are permitted outright in single-family zones:

20 * * *

21 G. Uses in existing or former public schools:

22 1. Child care centers, public or private schools, educational and vocational
23 training for the disabled, adult evening education classes, nonprofit libraries, community centers,

community programs for the elderly, and similar uses are permitted outright in existing or former public schools, provided that any new children's play equipment or active play area associated with the use shall be located at least ~~((30 feet from any other lot in a single family zone, and at least))~~ 20 feet from any other lot in any ~~((other))~~ residential zone.

2. Other non-school uses in existing or former public schools, if permitted pursuant to procedures established in Chapter 23.78.

3. Additions to existing public schools only when the proposed use of the addition is a public school;

* * *

J. Commercially operating horse farms in existence before July 1, 2000, on lots greater than ten acres, conforming to the limits on the number and location of farm animals and structures containing them set forth in Section 23.42.052~~((:))~~ ;

K. Child care centers.

Section 3. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.44.022 Institutions

A. Institutions ~~((Identified))~~ identified. The following institutions may be permitted as conditional uses in single-family zones:

Community centers

~~((Child care centers))~~

Private schools

Religious facilities

Libraries

Existing institutes for advanced study

Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals

Colleges

Museums

Private clubs

Vocational schools

* * *

D. General provisions

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.020 unless modified elsewhere in this subsection 23.44.022.D or in a Major Institution master plan.

2. The establishment of a ~~((child care center in a legally established elementary or secondary school or community center, or establishment of a))~~ shelter for homeless youths and young adults in a legally established elementary or secondary school, is not considered a new use or an expansion of the institutional use provided that:

a. The use does not violate any condition of approval of the existing institutional use;

b. The use does not require expansion of the existing structure;

c. Any new children's play area is located at least 30 feet from any other lot in a single-family zone, and at least 20 feet from any lot in a multifamily zone;

d. ~~((If the use is a shelter, the))~~ The occupants are enrolled students of the established school.

3. Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of 2 1/2 acres. An institution campus may be established or expanded beyond 2 1/2 acres if the property proposed for the expansion is substantially vacant land.

E. Dispersion. ~~((+))~~ The lot line of any proposed new or expanding institution, other than child care centers ~~((locating in legally established institutions))~~, shall be located ~~((six hundred (600)))~~ 600 feet or more from any lot line of any other institution in a residential zone, with the following exceptions:

~~((a-))~~ 1. An institution may expand even though it is within ~~((six hundred (600)))~~ 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

~~((b-))~~ 2. A proposed institution may be located less than ~~((six hundred (600)))~~ 600 feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways, or nonresidential uses, which provide substantial separation from other institutions.

~~((2. A proposed child care center serving not more than twenty five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:~~

1 ~~a. Create physical scale and bulk incompatible with the surrounding~~
2 ~~neighborhood;~~
3 ~~b. Create traffic safety hazards;~~
4 ~~c. Create or significantly increase identified parking shortages; or~~
5 ~~d. Significantly increase noise levels to the detriment of surrounding~~
6 ~~residents.))~~

7 * * *

8 Section 4. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
9 125791, is amended as follows:

10 **23.45.510 Floor area**

11 * * *

12 D. The following floor area is exempt from FAR limits:

- 13 1. All stories, or portions of stories, that are underground.
- 14 2. The floor area contained in a Landmark structure subject to controls and
15 incentives imposed by a designating ordinance, if the owner of the Landmark has executed and
16 recorded an agreement acceptable in form and content to the Landmarks Preservation Board,
17 providing for the restoration and maintenance of the historically significant features of the
18 structure, except that this exemption does not apply to a lot from which a transfer of
19 development potential (TDP) has been made under Chapter 23.58A, and does not apply for
20 purposes of determining TDP available for transfer under Chapter 23.58A.
- 21 3. The floor area contained in structures built prior to January 1, 1982, as single-
22 family dwelling units that will remain in residential use, regardless of the number of dwelling
23 units within the existing structure, provided that:

a. No other principal structure is located between the existing residential structure and the street lot line along at least one street frontage. If the existing residential structure is moved on the lot, the floor area of the existing residential structure remains exempt if it continues to meet this provision; and

b. The exemption is limited to the gross floor area in the existing residential structure as of January 1, 1982.

4. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following circumstances:

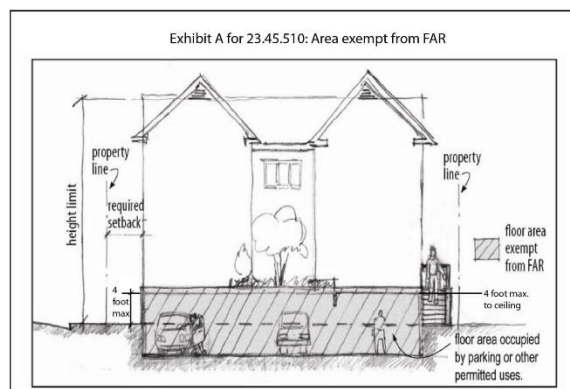
a. Apartments in LR zones;

b. Rowhouse and townhouse developments in LR zones, provided that all parking is located at the rear of the structure or is enclosed in structures with garage entrances located on the rear facade; and

c. All multifamily structures in MR and HR zones.

Exhibit A for 23.45.510

Area exempt from FAR



5. For rowhouse and townhouse developments and apartments, floor area within a story, or portion of a story, that is partially above grade if all of the following conditions are met:

1 a. The story, or portion of the story, that is partially above grade is used
2 for parking or other accessory uses and has no additional stories above;

3 b. The average height of the exterior walls enclosing the floor area does
4 not exceed one story, measured from existing or finished grade, whichever is lower;

5 c. The roof area above the exempt floor area is predominantly flat, is used
6 as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;
7 and

8 d. At least 25 percent of the perimeter of the amenity area on the roof
9 above the floor area is not enclosed by the walls of the structure.

10 6. Enclosed common amenity area in HR zones.

11 7. As an allowance for mechanical equipment, in any structure more than 85 feet
12 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection
13 23.45.510.D.

14 8. In HR zones, ground floor commercial uses meeting the requirements of
15 Section 23.45.532, if the street level of the structure containing the commercial uses has a
16 minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

17 9. The floor area of required bicycle parking for small efficiency dwelling units or
18 congregate residence sleeping rooms, if the bicycle parking is located within the structure
19 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
20 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
21 limits.

22 10. Common walls separating individual rowhouse and townhouse dwelling units.

11. In the Northgate Urban Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

12. In MR and HR zones, all gross floor area in child care centers.

* * *

Section 5. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.45.570 Institutions

* * *

J. Dispersion. The lot line of any new or expanding institution other than child care centers ~~((located in legally established institutions))~~ shall be located 600 feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of dispersion is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks, or other elements such as arterials, freeways, or nonresidential uses, that provide substantial separation from other institutions.

Section 6. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.47A.004 Permitted and prohibited uses

* * *

**Table A for 23.47A.004
Uses in Commercial zones**

Uses	Permitted and prohibited uses by zone ¹				
	NC1	NC2	NC3	C1	C2
* * *					
E. INSTITUTIONS					
E.1. Institutions not listed below	10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
E.3. Religious facilities	P	P	P	P	P
E.4. Schools, elementary or secondary	P	P	P	P	P
<u>E.5. Child care centers</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *					

KEY

A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010

10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010

20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010

25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010

35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010

40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010

50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010

Footnotes to Table A for 23.47A.004

¹ In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

² In addition to the provisions in this Chapter 23.47A, uses that entail major marijuana activity are subject to the requirements of Section 23.42.058.

³ For commercial uses with drive-in lanes, see Section 23.47A.028.

⁴ Subject to subsection 23.47A.004.H.

⁵ Permitted at Seattle Center.

⁶ Bed and breakfasts in existing structures are permitted outright with no maximum size limit.

⁷ Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

⁸ Medical service uses that are located in an urban center or urban village, which are in operation at such location before August 1, 2015, and that routinely provide medical services on a reduced fee basis to individuals or families having incomes at or below 200 percent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2), are limited to 20,000 square feet. This provision does not apply to medical service uses that are subject to a Major Institution Master Plan.

⁹ Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.

¹⁰ Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

¹¹ Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size.

¹² Subject to subsection 23.47A.004.G.

¹³ Permitted pursuant to subsection 23.47A.004.D.7.

¹⁴ Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.

¹⁵ Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A.3.

¹⁶ Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

¹⁷ Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services or similar.

¹⁸ Permitted at Seattle Center; see Section 23.47A.011.

¹⁹ Flexible-use parking is subject to Section 23.54.026. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

²⁰ Permitted as surface parking only on surface parking lots existing as of January 1, 2017. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

²¹ Permitted outright, except prohibited in the SAOD.

²² See Chapter 23.57, Communications regulations, for regulation of communication utilities.

²³ A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.

Section 7. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.47A.013 Floor area ratio

* * *

B. The following gross floor area is not counted toward FAR:

1. All stories, or portions of stories, that are underground;
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;
3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
4. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure, if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:
 - a. The above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the

structure footprint, whichever is lower, as measured to the finished floor level or roof above,
pursuant to subsection 23.47A.012.A.3; or

b. All of the following conditions are met:

1) No above-grade parking is exempted by subsection
23.47A.013.B.4.a;

2) The parking is accessory to a residential use on the lot;

3) Total parking on the lot does not exceed one space for each
residential dwelling unit plus the number of spaces required for non-residential uses; and

4) The amount of gross floor area exempted by this subsection
23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
greater; and

5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
and 23.47A.012.C.6;

6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8; and

7. The floor area of required bicycle parking for small efficiency dwelling units or
congregate residence sleeping rooms, if the bicycle parking is located within the structure
containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
limits((-)) ;

8. All gross floor area in child care centers.

* * *

Section 8. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.48.005 Uses

* * *

D. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street-level of the street-facing facade along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640; and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2 streets shown on Map A for 23.48.740:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities; ~~((and))~~
- h. Light rail transit stations~~((:))~~ ; and
- i. Child care centers.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for Seattle Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

* * *

Section 9. Section 23.48.605 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.48.605 Uses in SM-U zones

* * *

C. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.605.C.1 are required at street level along the street-facing facades abutting streets shown on Map A for 23.48.605:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Human services uses;
- i. Child care centers ~~((facilities))~~; and
- j. Light rail transit stations.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

Map A for 23.48.605

Locations of street-level use requirements



Section 10. Section 23.48.620 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.48.620 Floor area ratio in SM-U zones

* * *

C. Floor area exempt from FAR. In addition to the exempt floor area identified in subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation and maintenance of the historically significant features of the structure including but not limited to a certificate of approval for the modification of the Landmark. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

2. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C, whether required or not, that meet the development standards of subsection 23.48.040.C;

3. Except in the SM-U/R 75-240 zone, uses identified in subsection 23.48.605.C that abut and have access onto a mid-block corridor meeting the standards of subsection 23.48.640.F and the applicable standards in Section 23.58A.040;

4. Floor area for ~~((a preschool,))~~ an elementary school~~((;))~~ or a secondary school, which may include minimum space requirements for associated uses including but not limited to academic core functions, child care, administrative offices, a library, maintenance facilities, food service, interior recreation, and specialty instruction space, provided that;

1 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
2 letter to the Director from the operator of the school indicating that, based on the Master Use
3 Permit plans, the operator has determined that the development would meet the operator's
4 specifications; and

5 b. Prior to issuance of a building permit, the applicant shall submit a
6 written certification by the operator to the Director that the operator's specifications have been
7 met;

8 5. Floor area used for theaters or arts facilities, which for the purposes of this
9 Section 23.48.620 may be operated either by for-profit or not-for-profit organizations;

10 6. Floor area in a vulnerable masonry structure included on a list of structures that
11 meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided
12 that the structure is retained for a minimum of 50 years according to the provisions that apply to
13 a qualifying "vulnerable masonry structure" TDR or TDP sending site in subsection
14 23.58A.042.F.3;

15 7. All gross floor area of a light rail transit station and related passenger
16 amenities;

17 8. All gross floor area of a human service use;

18 9. Floor area in enclosed portions of a mid-block corridor or other enclosed open
19 space feature that would be eligible for a bonus according to Section 23.48.624 on the lot where
20 the feature is located. The exemption applies regardless of whether a floor area bonus is
21 obtained;

10. Up to a maximum of 50,000 square feet of the floor area occupied by a City facility, including but not limited to fire stations and police precincts, but not a City facility predominantly occupied by office use; ~~((and))~~

11. Up to 25,000 square feet of a community center that is open to the general public for a minimum of six hours per day, five days per week, 42 weeks per year; and ~~((:))~~

12. All gross floor area in child care centers.

* * *

Section 11. Section 23.48.720 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

23.48.720 Floor area ratio (FAR) in SM-UP zones

* * *

C. Floor area exempt from FAR. In addition to floor area that is exempt from FAR limits according to subsection 23.48.020.B, the following floor area is exempt from FAR limits:

1. The floor area contained in a Landmark structure if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation of the structure. This exemption does not apply to a lot from which a Landmark TDR or TDP has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A;

2. ~~((Floor))~~ All gross floor area ~~((for))~~ in a ~~((preschool))~~ child care center, an elementary school, or a secondary school;

3. Floor area used for theaters or arts facilities, which for the purposes of this Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

4. Floor area of street-level uses identified in subsection 23.48.005.D that meet the development standards of subsection 23.48.040.C; and

5. Floor area in a vulnerable masonry structure that is included on a list of structures that meet specified criteria in a rule promulgated by the Director under Section 23.48.627, provided that the structure is retained for a minimum of 50 years according to the provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in subsection 23.58A.042.F.3.

Section 12. Section 23.48.732 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

23.48.732 Maximum structure width and depth in SM-UP zones

* * *

C. Width and depth limits do not apply to stories of a structure having more than 50 percent of the total gross floor area of the story occupied by any of the following uses:

1. Community clubs or community centers;
2. Religious facilities;
3. Arts facilities operated by a non-profit or for-profit organization or organizations;
4. ~~((Preschool, elementary,))~~ Elementary or secondary schools; ~~((or))~~
5. Performing arts theaters~~((:))~~ ; or
6. Child care centers.

* * *

Section 13. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.49.011 Floor area ratio

* * *

B. Exemptions and deductions from FAR calculations

1. The following are not included in chargeable floor area, except as specified below in this Section 23.49.011:

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR Exemption Area identified on Map 1J up to a maximum FAR of 2 for all such uses combined, provided that for uses in the FAR Exemption Area that are not in the DRC zone the uses are located no higher than the story above street level;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

1) The street level of the structure containing the exempt space has a minimum floor-to-floor height of 13 feet, except that in the DMC 170 zone the street level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

2) The exempt space extends a minimum depth of 15 feet from the street-level, street-facing facade; and

3) Overhead weather protection is provided satisfying Section 23.49.018;

c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J, provided that:

1) The minimum area of the shopping atria is 4,000 square feet;

2) The eligibility conditions of the Downtown Amenity Standards
are met; and

3) The maximum area eligible for a floor area exemption is 20,000
square feet;

d. Child care centers;

* * *

x. Floor area for ((~~a preschool~~)) an elementary school((;)) or a secondary
school, except on lots zoned DRC, which may include minimum space requirements for
associated uses including but not limited to academic core functions, child care, administrative
offices, a library, maintenance facilities, food service, interior recreation, and specialty
instruction space, provided that:

1) Prior to issuance of a Master Use Permit, the applicant shall
submit a letter to the Director from the operator of the school indicating that, based on the Master
Use Permit plans, the operator has determined that the development could meet the operator's
specifications; and

2) Prior to issuance of a building permit, the applicant shall submit
a written certification by the operator to the Director that the operator's specifications have been
met.

y. The floor area of required bicycle parking for small efficiency dwelling
units or congregate residence sleeping rooms, if the bicycle parking is located within the
structure containing the small efficiency dwelling units or congregate residence sleeping rooms.
Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt
from FAR limits.

2. Mechanical equipment

a. As an allowance for mechanical equipment fully contained within a structure, three and one-half percent shall be deducted in computing chargeable gross floor area.

Calculation of the allowance excludes gross floor area exempt pursuant to subsection 23.49.011.B.1.

b. Mechanical equipment located on the roof of a structure shall not be calculated as part of the total gross floor area of the structure.

Section 14. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.50.028 Floor area

* * *

C. Exemptions from FAR calculations

1. The following areas are exempt from FAR calculations in all industrial zones:

a. All stories, or portions of stories, that are underground;

b. All gross floor area used for accessory parking, except as provided in subsection 23.50.028.D;

c. All gross floor area located on the rooftop of a structure and used for any of the following: mechanical equipment, stair and elevator penthouses, and communication equipment and antennas;

d. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998, in an IG1 or IG2 zone, if complying with subsection 23.50.012.D; and

e. Bicycle commuter shower facilities required by subsection

23.54.015.K.8.

2. In addition to areas exempt from FAR calculations in subsection 23.50.028.C.1, within an IC 85-175 zone, the following exemptions from FAR calculations apply:

a. As an allowance for mechanical equipment, 3.5 percent of the total chargeable gross floor area that is not otherwise exempt under this subsection 23.50.028.C.

b. All gross floor area for solar collectors and wind-driven power generators.

c. The gross floor area of the following uses located at street level, provided that the conditions of Section 23.50.039 are satisfied:

1) General sales and service uses;

2) Eating and drinking establishments;

3) Entertainment use;

4) Public libraries;

5) Child care ((~~facilities~~)) centers;

6) Religious facilities; and

7) Automotive sales and service.

3. In addition to areas exempt from FAR calculations in subsection 23.50.028.C.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR calculations.

* * *

Section 15. Section 23.84A.018 of the Seattle Municipal Code, last amended by Ordinance 123478, is amended as follows:

23.84A.018 "I"

* * *

"Institution" means structure(s) and related grounds used by organizations for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to the following uses:

* * *

4. "Child care center" means an institution that regularly provides care to a group of children for less than ~~((twenty-four (24)))~~ 24 hours a day, whether for compensation or not. Preschools, cooperative child care exchanges, and drop-in centers where children receive care by the day shall be considered to be child care centers.

* * *

Section 16. 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 _____, 2020,
and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Lish Whitson/206-615-1674	N/A

** 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 land use and zoning; modifying use and development standards to remove regulatory impediments and allow the siting of child care centers throughout the city; and amending Sections 23.42.050, 23.44.006, 23.44.022, 23.45.510, 23.45.570, 23.47A.004, 23.47A.013, 23.48.005, 23.48.605, 23.48.620, 23.48.720, 23.48.732, 23.49.011, 23.50.028, and 23.84A.018 of the Seattle Municipal Code.

Summary and background of the Legislation:

The City Council is proposing to amend the Land Use Code (Title 23 SMC) to update requirements for child care centers, to allow them to be built throughout the city.

The legislation would:

- Remove limits on child care centers in home occupations.
- Allow child care centers as a permitted use in single-family zones.
- Remove dispersion requirements for child care centers in multifamily areas.
- Exempt child care centers from floor area limits in multifamily zones and commercial zones.
- Remove maximum size limits for child care centers in some commercial zones.
- Add code flexibility for child care centers in Seattle Mixed zones.

The bill responds to a need for additional child care spaces to serve residents of the City of Seattle in locations near their homes and workplaces. State and County studies have shown a need for child care centers and have recommended loosening regulations in order to allow them to be built as needed. The result of the legislation is likely to be an increase in child care spaces in single-family areas, where they are currently limited by conditional use requirements.

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.

Is there financial cost or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

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

The Seattle Department of Construction and Inspections (SDCI) would enforce the proposed legislation. It could reduce the number of conditional use applications that staff is required to review, but could increase enforcement requests related to the City's noise ordinance.

b. Is a public hearing required for this legislation?

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

Yes, the City Council's Land Use and Neighborhood's Committee will hold a public hearing prior to any action on the bill. The Chair's intent is to hold a public hearing on June 24, 2020.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

If yes, please describe the measures taken to comply with RCW 64.06.080.

Yes the City Council's Land Use and Neighborhood's Committee will hold a public hearing prior to any action on the bill. The Chair's intent is to hold a public hearing as early as June 24, 2020.

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

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

Yes, notice of the public hearing will be required. Notice of a determination of non-significance under the State Environmental Policy Act was published on April 27.

e. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

This legislation amends zoning regulations and the types of uses and development that can occur across the city. Summary Attachment 1 shows the zoning categories affected by the proposed legislation.

f. 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?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

The proposed legislation is intended to increase access to childcare across the city, particularly in residential neighborhoods. By increasing the ability of child care providers to locate in single-family areas where land is cheaper, there may be an expansion of childcare centers across the City. In addition, by allowing child care centers to locate in single-family areas, fewer child care centers may locate in multifamily areas, which are disproportionately occupied by Black, Indigenous, People of Color and low-income residents of the city. The Council will use its normal language access approach to provide communications to the public.

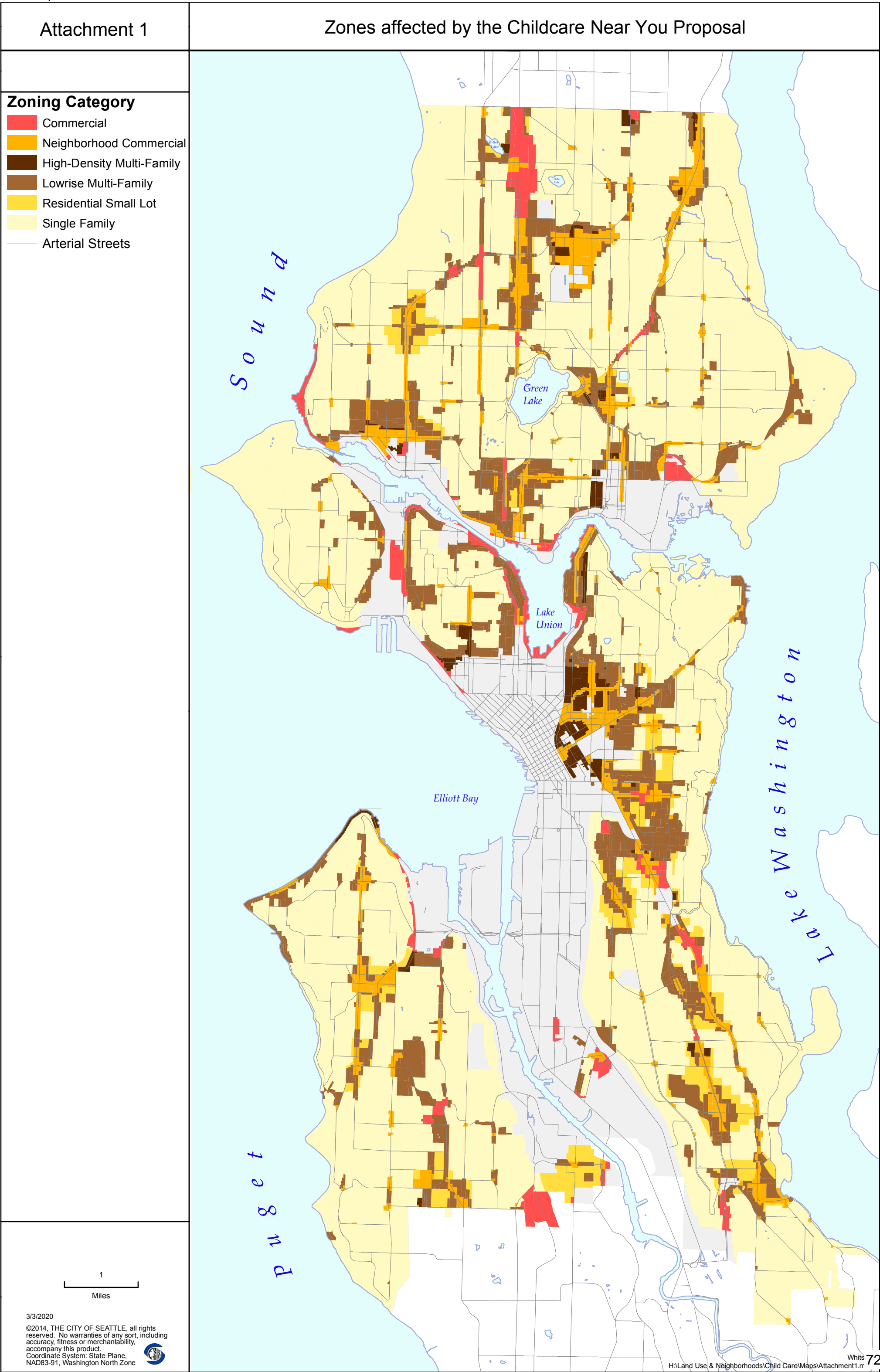
g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

This answer should highlight measurable outputs and outcomes.

Not applicable

List attachments/exhibits below:

Summary Attachment 1 – Zones affected by the Childcare Near You Proposal





Legislation Text

File #: CB 119840, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE named in honor of MiChance Dunlap-Gittens and relating to the Seattle Police Department; prohibiting law enforcement officers from questioning, except in limited circumstances, persons 18 years of age or younger where a Miranda warning is administered unless legal counsel is provided; prohibiting law enforcement officers from requesting permission from a person under 18 years of age to conduct a search of the person or property, dwellings, or vehicles under that person's control unless legal counsel is provided for that person; and adding a new Section 3.28.147 to the Seattle Municipal Code.

WHEREAS, developmental and neurological science concludes that the process of cognitive brain

development continues into adulthood, and that the human brain undergoes “dynamic changes

throughout adolescence and well into young adulthood” (see Richard J. Bonnie, et al., Reforming

Juvenile Justice: A Developmental Approach, National Research Council (2013), p. 96, and Ch. 4); and

WHEREAS, as recognized by the United States Supreme Court, children “generally are less mature and

responsible than adults,” “they often lack the experience, perspective, and judgment to recognize and

avoid choices that could be detrimental to them,” “they are more vulnerable or susceptible to...outside

pressures than adults” and “characteristically lack the capacity to exercise mature judgment and possess

only an incomplete ability to understand the world around them.” *J.D.B. v. North Carolina*, 564 U.S.

261, 272 (2011). As stated in *Graham v. Florida*, 560 U.S. 48, 78 (2010), children “have limited

understandings of the criminal justice system and the roles of the institutional actors within it.”; and

WHEREAS, pursuant to the Fifth Amendment of the United States Constitution, custodial interrogation of an

individual by law enforcement requires that the individual be advised of their rights and make a

knowing, intelligent, and voluntary waiver of those rights before the interrogation proceeds. *Miranda v.*

Arizona, 384 U.S. 436 (1966). The individual must have “full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.” *Moran v. Burbine*, 475 U.S. 412, 421 (1986) (citation omitted); and

WHEREAS, Article 1, Section 7 of the Washington Constitution and the Fourth Amendment to the United States Constitution govern when an individual’s person or belongings may be searched by law enforcement. “It is well settled under the Fourth and Fourteenth Amendments that a search conducted without a warrant issued upon probable cause is per se unreasonable...subject only to a few specifically established and well-delineated exceptions.” *Shneckcloth v. Bustamonte*, 412 U.S. 218, 219 (1973); and WHEREAS, it is equally well settled that one of the specifically established exceptions to the requirements of both a warrant and probable cause is a search that is conducted pursuant to consent. *Davis v. United States*, 328 U.S. 582, 593-94 (1946); *Zap v. United States*, 328 U.S. 624, 630 (1946, vacated, 330 U.S. 800 (1947)); *Florida v. Royer*, 460 U.S. 491, 497, 103 S. Ct. 1319, 1323-24, 75 L. Ed. 2d 229 (1983); and

WHEREAS, if law enforcement asks for a person’s consent to search, the government has the burden of demonstrating the voluntariness of the consent. *State v. Shoemaker*, 85 Wn.2d 207, 210 (1975) (citation omitted). To be valid, the consent must be voluntary and the search must not exceed the scope of consent. *State v. Hastings*, 119 Wn.2d 229, 234 (1992). Whether consent is freely given is a question of fact dependent upon the totality of the circumstances, which includes “(1) whether Miranda warnings had been given prior to obtaining consent; (2) the degree of education and intelligence of the consenting person; and (3) whether the consenting person had been advised of his right to consent.” *Shoemaker*, 85 Wn.2d at 211-12 (citations omitted); and

WHEREAS, a large body of research has established that adolescent thinking tends to either ignore or discount future outcomes and implications, and disregard long-term consequences of important decisions (see, e.g., Steinberg et al., “Age Differences in Future Orientation and Delay Discounting,” Child

Development, vol. 80 (2009), pp. 28-44; William Gardner and Janna Herman, “Adolescents’ AIDS Risk Taking: A Rational Choice Perspective,” in *Adolescents in the AIDS Epidemic*, ed. William Gardner et al. (San Francisco: Jossey Bass, 1990), pp. 17, 25-26; Marty Beyer, “Recognizing the Child in the Delinquent,” *Kentucky Children’s Rights Journal*, vol. 7 (Summer 1999), pp. 16-17; National Juvenile Justice Network, “Using Adolescent Brain Research to Inform Policy: A Guide for Juvenile Justice Advocates,” September 2012, pp. 1-2; Catherine C. Lewis, “How Adolescents Approach Decisions: Changes over Grades Seven to Twelve and Policy Implications,” *Child Development*, vol. 52 (1981), pp. 538, 541-42); and

WHEREAS, an extensive body of literature demonstrates that youth are more suggestible than adults, may easily be influenced by questioning from authority figures, and may provide inaccurate reports when questioned in a leading, repeated, and suggestive fashion (*See J.D.B.*, 564 U.S. 261, 269, 272-273 (2012)). Recent research has shown that more than one-third (35 percent) of proven false confessions were obtained from suspects under the age of 18. (Drizen & Leo, *The Problem of False Confession in the Post-DNA World* (2004) 82 N.C.L. 11 Rev. 891, 902, 944-945. fn 5); and

WHEREAS, Black children commonly feel a great deal of fear and distrust when interacting with law enforcement, as a result of their own experiences and those of their friends, family, and community members, especially those who have been verbally or physically abused by the police. (Kristin Henning, *The Reasonable Black Child: Race, Adolescence, and the Fourth Amendment*, 67 *American University Law Review* 1513 (June, 2018); and

WHEREAS, in 2019, approximately 20 percent of the youth referred to the King County Prosecuting Attorney’s Office, Juvenile Division, were referred by the Seattle Police Department (SPD) and 22 percent of the filings were from SPD referrals. In 2018, approximately 22 percent of the youth referred to the King County Prosecuting Attorney’s Office, Juvenile Division, were referred by SPD and 24 percent of the filings were from SPD referrals, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 3.28.147 of the Seattle Municipal Code is added to Subchapter I of Chapter 3.28 as follows:

3.28.147 Youth right to legal counsel

A. This Section 3.28.147 may be known and cited as the “MiChance Dunlap-Gittens Ordinance” in honor of MiChance Dunlap-Gittens, who dreamed of one day going to law school and championing the rights of young people.

B. As used in this Section 3.28.147:

1. “Miranda warning” means verbal warnings given by law enforcement advising the individual that the individual has the right to remain silent, the right to consult with legal counsel and have counsel present during questioning, and the right to have legal counsel appointed if the individual cannot afford legal counsel.

2. “Officer” means an officer of the Seattle Police Department.

3. “Youth” means any person younger than 18 years of age.

C.

1. Except as provided in subsection 3.28.147.D, no officer may, unless legal counsel is provided for the youth: ask questions of a youth after administering a Miranda warning that are only permissible after administering a warning; or request required consent or authorization from a youth to search the youth or persons, property, dwellings, or vehicles under the youth’s control. The youth’s consultation may be in person, by telephone, or by video conference and may not be waived, regardless of custody status. Nothing in this Section 3.28.147 affects the youth’s right to waive counsel after consultation.

2. After the youth has consulted with legal counsel, the youth may advise, have a parent or guardian advise, or direct legal counsel to advise, the officer as to whether the youth chooses to assert a constitutional right. Any assertion of rights by the youth via legal counsel shall be treated by an officer as though it came from the youth.

D. The provisions of subsection 3.28.147.C do not apply to questioning after an officer issues a Miranda warning, if:

1. The officer who issued the warning reasonably believes the information sought is necessary to protect life from an imminent threat;
2. Delay to allow legal consultation by phone would hamper the protection of life from an imminent threat; and
3. The questioning is limited to matters reasonably expected to obtain information necessary to protect life from an imminent threat.

E. Officers shall prepare a written record for each incident invoking subsection 3.28.147.D. The record shall document:

1. The time the youth was given a Miranda warning;
2. The time the youth was questioned without legal consultation;
3. The reasons that justified questioning the youth without legal consultation;
4. The questions posed to the youth;
5. The youth's name, age, and race; and
6. The name and badge number of the officer(s) involved in the incident.

F. On a quarterly basis, the Seattle Police Department shall provide copies of the records required by subsection 3.28.147.E, with the youth's name redacted and replaced with initials, to the Seattle Inspector General, the Seattle City Attorney's Office, the King County Prosecuting Attorney, and the Director of the King County Department of Public Defense.

G. Failure to comply with this Section 3.28.147 does not affect the admissibility of any evidence in court.

Section 2. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to

any landlord, prospective occupant, tenant, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Darozyl Touch & Alex Clardy/x6-1856	n/a

** 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 named in honor of MiChance Dunlap-Gittens and relating to the Seattle Police Department; prohibiting law enforcement officers from questioning, except in limited circumstances, persons 18 years of age or younger where a Miranda warning is administered unless legal counsel is provided; prohibiting law enforcement officers from requesting permission from a person under 18 years of age to conduct a search of the person or property, dwellings, or vehicles under that person's control unless legal counsel is provided for that person; and adding a new Section 3.28.147 to the Seattle Municipal Code.

Summary and background of the Legislation:

The Youth Right to Counsel legislation provides the following:

- Law enforcement will connect a youth to a public defender when they are asking the youth to waive their constitutional right to remain silent and constitutional right to an attorney (after administering Miranda warnings).
- Law enforcement will connect a youth to a public defender when they are asking a youth to consent to or authorize the search of the youth or any property, abode, or vehicles belonging to the youth.
- An exception allows officers to interrogate youth without connecting them to a public defender if they reasonably believe the information sought is necessary to protect life from an imminent threat and the questioning is limited to that purpose.
- The ordinance applies only when law enforcement is asking a young person to waive constitutional rights; it does not apply to Terry stops or other interactions (e.g. welfare checks) between law enforcement and youth.

Currently, police officers can ask youth to waive their constitutional rights and then interrogate them or search them without affirmatively providing legal representation. Studies show that youth do not fully comprehend the consequences of waiving their rights and have a harder time asserting their rights. They are also much more likely than adults to waive their rights. This ordinance would ensure that youth understand their constitutional rights. It builds on a 2019 San Francisco ordinance passed unanimously that requires that young people consult with an attorney before being asked to waive Miranda rights.

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 ___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?
No

Is there financial cost or other impacts of *not* implementing the legislation?
No financial cost or impacts identified.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
This legislation would prohibit law enforcement officers from questioning, except in limited circumstances, persons 18 years of age or younger where a Miranda warning is administered unless legal counsel is provided; prohibiting law enforcement officers from requesting permission from a person under 18 years of age to conduct a search of the person or property, dwellings, or vehicles under that person's control unless legal counsel is provided for that person.
- b. Is a public hearing required for this legislation?
No public hearing required.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.
- e. Does this legislation affect a piece of property?
No.
- f. 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?
The resolution restates the City Council's commitment to Race and Social Justice principles in the Youth Right to Counsel legislation. This ordinance also furthers the Council's commitment to Zero Youth Detention, as outlined in Resolution 31614. No specific impacts identified.

- 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).**

Not applicable.

List attachments/exhibits below:

No attachments.



Legislation Text

File #: Res 31963, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION supporting The George Floyd Justice in Policing Act of 2020 (H.R. 7120).

WHEREAS, The City of Seattle has been working on reforms to its police department and policing practices,

including its use of force policies, since the federal consent decree (a.k.a. Settlement Agreement) was instituted in 2012; and

WHEREAS, the consent decree was followed by several police reform and accountability policies and

organizations including the Community Police Commission, the Office of Police Accountability, the Office of Inspector General, the 2017 police reform ordinance (Ordinance 125315), and the 2018 Sustainment Plan; and

WHEREAS, the police killing of George Floyd in Minneapolis following the long history of disproportionate police misconduct and violence against countless other Black, Indigenous, and people of color (BIPOC) in Seattle and throughout our nation and the subsequent community-led protests are causing several local governments to boldly address the histories of institutional racism within their law enforcement systems; and

WHEREAS, The City of Seattle and other cities have recognized that attempts to reform their police departments are insufficient by themselves to end disproportionately negative impacts on BIPOC communities; and

WHEREAS, The City of Seattle is in the process of re-examining its budget through an anti-racist lens to determine how to better allocate resources to reimagine public safety and achieve healthy communities; and

WHEREAS, after public officials reallocate substantial funding away from traditional policing to other City government departments or to effective community-based organizations, there will still be a need to sustain and expand reforms of the remaining law enforcement systems; and

WHEREAS, reforms needed across the nation include not only reforms implemented in Seattle, such as the use of body cameras, but also reforms that require changes in federal law, such as ending qualified immunity for police officers; and

WHEREAS, Congresswoman Karen Bass, Democrat of California, introduced H.R. 7120, known as the George Floyd Justice in Policing Act of 2020, to institute a wide range of police reforms and accountability measures to protect BIPOC communities no matter where they reside; and

WHEREAS, the U.S. House of Representatives passed H.R. 7120 by a vote of 236 in favor and 181 against on June 25, 2020 with the Seattle's congressional delegation, Pramila Jayapal and Adam Smith, voting in favor; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The City of Seattle urges immediate passage by the United States Senate of H.R. 7120, known as the George Floyd Justice in Policing Act of 2020, which will increase accountability across the nation for law enforcement misconduct, enhance transparency and data collection, eliminate discriminatory policing practices, and facilitate federal enforcement of constitutional violations (e.g., excessive use of force). Among other things, H.R. 7120 would accomplish the following:

A. Limit qualified immunity as a defense to liability in a private civil action against a law enforcement officer or state correctional officer;

B. Lower the federal prosecution standard for convicting a law enforcement officer for misconduct from willful actions to reckless actions;

C. Authorize the Department of Justice to issue subpoenas in investigations of police departments for a pattern or practice of discrimination;

D. Create a national registry-the National Police Misconduct Registry-to compile data on complaints and records of police misconduct;

E. Establish a framework to prohibit racial profiling at the federal, state, and local levels; and

F. Institute new requirements for law enforcement officers and agencies, including to report data on use-of-force incidents.

Adopted by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Leg	Dan Eder x4-8147	NA

** 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 supporting The George Floyd Justice in Policing Act of 2020 (H.R. 7120).

Summary and background of the Legislation:

This resolution would urge immediate passage by the United States Senate of H.R. 7120, known as the George Floyd Justice in Policing Act of 2020.

In response to the murder of George Floyd, the US House of Representatives passed H.R. 7120 calling for police reforms at the national level. The City of Seattle has been working on reforms to its police department and policing practices, including its use of force policies, since the federal consent decree (a.k.a. Settlement Agreement) was instituted in 2012.

The consent decree was followed by several police reform and accountability policies and organizations including the Community Police Commission, the Office of Police Accountability, the Office of Inspector General, the 2017 police reform ordinance (Ordinance 125315), and the 2018 Sustainment Plan.

The police killing of George Floyd in Minneapolis following the long history of disproportionate police misconduct and violence against countless other Black, Indigenous, and people of color (BIPOC) in Seattle and throughout our nation and the subsequent community-led protests are causing several local governments to boldly address the histories of institutional racism within their law enforcement systems.

The City of Seattle and other cities have recognized that attempts to reform their police departments are insufficient by themselves to end disproportionately negative impacts on BIPOC communities.

The City of Seattle is in the process of re-examining its budget through an anti-racist lens to determine how to better allocate resources to reimagine public safety and achieve healthy communities.

Congresswoman Karen Bass, Democrat of California, introduced H.R. 7120, known as the George Floyd Justice in Policing Act of 2020, to institute a wide range of police reforms and accountability measures to protect BIPOC communities no matter where they reside. The U.S. House of Representatives passed H.R. 7120 by a vote of 236 in favor and 181 against on

June 25, 2020 with the Seattle's congressional delegation, Pramila Jayapal and Adam Smith, voting in favor.

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.

Is there financial cost or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

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

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

No.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This resolution is consistent with Council endorsement of Race and Social Initiative.

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

List attachments/exhibits below:



Legislation Text

File #: CB 119742, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE vacating portions of the alleys in Block 3, Norris Addition to West Seattle, in the West Seattle Junction and accepting a Property Use and Development Agreement on the petition of The Whittaker, a Condominium Association, a Washington non-profit corporation (Clerk File 312783). WHEREAS, West Seattle Project X, LLC filed a petition under Clerk File 312783 to vacate a portion of the

alleys in Block 3, Norris Addition to West Seattle; and

WHEREAS, LMI West Seattle Holdings, LLC succeeded West Seattle Project X, LLC in interest; and

WHEREAS, The Whittaker, a Condominium Association, a Washington non-profit corporation is the successor in interest and the current petitioner (Petitioner); and

WHEREAS, after a March 11, 2014 public hearing on the petition, the City Council (Council) conditionally granted the petition on April 21, 2014; and

WHEREAS, a Property Use and Development Agreement recorded on June 24, 2019 with the King County Recorder's Office under Recording No. 20190624000710 commits the Petitioner and their successors to fulfill ongoing public-benefit obligations required by the vacation; and

WHEREAS, as provided for in Revised Code of Washington Section 35.79.030 and Seattle Municipal Code Chapter 15.62, on October 30, 2018, the Petitioner paid the City a vacation fee of \$2,310,000, which is the full appraised value of the property; and

WHEREAS, the Petitioner has met all conditions imposed by the Council in connection with the vacation petition; and

WHEREAS, vacating the described portions of the alleys in Block 3, Norris Addition to West Seattle is in the

public interest; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The portions of the alleys in Block 3, Norris Addition, in the West Seattle neighborhood of Seattle and described below are vacated:

Those portions of the public alleys lying within Block 3, Norris Addition to West Seattle, according to the plat thereof recorded in Volume 14 of Plats, Page 93, Records of King County, together with that property conveyed to the City of Seattle for street purposes as recorded under Recording Number 6689470 and 6689471, Records of King County Washington; Lying northerly of the southerly boundary, and its easterly and westerly extension thereof, of Lot 39, in said Block 3, Norris Addition to West Seattle. Excepting therefrom, any portion of said public alleys lying within said Block 3, Norris Addition to West Seattle, previously vacated by City of Seattle Ordinance Number 99278.

Section 2. The Property Use and Development Agreement, King County Recording Number 20190624000710, attached as Exhibit 1 to this ordinance, is accepted.

Section 3. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Exhibit 1 - Property Use and Development Agreement

When Recorded, Return to:
McCullough Hill Leary, P.S.
Attn: Jessie Clawson
701 5th Avenue, Suite 6600
Seattle, WA 98104



20190624000710

AGREEMENT Rec: \$108.00
6/24/2019 1:36 PM
KING COUNTY, WA

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor:	The Whittaker, a Condominium Association, a Washington nonprofit corporation
<input type="checkbox"/> Additional on page _____	
Grantee:	City of Seattle
<input type="checkbox"/> Additional on page _____	
Legal Description (abbreviated):	ALL UNITS, THE WHITTAKER, A CONDOMINIUM, DECLARATION REC. NO. 20141218000344, VOL. 281, PAGES 89-102
<input checked="" type="checkbox"/> Additional on:	Exhibit A
Assessor's Tax Parcel ID #:	9379700000
Reference Nos. of Documents Released or Assigned:	N/A

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT is executed this date in favor of the City of Seattle, a municipal corporation (“City”), by The Whittaker, a Condominium Association, a Washington nonprofit corporation (the “Association”).

WHEREAS, the Association has the authority, pursuant to RCW 64.34.304, to represent all Owners (the “Owners”) vested in fee simple title of all Units in The Whittaker, a Condominium (the “Condominium”) situated in King County, Washington, described in Exhibit A and incorporated into this Agreement (the “Property”) with regard to matters affecting the Condominium; and

WHEREAS, West Seattle Project X, LLC, a predecessor in interest to the Association, filed a petition in Clerk File 312783 for the vacation of the portions of the public alleys in Block 3, Norris Addition to West Seattle, according to the plat thereof recorded in Volume 14 of Plats, Page 93, Records of King County; Together with that property conveyed to the City of Seattle for street purposes as recorded under Recording Numbers 6689470 and 6689471, Records of King County, Washington; Lying northerly of the southerly boundary, and its easterly and westerly extension thereof, of Lot 39, in Block 3, Norris Addition to West Seattle. Excepting therefrom, any portion of said public alleys lying within said Block 3, Norris Addition to West Seattle, previously vacated by City of Seattle Ordinance Number 99278, which petition was considered under Chapter 35.79 of the Revised Code of Washington and Chapter 15.62 of the Seattle Municipal Code; and

WHEREAS, on March 11, 2014, Transportation Committee of the Seattle City Council held a public hearing on the vacation petition; and

WHEREAS, on April 21, 2014, the Seattle City Council granted preliminary approval of the vacation petition, subject to conditions; and

WHEREAS, the Association completed development activity authorized under the alley vacation approval before April 21, 2019; and

WHEREAS, executing this Property Use and Development Agreement (the “Agreement” or “PUDA”) is desired to ensure compliance with any on-going conditions of the vacation approval subsequent to passage of the vacation ordinance; and

NOW, THEREFORE, the Association, on behalf of the Owners, covenants, bargains, and agrees on behalf of themselves, their successors, and assigns as follows:

Section 1. The conditions passed by the City Council on April 21, 2014 specified the following conditions of approval:

- A. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Transportation Committee in March of 2014.
- B. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public benefit requirements, and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:
 - The mid-block connector shall include the following elements:
 - The total width shall be no less than 44 feet in width to 50 feet in width;
 - Two-way traffic is required;
 - The drive lane for vehicles is 20 to 25 feet in width;
 - An 8-foot wide elevated, pedestrian sidewalk shall be located on the south side of the mid-block connector;
 - The pedestrian sidewalk shall be separated from the drive lane by a 3-foot landscaping strip;
 - The pedestrian sidewalk shall have continuous overhead weather protection;
 - The northwest side of the mid-block connector shall have landscaping to discourage pedestrians;
 - No pedestrian crossing north/south may be provided in the mid-block connector;
 - Pedestrian lighting shall be provided in the mid-block connector;
 - The northeast side of the mid-block connector will provide a sidewalk and landscaping at the residential entry;
 - Vehicles may turn right only when existing at Fauntleroy Way SW;
 - Roll-up doors shall be added to the loading bay area; and
 - A drive-up window may not be provided.
 - Street improvement plan showing sidewalks, street trees, bike racks, street furniture, lighting, art or artist-made elements, paving or special materials, wayfinding, and landscaping around the site;
 - The design on the new alley segment, including the geometry of the turns and the connection at 40th Avenue SW, SW Edmunds Street, and Fauntleroy Way SW; and
 - Agreement between all property owners on the alley that protect use and access for all owners.

- C. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted include:
- Seattle Public Utilities
 - Seattle City Light
 - CenturyLink Communications
- D. It is expected that development activity will commence within 18 months of this approval and that development activity will be completed within 5 years. In order to insure timely compliance with the conditions imposed by the City Council the Petitioner shall provide SDOT with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) for the project until SDOT has determined that all conditions have been satisfied and all fees have been paid.
- E. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
- F. Within one year after the completion of the public park planned on 40th Avenue SW, the Seattle Department of Transportation shall review the pedestrian and traffic volumes on 40th Avenue SW to determine whether a crosswalk from the Whittaker development to the park, midblock on 40th Avenue SW, is warranted. Should the Seattle Department of Transportation determine that a pedestrian crosswalk is warranted in the above-stated location, Project X, LLC shall pay for the installation of a pedestrian crosswalk. The installation of a pedestrian signal or other pedestrian actuated traffic controls is not required. The maximum amount to be paid for the crosswalk shall be \$24,000 and shall include ADA ramps and landings on both sides with ladder striping across the roadway per City standards. Such payment shall be made to the Seattle Department of Transportation within 120 days after the Seattle Department of Transportation determines that the pedestrian crosswalk is necessary in the above-stated location.
- G. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development (PUDA)

or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT will request additional Design Commission review when the design is further developed to the 60% level and 90% level and may request additional review as necessary. The public benefit requirement includes the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

Public benefit chart:

Description	Existing	Required	Quantity	Cost
1. Voluntary Street Level Building Setback	No	No	5,134 s.f.	n/a
2. Gateway Plaza at Fauntleroy & Alaska	No	No	542 s.f.	\$37,820
3. Linear Plaza and 40 th Ave. Streetscape	No	No	1,356 s.f.	\$147,140
4. Public “Outdoor Rooms” on Fauntleroy	No	No	1,088 s.f.	\$85,120
5. 40 th Avenue Off-Site Improvement	No	No	2,550 s.f.	\$93,260
6. Pedestrian Crosswalk and Signal Modification at Fauntleroy & Alaska	No	No	n/a	\$15,000
7. Cash Contribution for Public Outreach and Schematic Design (to 30% complete) for new City Park	No	No	n/a	\$25,000
8. Mid-Block pedestrian sidewalk	No	No	n/a	\$25,000
9. Art: Inclusion of commission art	No	No	27 pieces	\$50,000

pieces in public plazas and relocation/				
10. Pedestrian overhead weather protection & new bike lane	No	No	5,666 s.f.	\$853,680
11. Expanded public amenities along Fauntleroy & Alaska	No	No	1,300 s.f.	\$1,100,000
			Total:	\$2,417,050

H. The replacement of any of the Public Benefits shall be of similar quality in design and materials as the original. Significant changes to the streetscape or the required public Benefits shall require prior approval by the Seattle Department of Transportation. Modified features shall maintain a substantially similar quality and character to the existing required design features.

Section 2. The development project currently on-site, as implemented by Master Use Permit number 3013803-LU, as amended, and building permits 6327328-PH and 6365657-PH, has constructed the “Public Benefits” outlined in Section 1 in the following manner:

- A. The buildings were voluntarily setback 5,134 s.f. on the frontages of Alaska Street, 40th Avenue, Edmunds Street, and Fauntleroy Way, as depicted to the City Council.
- B. The 542 square foot public plaza at the corner of Alaska and Fauntleroy was constructed as depicted to the City Council; this feature includes four art sculptures, 4 benches, a water feature, pedestrian lighting, and bike parking.
- C. The 40th Avenue linear plaza and streetscape was constructed as depicted to the City Council and includes art elements, rain gardens, and upgraded landscape and hardscape elements.
- D. The public outdoor rooms on Fauntleroy have been constructed and include seating and benches, art pieces, pedestrian lighting and bike parking.
- E. The 40th Avenue off-site street improvement was installed and includes SDOT standard planting strips and a tapering of the road edge for traffic calming purposes in front of the future West Seattle Junction Park.
- F. The pedestrian crosswalk and signal modification has been installed and is operational at Fauntleroy and Alaska.
- G. The cash contribution of \$25,000 for design of the new West Seattle Junction Park was paid to the Seattle Parks Department. Three design options to the public have been presented by the Parks Department as of Fall 2018.

- H. 27 pieces of art, coordinated and constructed by the same local artist as presented to the City Council, were installed in the right-of-way. The historic mural was relocated and recreated on site and can be seen in the midblock connector today.
- I. The overhead weather protection as depicted to the City Council was installed. The new bike lane on Fauntleroy was installed.
- J. The expanded public amenities along Fauntleroy and Alaska were installed as depicted to City Council, made possible by the undergrounding of the overhead power lines on the projects' frontages by the project.
- K. Regarding the mid-block crosswalk across 40th Avenue to serve the new future park, the public park on 40th Avenue (also known as the West Seattle Junction Park) is not yet finished. In Fall 2018 the Seattle Parks and Recreation Department presented three design options to the public and gathered community feedback. Design and construction of the park is fully budgeted and construction is scheduled to begin in 2019. At the time of park completion, Condition F in Section 1, and Line Item 8 in the Public Benefit Matrix will be completed.

Section 3. The Association shall have the reasonable right to temporarily close, obstruct, limit access, or establish temporary hours of Public Benefits public access to the Public Benefits for: (1) construction, provided that any removed or closed shall be replaced by the developer to the satisfaction of the City; (2) maintenance and repair; (3) temporary use for private functions directly related to the development; (4) the maintenance of or security for the development or persons using the development; or (5) other circumstances beyond the Association's control.

Section 4. The Association may adopt reasonable rules and regulations regarding the use of and access to the Public Benefits and the development. The rules and regulations shall be consistent with this Agreement. A summary of the current rules and regulations, if rules are adopted, shall be posted in several visible locations.

Section 5. Free speech activities such as hand billing, signature gathering, and holding sign, all without obstructing access to the Property, the Condominium, or other adjacent amenity features, and without unreasonably interfering with the use and enjoyment of the Property or the Condominium, shall be allowed within the Public Benefit areas described in this Agreement. While lawfully engaged in allowed activities that do not interfere with use and enjoyment of the Property by others, members of the public may not be asked to leave because of their involvement with the allowed activities. Any violation of this Section may be enforced through Chapter 23.90 of the Seattle Municipal Code.

Section 6. This Agreement may be amended or modified by agreement between the Association and the City; provided any such amendment shall be subject to approval by the City Council by ordinance. Nothing in this Agreement shall be construed as a surrender of the City's governmental powers.

Section 7. The Association reserves the right to use the Public Benefits for any purpose which does not interfere with the public's use rights established hereunder, including but not limited to the right to use the areas as described in this Agreement for the Association's purposes, and the right to grant easements, provided the easements are consistent with the public's use rights established hereunder.

Section 8. Nothing in this Agreement shall constitute a public dedication of any portion of the Property.

Section 9. The legal description of the Property is set forth in Exhibit A to this Agreement, which is incorporated to this Agreement. An executed copy of this Agreement shall be recorded in the records of King County and the covenants contained herein shall to attach to and run with the Property.

Section 10. This PUDA is made for the benefit of the City and the public. The City may institute and prosecute any proceeding at law or in equity to enforce this PUDA.

Section 11. If any covenant, condition, or restriction in this instrument or any portion is invalidated or voided, the invalidity or voidness shall in no way affect any other covenant, condition, or restriction.

Section 12. Upon the effective date of the vacation ordinance, the Association shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than \$1,000,000 per occurrence for damages arising out of bodily injuries or death. The insurance policies obtained shall be issued by companies authorized to conduct business in Washington State and shall name the City as an additional insured. The Association shall provide evidence of insurance to the City Risk Manager at the City's reasonable request.

Section 13. The Association covenants and agrees to defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents from all liabilities, claims, causes of action, judgments, or expenses, including reasonable attorney fees and necessary litigation expenses, resulting from any actual or alleged bodily injury including death or actual or alleged damage to property arising out of or in connection with the use or occupation of the Public Benefits during the term of its ownership. Upon any transfer of ownership, this obligation shall be binding on all successors and assigns. The indemnification obligations under this Agreement do not apply to any liabilities, claims, causes of action, judgments or expenses resulting from bodily injury or property damage caused by the negligence or intentional acts of the public or the City, or the City's officers, employees, elected officials, agents, or subcontractors.

Section 14. This Agreement shall be binding on the Association's successors and assigns.

DATED this 6th day of June, 2019.

ASSOCIATION (ON BEHALF OF THE OWNERS):

THE WHITTAKER, A CONDOMINIUM ASSOCIATION,
a Washington non-profit corporation

By: _____

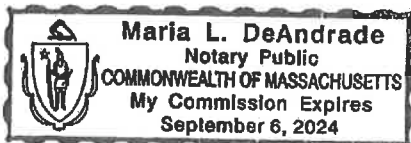
Name: Philip J. Carmody

Its: President

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF SUFFOLK)

On this day personally appeared before me Philip J. Carmody, to me known to be the President of THE WHITTAKER, A CONDOMINIUM ASSOCIATION, a Washington non-profit corporation, the corporation that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that s/he was duly authorized to execute said instrument on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of June, 2019.



(print or type name)

NOTARY PUBLIC in and for the
Commonwealth of Massachusetts, residing
at Boston, Massachusetts
My Commission expires: September 6, 2024

EXHIBIT A

Legal Description of the Property

PARCEL A:

ALL UNITS, THE WHITTAKER, A CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, RECORDED UNDER RECORDING NO. 20141218000344, AND ANY AMENDMENTS THERETO, SAID UNITS ARE LOCATED ON SURVEY MAPS AND PLANS FILED IN VOLUME 281 OF CONDOMINIUMS, PAGE(S) 89 – 102, AND ANY AMENDMENTS THERETO;
EXCEPT THAT PORTION CONVEYED TO THE CITY OF SEATTLE AS DESCRIBED IN DEED FOR ALLEY PURPOSES RECORDED DECEMBER 22, 2014, UNDER RECORDING NO. 201412222000866.

PARCEL B:

NON-EXCLUSIVE TEMPORARY EASEMENTS AS DESCRIBED AND GRANTED IN THAT CERTAIN "CONSTRUCTION EASEMENT AGREEMENT" RECORDED SEPTEMBER 19, 2014 UNDER RECORDING NO. 20140919000028, IN THE RECORDS OF KING COUNTY, WASHINGTON.

PARCEL C:

PERPETUAL AND NON-EXCLUSIVE EASEMENTS AS DISCLOSED IN THE "DECLARATION AND COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE WHITTAKER, A CONDOMINIUM" RECORDED DECEMBER 18, 2014 UNDER RECORDING NO. 20141218000344, IN THE RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/204-684-5211

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE vacating portions of the alleys in Block 3, Norris Addition to West Seattle, in the West Seattle Junction and accepting a Property Use and Development Agreement on the petition of The Whittaker, a Condominium Association, a Washington non-profit corporation (Clerk File 312783).

Summary and background of the Legislation:

This Council Bill completes the vacation process for portions of the alleys in Block 3, Norris Addition to West Seattle in the block bounded by SW Alaska Street, Fauntleroy Way SW, SW Edmunds Street and 40th Avenue SW in the West Seattle neighborhood, on the petition of The Whittaker, a Condominium Association, a Washington non-profit corporation.

The Petitioner sought the vacation for the development of a residential and retail project. After a March 11, 2014 public hearing on the petition, the City Council conditionally granted the petition.

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?
No.

Is there financial cost or other impacts of *not* implementing the legislation?

This legislation will complete the vacation process. The Petitioner has met all the conditions imposed by the City Council. By not implementing this legislation, the City could be in violation of its obligations, which could have financial implications.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

Yes, is completes the vacation of portions of the alleys in Block 3, Norris Addition to West Seattle.

f. 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?

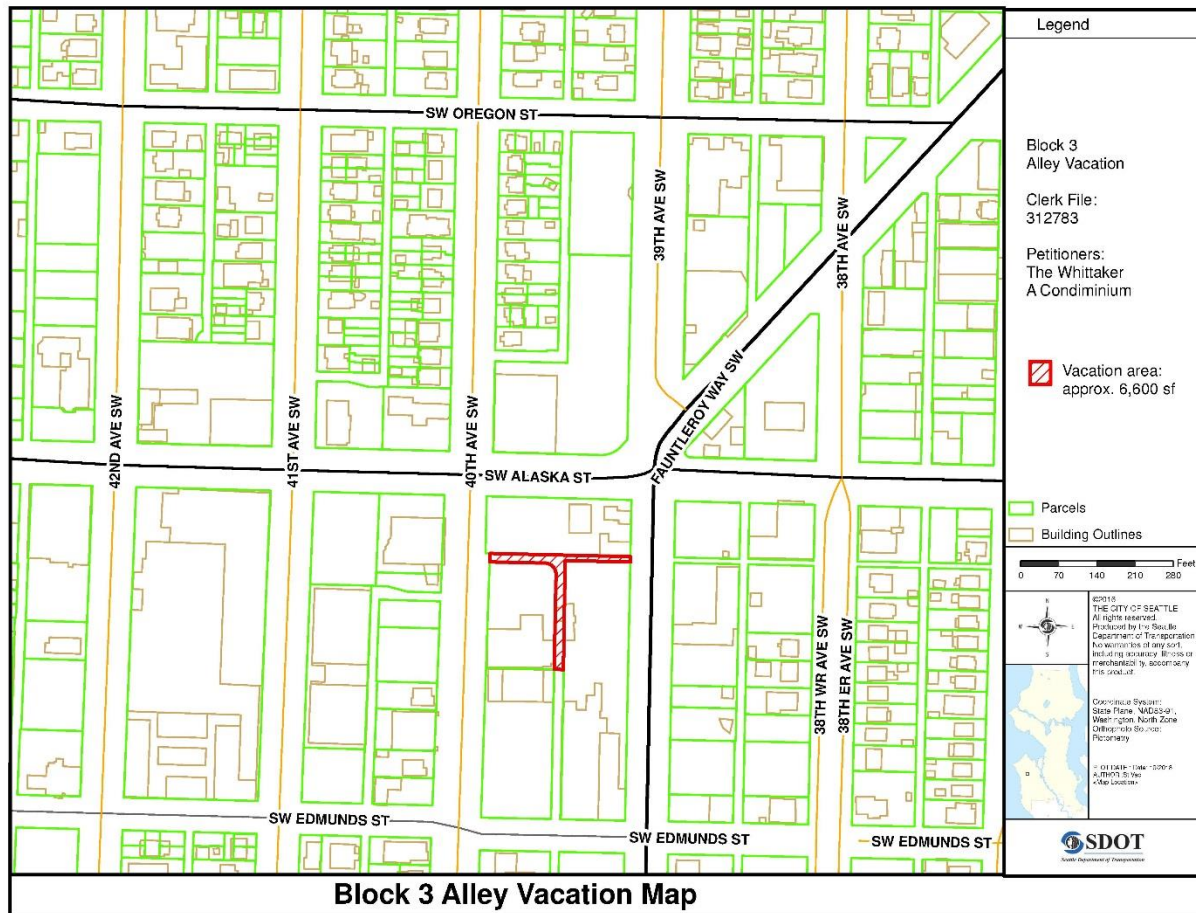
SDOT has not identified any Race and Social Justice Initiative implications related to the legislation.

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

List attachments/exhibits below:

Summary Attachment A – Whittaker Alley Vacation Map



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

August 12, 2020

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 119742: The Whittaker Street Vacation

On August 17, 2020 the City Council will consider [Council Bill \(CB\) 119742](#), which would grant final approval to vacate an alley at the southwest corner of SW Alaska Street and Fauntleroy Way SW in the West Seattle Junction. The City Council granted conditional approval of the vacation on April 14, 2014 through [Clerk File \(CF\) 312783](#).

The vacation facilitated the development of The Whittaker, a mixed-use development project, including 389 apartments, a Whole Foods grocery store and 18,000 square feet of additional retail space. The Council's decision at this point is to determine whether the Whittaker project has satisfied the conditions of CF 312783. If those conditions have been met, the Council should approve CB 119742.

Review of Vacation Conditions

The Transportation and Utilities Committee received a [briefing](#) on this bill at its March 4, 2020 committee meeting. At that meeting, Councilmembers heard testimony from the Seattle Department of Transportation (SDOT) that prior to transmittal of CB 119742, they had reviewed the conditions included in CF 312783, and had determined that all conditions included in the Clerk File had been met.

At the March 4 meeting, Councilmembers heard questions from a member of the public regarding the exit from a mid-block passageway onto Fauntleroy Way SW, and whether the street configuration as built is appropriate. I have reviewed the Street Improvement Permit (SIP) for the Whittaker, and the project as built does comply with the City's permitting requirements and the conditions the Council placed on the vacation.

The Council's approval of the vacation required that the Street Improvement Plan provide that "vehicles may turn right only when exiting at Fauntleroy Way SW" but did not dictate an approach to requiring right turns out of the mid-block crossing. The street improvement permits (SIP) for the project required that the developer paint a double yellow line to prohibit left turns out of the mid-block crossing. As was mentioned at committee, a double yellow line is a standard traffic engineering approach to prohibiting left turns onto two-way streets from driveways and alleys. The double yellow line has been painted as required.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst



Legislation Text

File #: CB 119844, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to a pedestrian skybridge over and across Sixth Avenue, north of Pine Street; amending Ordinance 118631 to update insurance and bond requirements; amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to MPH Pacific Place LLC; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

WHEREAS, by Ordinance 118631, The City of Seattle granted Pine Street Development, L.L.C. permission to construct, maintain, and operate a pedestrian skybridge over and across Sixth Avenue, north of Pine Street, for a ten-year term, renewable for two successive ten-year terms; and

WHEREAS, Ordinance 118631 was amended by Ordinance 121855; and

WHEREAS, the permission authorized by Ordinance 118631, as amended, was due for renewal on July 27, 2017; and

WHEREAS, MPH Pacific Place LLC purchased the property located at 600 Pine Street from Pine Street Development, L.L.C. on July 14, 2014, and MPH Pacific Place LLC submitted an application to the Director of Transportation to renew the permission granted by Ordinance 118631 for a second ten-year term; and

WHEREAS, MPH Pacific Place LLC satisfied all the terms of the original authorizing ordinance and the Director of Transportation recommends that the term permit be renewed for ten years subject to the term identified in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The permission granted to Pine Street Development, L.L.C. by Ordinance 118631, to

construct, maintain, and operate a pedestrian skybridge over and across Sixth Avenue, north of Pine Street, is transferred to MPH Pacific Place LLC and renewed for a ten-year term starting on July 27, 2017, and ending at 11:59 p.m. on July 26, 2027, upon the terms and conditions set forth in Ordinance 118631, as further amended by this ordinance.

Section 2. Section 1 of Ordinance 118631 is amended as follows:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, The City of Seattle (“City”) grants permission ~~((is hereby granted to Pine Street Development, L.L.C.,))~~ (also referred to in this ordinance as a permit) to MPH Pacific Place LLC, and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 13 of this ordinance (the party named above and each such approved successor and assign are referred to as ((f)) “Permittee”), to ~~((construct,))~~ maintain, and operate a ~~((cable-stayed))~~ pedestrian skybridge over and across Sixth Avenue, north of Pine Street ~~((. Said pedestrian skybridge is (16) feet in width and is located approximately forty (40) feet above the street grade of Sixth Avenue, and will connect the Nordstrom Building and the Systems Block Building))~~ (collectively referred to as the “pedestrian skybridge”) adjacent in whole or in part to the properties legally described as:

LOTS 1 THROUGH 12 IN BLOCK 3 OF ADDITION TO THE TOWN OF SEATTLE, AS LAID OFF BY THE HEIRS OF SARAH A. BELL, DECEASED (COMMONLY KNOWN AS THE HEIRS OF SARAH A. BELL’S ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 103, RECORDS OF KING COUNTY;

EXCEPT THAT PORTION OF LOTS 1 AND 12 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 57057 FOR THE WIDENING OF PINE STREET, AS PROVIDED BY CITY OF SEATTLE ORDINANCE NO. 14500;

TOGETHER WITH THE VACATED ALLEY LYING WITHIN SAID BLOCK, AS VACATED UNDER CITY OF SEATTLE ORDINANCE NO.S 82259, 82351, AND 110092;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

Section 3. Section 2 of Ordinance 118631, as amended by Ordinance 121855, is amended as follows:

Section 2. **Term.** The permission ~~((herein))~~ granted to the Permittee ~~((, its successors and~~

~~assigns shall be~~) is for a second and final renewed term of ten ~~((10))~~ years ~~((commencing))~~ starting on ~~((the effective date of this ordinance))~~ July 27, 2017, and ~~((terminating))~~ ending at 11:59 p.m. on ~~((the last day of the tenth year))~~ July 26, 2027. ~~((; provided, however, that upon))~~ This second and final term shall not exceed 30 years total from the term authorized in Ordinance 118631, subject to the right of ~~((The))~~ the City ~~((of Seattle ("City"))~~ by ordinance to then revise any of the terms and conditions ~~contained herein))~~ to require the removal of the pedestrian skybridge or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance.

Section 4. Section 3 of Ordinance 118631 is amended as follows:

Section 3. **Inspection reports.** The Permittee shall ~~((have the cables, pins, brackets, anchors and cable connections tested every two years by a certified testing laboratory with reports submitted to the Director of Seattle Transportation within thirty days after such inspection.))~~ submit to the Director, or to the Seattle Department of Transportation (SDOT) at an address specified by the Director, an inspection report that:

- (a) Describes the physical dimensions and condition of all load-bearing elements;
- (b) Describes any damages or possible repairs to any element of the pedestrian skybridge;
- (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.

In the event of a natural disaster or other event that may have damaged the pedestrian skybridge, 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 pedestrian skybridge. 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 obligations of the Permittee.

Section 5. Section 4 of Ordinance 118631 is amended as follows:

Section 4. **Removal for public use or for cause.** The ~~((permit))~~ permission granted ~~((hereby))~~ is subject to ~~((primary and secondary))~~ use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, ~~((and))~~ utility purposes, and other public uses or benefits. ~~((and the))~~ The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian skybridge, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense in the event that:

(a) The City Council determines ~~((;))~~ by ordinance ~~((;))~~ that the space occupied by the pedestrian skybridge is necessary for any ~~((primary or secondary))~~ public use or benefit ~~((;))~~ or that the pedestrian skybridge interferes with any ~~((primary or secondary))~~ public use or benefit; or

(b) The Director ~~((of Transportation (“Director”)))~~ determines that use of the pedestrian skybridge has been abandoned; or

(c) The Director determines that any term or condition of this ordinance has been violated, and ((such)) the violation ((is)) has not been corrected by the Permittee ((within thirty (30) days of)) by the compliance date after a written ((notification from)) 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 ~~((necessary for a primary or secondary))~~ needed for, or the pedestrian skybridge interferes with, a public use or benefit ((shall be)) is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 6. Section 5 of Ordinance 118631 is amended as follows:

Section 5. **Permittee’s obligation to remove and restore.** ~~((In the event that))~~ If the ((permit))

permission granted is not renewed at the expiration of a term, or if the permission (~~((hereby granted extends to its termination in thirty (30) years))~~) expires without an application for a new permission being granted, or if the City (~~((orders removal of the pedestrian skybridge pursuant to the terms of this ordinance))~~) terminates the permission, then within (~~((ninety (90)))~~) 90 days after (~~((such expiration, termination or order of removal))~~) the expiration or termination of the permission, or prior to (~~((the))~~) any earlier date stated in an (~~((“Order To Remove”, as the case may be))~~) ordinance or order requiring removal of the pedestrian skybridge, the Permittee shall, at its own expense, remove the pedestrian skybridge and all of the Permittee’s equipment and property from the public place and (~~((shall place))~~) replace and restore all portions of the (~~((street))~~) public place that may have been disturbed for any part of the pedestrian skybridge (~~((;))~~) in as good condition for public use as (~~((they were))~~) existed prior to construction (~~((;))~~) of the pedestrian skybridge and in at least as good condition in all respects as the abutting portions (~~((thereof))~~) of the public place as required by SDOT right-of-way restoration standards. (~~((Whereupon, the Director shall issue a certificate discharging the Permittee from responsibility under this ordinance for occurrences after the date of such discharge.))~~)

Failure to remove the pedestrian skybridge 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 pedestrian skybridge 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 then 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 7. Section 6 of Ordinance 118631 is amended as follows:

Section 6. **Repair or reconstruction.** The pedestrian skybridge shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pedestrian skybridge in good and safe condition for the protection of the public. The Permittee shall not ~~((commence reconstruction, relocation, readjustment))~~ reconstruct or repair ~~((of))~~ the pedestrian skybridge except ~~((under the supervision of, and))~~ in strict accordance with plans and specifications approved by the Director. The Director may, in ~~((his/her))~~ the Director's judgment, ~~((may))~~ order ~~((such))~~ the pedestrian skybridge reconstructed or repaired at the Permittee's cost and expense because of: the deterioration of the pedestrian skybridge; the installation, construction, reconstruction, ~~((relocation, readjustment))~~ maintenance, operation, or repair of ~~((the pedestrian skybridge at the Permittee's own cost and expense because of the deterioration or unsafe condition of the pedestrian skybridge, grade separations, or the installation, construction, reconstruction, maintenance, operation or repair of))~~ any ~~((and all))~~ municipally owned public utilities; or for any other cause.

Section 8. Section 7 of Ordinance 118631 is amended as follows:

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee ~~((;))~~ and failure of the Permittee to correct ~~((said))~~ an unsafe ~~((or risk-prone))~~ condition within the time stated in ~~((such))~~ the notice, the Director may order the pedestrian skybridge closed or removed at the Permittee's expense if the Director deems that ~~((it has become unsafe or))~~ the pedestrian skybridge creates a risk of injury to the public. ~~((In a situation in which))~~ If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 9. Section 8 of Ordinance 118631 is amended as follows:

Section 8. **Continuing obligations.** ~~((Notwithstanding))~~ Notwithstanding termination or expiration of the permission granted, or ~~((closure or))~~ removal of the pedestrian skybridge, the Permittee shall remain bound by all of its obligations under this ordinance until ~~((:(a) the pedestrian skybridge and all its equipment and property are removed from the street; (b) the area is cleared and restored in a manner and to a condition satisfactory to the Director; and (c)))~~ the Director ~~((certifies))~~ has issued a certification that the Permittee has ~~((discharged its obligation herein))~~ fulfilled its removal and restoration obligations under Section 5 of this ordinance. ~~((Provided, that upon prior notice to the Permittee and entry of written findings that such is in the public interest, the Director may, in his/her sole discretion, excuse the Permittee, conditionally or absolutely, from compliance with all or any of the Permittee's obligations to remove the pedestrian skybridge and its property and restore disturbed areas.~~)) Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Sections 14A and 14B of this ordinance.

Section 10. Section 9 of Ordinance 118631 is amended as follows:

Section 9. **Release, hold harmless, indemnification, and duty to defend.** ~~((The pedestrian skybridge shall remain the exclusive responsibility of the Permittee.))~~ The Permittee, by ~~((acceptance))~~ accepting the terms of this ordinance, ~~((and the permission hereby granted, does))~~ releases the City, its officials, officers, employees, and agents from any and all claims, ~~((resulting from damage or loss to its own property and does covenant and agree for itself, its successors and assigns, with The City of Seattle, to at all times protect and save harmless The City of Seattle from all claims,))~~ actions, suits, liability, loss, costs, expense, attorney's fees, or damages of every kind and description ~~((excepting only such damages that may result from the sole negligence of the City), which may accrue to or be suffered by any person or persons and/or property or properties, including without limitation, damage or injury to the Permittee, its officers, agents, employees, contractors, invitees, tenants and tenants'~~

~~invitees, licensees or its successors and assigns, by reason of the maintenance, operation or use of said pedestrian skybridge, or any portion thereof, or by reason of anything that has been done, or may at any time be done, by the Permittee, its successors or assigns, by reason of this ordinance, or by reason of the Permittee, its successors or assigns, failing or refusing to strictly comply with each and every provision of this ordinance; and if any such suit, action or claim be filed, instituted or begun against the City, the Permittee its successors or assigns, shall, upon notice thereof from the City, defend the same at its sole cost and expense, and in case judgment shall be rendered against the City in any suit or action, the Permittee, its successors and assigns, shall fully satisfy said judgment within ninety (90) days after such action or suit shall have been finally determined, if determined adversely to the City)) arising out of or by reason of the pedestrian skybridge or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property. ((Provided that if it is determined by a court of competent jurisdiction that 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:~~

- ~~(a) the City, its agents, contractors or employees;~~
- ~~(b) the Permittee, its agents, contractors, employees or its successors or assigns, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, employees or its successors or assigns.))~~

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 pedestrian skybridge;

(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 pedestrian skybridge 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 11. Section 10 of Ordinance 118631, as amended by Ordinance 121855, is amended as follows:

Section 10. **Insurance.** For as long as the Permittee (~~((its successors and assigns, shall))~~) exercises any permission granted by this ordinance and until (~~((the pedestrian skybridge is entirely removed from its location as described in Section 1 or until discharged by order of the Director as provided in Section 7 of this ordinance))~~) 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 (~~((policies which))~~) and/or self-insurance that protects the Permittee and the City from (~~((any and all))~~) claims and risks of loss from

perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

(a) ~~((construction))~~ Construction, reconstruction, modification, operation, maintenance, use, ((or ~~)) existence, or removal~~ of the pedestrian skybridge, ~~((permitted by this ordinance and of any and all portions of the pedestrian skybridge,))~~ as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian skybridge;

(b) Permittee's activity upon or the use or occupation of the ~~((areas))~~ public place described in Section 1 of this ordinance; ~~((, as well as;))~~ and

(c) ~~((any and all claims))~~ Claims and risks in connection with ~~((any activity))~~ activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements ~~((shall be))~~ are CGL insurance written on an occurrence form ((policy of commercial general liability,)) at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with ((a company)) 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 ~~((policy))~~ limits of liability shall be \$2,000,000 per ~~((occurrence,))~~ Occurrence; \$4,000,000 ~~((annual aggregate))~~ General Aggregate each period; \$2,000,000 Products/Completed Operations Aggregate, including Premises Operations, Personal/Advertising Injury, and Contractual Liability. ~~((Coverage shall specifically name the pedestrian skybridge exposure.))~~ Coverage shall ~~((add by endorsement))~~ include "The City of Seattle, its elected and appointed officers, officials, employees, and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause. ~~((Coverage shall contain a Separation of Insureds indicating essentially that "except with respect to the limits of insurance, and any rights or duties specifically assigned in this~~

~~coverage part to the first named insured, this insurance applies as if each named insured were the only named insured, and separately to each insured against whom claim is made or suit is brought. Evidence of current coverage shall be submitted to the City in the form of a copy of the full policy with all endorsements attached thereto, and is a condition of the validity of this permit.~~

~~The Director, in consultation with the City Risk Manager, may adjust minimum levels of liability insurance and surety bond requirements. The Director shall notify the Permittee of the new requirements in writing. Upon receipt, the Permittee shall provide proof of the required levels of insurance and surety bond to the Director within))~~ 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 13 of this ordinance.

Section 12. Section 11 of Ordinance 118631 is amended as follows:

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing ~~((construction))~~ work on ~~((the))~~ any premises ~~((as))~~ contemplated by this permit ~~((;))~~ name “The City of Seattle, its officers, officials, employees, and agents” as ~~((an))~~ additional insureds ~~((on all policies of public))~~ for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance ((;)) and/or self-insurance. ~~((and))~~ 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 ((Pine Street Associates to the City as well)) the Permittee.

Section 13. Section 12 of Ordinance 118631 is amended as follows:

Section 12A. **Performance bond.** Within ~~((sixty (60)))~~ 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director ~~((of Transportation))~~ for filing with the City Clerk a ~~((good and))~~ sufficient bond ~~((in the sum of Fifty Thousand Dollars (\$50,000.00)))~~ executed by a surety company authorized and qualified to do business in the State of Washington that is: in the amount of \$120,000, and conditioned with a requirement that the Permittee ((will)) shall comply with ((each and)) every provision of this ordinance and with ((each and)) every order ((of)) the Director ((pursuant thereto; provided, that if in the Mayor of the City of Seattle in his/her judgement shall deem any bond or bonds filed to be insufficient and demand a new or additional bond, the Permittee shall furnish a new or additional bond in such amount as the Mayor may specify to be necessary to fully protect the City)) issues under this ordinance. ~~((Said bond shall remain in effect until such time as the pedestrian skybridge is entirely removed from its location as described in Section 1, or until discharged~~

~~by order of the Director as provided in Section 7 of 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. In the event that 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 13 of this ordinance.

Section 12B. **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. Section 13 of Ordinance 118631, as amended by Ordinance 121855, is amended as follows:

Section 13. **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 17 of this ordinance. Prior to transfer, the successor owner of the Property shall accept in writing all of the terms and conditions of the permission granted by this ordinance and shall be conferred with the rights and obligations of the Permittee by this ordinance. ((The)) Other than a transfer to a new owner of the Property, the Permittee ((, its successors and assigns)) shall not assign, transfer, mortgage, pledge, or encumber ((any privileges conferred by this ordinance)) the same without the Director's consent, ((of the Director,)) which ((consent)) the Director shall not ((be)) unreasonably ((withheld)) refuse. The Director may approve assignment ((and/or transfer)) or transfer of the ((permit)) permission granted by this ordinance to a successor entity ((in the case of a change of name

~~and/or ownership provided that))~~ only if the successor or assignee has ~~((demonstrated its acceptance of))~~
accepted in writing all of the terms and conditions of the permission granted ~~((to the initial Permittee))~~
by this ordinance; has provided, at the time of the acceptance, the bond and certification of insurance
coverage required under this ordinance; and has paid any fees due under Sections 14A and 14B of this
ordinance. ~~((If permission is granted, the assignee or transferee shall be bound by all of the terms and~~
~~conditions of this ordinance. The permission conferred by this ordinance shall not be assignable or~~
~~transferable by operation of law:))~~ 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
pedestrian skybridge.

Section 15. Section 14 of Ordinance 118631, as amended by Ordinance 121855, is amended as follows:

Section 14A. **Inspection fees.** ~~The Permittee ((, its successors and assigns,)) shall, as provided~~
~~by SMC Chapter 15.76 or successor provision, pay ((to The)) the City ((of Seattle such)) the amounts ((~~
~~as may be justly chargeable by said))~~ charged by the City ((as costs of inspection of said)) to inspect the
pedestrian skybridge during construction, reconstruction, repair, annual ((structural)) safety inspections,
and at other times deemed necessary ~~((to ensure the safety of the skybridge, under the direction of the~~
~~Director and in addition shall promptly pay to the City in advance upon statements rendered by the~~
~~Director an annual fee for the privileges granted and exercised hereunder of Five Thousand Nine~~
~~Hundred Thirty-Three Dollars (\$5,933.00)))~~ by the City. An inspection or approval of the pedestrian
skybridge 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 pedestrian skybridge. 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 14B. **Annual fee.** Beginning on the effective date of the ordinance introduced as Council Bill 119844, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an annual fee of \$28,512, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the annual fee ((~~amount~~)) shall be made in accordance with a term permit fee schedule adopted by the City Council ((~~by ordinance~~)) and may be ((~~adjusted~~)) made every year. In the absence of ((~~such~~)) a schedule, the Director may only increase or decrease the previous year's fee ((~~amount annually~~)) to reflect any inflationary changes so as to charge ((~~said~~)) the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee ((~~amount~~)) by the percentage change between the two most recent year-end values available ((~~of~~)) for the Consumer Price Index for the ((~~Seattle-Tacoma-Bremerton~~)) Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. All payments shall be made to the City Finance Director for credit to the Transportation ((~~Operating~~)) Fund.

Section 16. Section 15 of Ordinance 118631 is repealed:

~~((Section 15. The Permittee shall not discriminate against any employee or applicant for employment in conjunction with the design, architectural engineering work or the construction, reconstruction, repair or maintenance of the pedestrian skybridge permitted pursuant to this ordinance, on the basis of race, religion, creed, color, sex, marital status, sexual orientation, political ideology, ancestry, age, national origin or the presence of any sensory, mental or physical handicap unless based upon bona fide occupational qualification. The foregoing commitment shall be implemented as follows:~~

(a) ~~The Permittee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, creed, color, sex, national origin or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or~~

~~recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship;~~

(b) ~~the Permittee shall post in conspicuous places available to such employees and applicants for such employment, notices setting forth the provisions of this non-discrimination clause;~~

(c) ~~the Permittee shall furnish to the Director of Human Rights or a successor official, upon his or her request and on forms as may be provided, a report of the affirmative action taken in implementing this provision and will permit reasonable access to its records for the purposes of determining compliance with this Section. If, upon investigation the Director of Human Rights finds probable cause to believe that the Permittee has failed to comply with any of the terms of this Section, the Permittee and the Director of Transportation will be notified in writing. The Director of Transportation shall give Permittee at least ten (10) days notice and a hearing thereon. If the Director of Transportation finds that there has been a violation of this Section, he or she may suspend the permission conferred pending full compliance with the terms of this Section. Failure to comply with any of the terms of this provision shall be a material violation of this ordinance.~~

~~The foregoing paragraphs shall be inserted in any subcontracts for work undertaken pursuant to this ordinance in connection with the design, architectural or structural engineering work or the construction, reconstruction, repair or maintenance of the pedestrian skybridge permitted to be maintained hereunder, unless the Director of Human Rights authorizes the use of another equality of employment opportunity provision.))~~

Section 17. Section 16 of Ordinance 118631 is renumbered and amended as follows:

Section ((16)) **15. Acceptance of terms and conditions.** The Permittee shall deliver to the Director its written signed acceptance of the ((permission conferred by)) terms of this ordinance ((and its terms and conditions to the Director of Transportation)) within ((sixty (60))) 60 days after the effective date of ((this ordinance)) the ordinance introduced as Council Bill 119844. The Director shall

file the written acceptance (~~((shall be filed))~~) with the City Clerk. If no such acceptance is received (~~((by then))~~) within that 60-day period, the privileges (~~((provided))~~) conferred by this ordinance shall be deemed declined or abandoned (~~((;))~~) and the permission (~~((extended, contingent upon its acceptance,))~~) granted deemed lapsed and forfeited and the Permittee shall, at its own expense, remove the pedestrian skybridge and all of the Permittee's equipment and property and replace and restore all portions of the public place as provided in Section 5 of this ordinance.

Section 18. A new Section 16 is added to Ordinance 118631 as follows:

Section 16. **Compliance with other laws.** Permittee shall maintain and operate the pedestrian skybridge in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian skybridge, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, SMC Chapter 14.04, and Fair Contracting Practices Code, SMC Chapter 14.10 (or successor provisions).

Section 19. A new Section 17 is added to Ordinance 118631 as follows:

Section 17. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian skybridge 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, 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, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 20. Section 17 of Ordinance 118631 is renumbered and amended as follows:

Section ~~((17))~~ 18. **Effective date.** This ordinance shall take effect and be in force ~~((thirty (30)))~~ 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten ~~((10))~~ days after presentation, it shall take effect as provided by ~~((Municipal Code))~~ SMC Section 1.04.020.

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

Section 22. **Ratify and confirm.** Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 23. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to a pedestrian skybridge over and across Sixth Avenue, north of Pine Street; amending Ordinance 118631 to update insurance and bond requirements; amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to MPH Pacific Place LLC; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

This legislation will allow MPH Pacific Place LLC to continue maintaining and operating the existing skybridge over and across Sixth Avenue, north of Pine Street. The skybridge permit is for a period of ten years, commencing on the expiration of the last term on July 26, 2017. The permit may be extended for a successive 10-year term. The legislation specifies the conditions under which permission is granted.

The City originally granted permission for the skybridge by Ordinance 118631 in June 1997. The ratify and confirm clause is required in order to grant permission for the existing skybridge retroactively to July 27, 2017.

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

Appropriation change (\$):	General Fund \$		Other \$	
	2020	2021	2020	2021
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021
			2017 fee: \$28,512 2018 fee: \$34,848 2019 fee: \$38,016 2020 fee: \$45,936	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021

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.

Is there financial cost 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 2017, 2018, 2019, and 2020 fees.

3.a. Appropriations

 This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

X This legislation adds, changes, or deletes revenues or reimbursements.
Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2020 Revenue	2021 Estimated Revenue
Transportation Fund	SDOT	Annual Fee	2017 fee: \$28,512 2018 fee: \$34,348 2019 fee: \$38,016 2020 fee: \$45,936	TBD
TOTAL			\$147,312	

Is this change one-time or ongoing?

Ongoing

Revenue/Reimbursement Notes:

The 2017, 2018, 2019, and 2020 fee are based on the assessed land value by King County.
The 2021 fee will be based on the 2021 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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.
- e. Does this legislation affect a piece of property?
Yes, the MPH Pacific Place LLC property is located at 600 Pine St, as legally described in Section 1 of the Council Bill.
- f. 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 for the principles of the Race and Social Justice Initiative. This legislation does not impact vulnerable or historically disadvantaged communities.
- 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

List attachments/exhibits below:

Summary Attachment A – MPH Pacific Place LLC Skybridge Area Map

Summary Attachment B – MPH Pacific Place LLC Skybridge Photo

Summary Attachment C – MPH Pacific Place LLC Skybridge Annual Fee Assessment

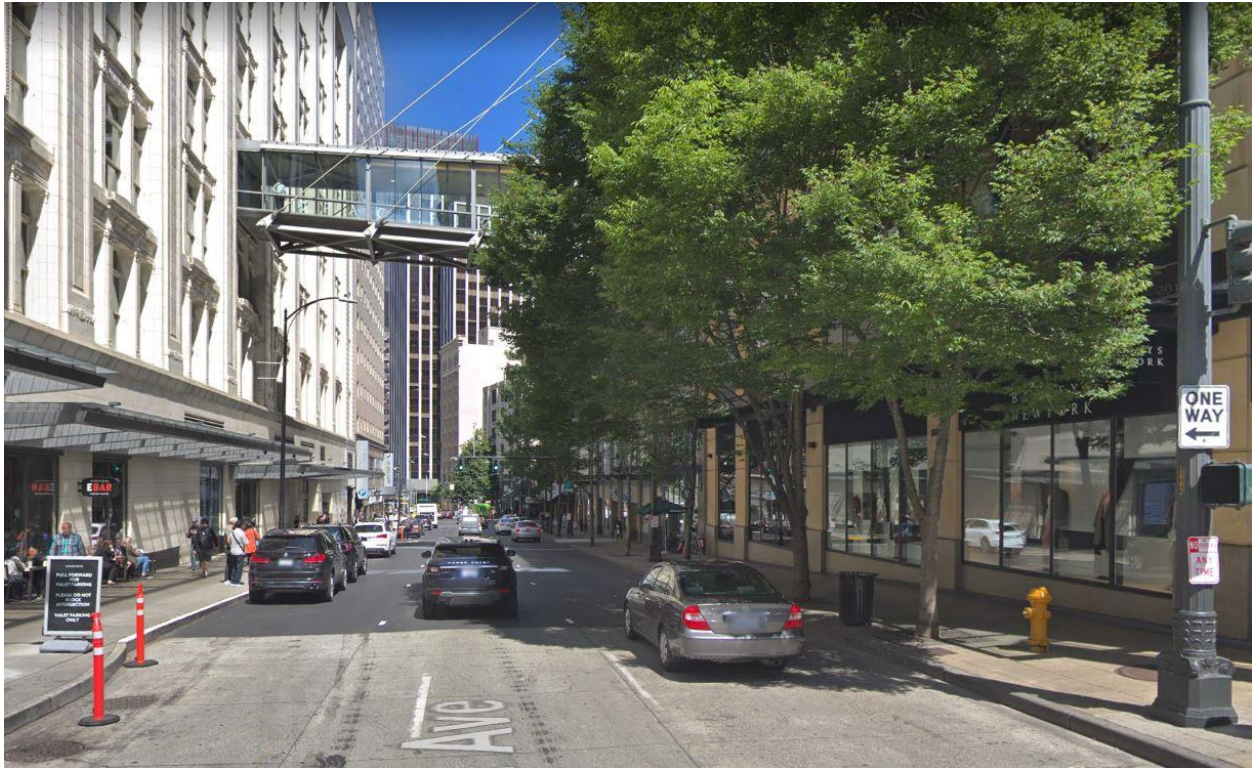
Summary

Attachment A – MPH Pacific Place LLC Skybridge Area Map



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

Attachment B – MPH Pacific Place LLC Skybridge Photo



Attachment C – MPH Pacific Place LLC Skybridge Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/4/18

<p><u>Summary:</u> 2017 Land Value: \$450/SF 2017 Permit Fee: \$28,512</p>

I. Property Description:

Existing above-grade pedestrian skybridge over and across 6th Avenue, north of Pine St. The pedestrian skybridge area is **1,056 square feet**.

Applicant:

MPH Pacific Place LLC

Abutting Parcels, Property Size, Assessed Value:

Parcel 0659000070; Lot size: 64,768 square feet

Tax year 2017 Appraised Land Value: \$29,145,600 (\$450/square foot)

Tax year 2018 Appraised Land Value: \$35,622,400 (\$550/square foot)

Tax year 2019 Appraised Land Value: \$38,860,800 (\$600/square foot)

Tax year 2020 Appraised Land Value: \$46,956,800 (\$725/square foot)

II. Annual Fee Assessment:

The 2017 permit fee is calculated as follows:

$(\$450/\text{SF}) \times (1,056 \text{ SF}) \times (75\%) \times (8\%) = \$28,512$ where 75% is the degree of alienation for semi-public use pedestrian skybridge and 8% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, 124532, 125185 and 125452.

August 12, 2020

MEMORANDUM

To: Transportation and Utilities Committee Members
From: Lish Whitson, Analyst
Subject: Council Bill 119844: Pacific Place Skybridge

On Monday, August 17, 2020 the Transportation and Utilities Committee will consider [Council Bill \(CB\) 119844](#), which would extend approval to maintain a skybridge linking Pacific Place to Nordstrom and update terms in the City's approval. The CB would grant approval for a ten-year extension, which would be the final ten-year term available under the initial skybridge approval granted under [Ordinance 118631](#) in 1997. The skybridge is located across Sixth Avenue, north of Pine Street.

Because this skybridge crosses a city street, approval must be granted by the City Council pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.64 "Skybridge Term Permits"](#). The Seattle Department of Transportation (SDOT) has worked with the new owners of Pacific Place to update the terms of approval for the skybridge.

This memorandum summarizes the skybridge approval process and describes the effect of CB 119844.

Skybridge Term Permits

A skybridge is a structure that provides for pedestrian access over a City street or right-of-way. SMC Chapter 15.64 establishes the procedures and criteria for approval of skybridges. The City's general policy is to limit the proliferation of skybridges. When the City grants approval for a skybridge, the City's approval is for a fixed length of time. Historically, the City has granted initial approval for a ten-year term, renewable two times for a total of thirty years.

[SMC 15.64.086.C](#) identifies thirteen considerations for the renewal of skybridge term permits upon the expiration of a term:

1. Adequacy of horizontal and vertical clearance;
2. Any known conflicts with existing or proposed utilities, street lighting, traffic control devices, or other upcoming transportation projects;
3. View blockage;
4. Interruption or interference with existing streetscape or other street amenities;
5. Impacts due to reduction of natural light;
6. Reduction of and effect on pedestrian activity at street level;
7. Number of pedestrians that currently use the skybridge;

8. Effect on commerce and enjoyment of neighboring land uses;
9. Availability of reasonable alternatives;
10. Changed conditions in the vicinity since original installation;
11. Effect on traffic and pedestrian safety;
12. Accessibility for the elderly and handicapped; and
13. The public benefit mitigation elements, or changes to the existing public benefit mitigation elements, provided by the proposal.

The Director of the Seattle Department of Transportation (SDOT Director) reviews the term permit renewal petition, and transmits a recommendation to the City Council. The Council's review of the proposal considers the thirteen items noted above. SMC [15.64.087.A](#) describes the conditions under which the Council can approve an application for a skybridge:

“The City Council shall not approve an application to continue to maintain and operate an existing skybridge upon term expiration unless it finds that continued maintenance and operation of the skybridge is in the public interest and no reasonable alternative to the skybridge exists.”

If the Council determines that it is appropriate to grant a new term for an existing skybridge, the Council may impose terms and conditions on the renewal. The Council must, in its approval of a skybridge term permit, “preserve the right to require the permittee to remove the skybridge at the permittee's sole cost and expense if necessary.”

Pacific Place Skybridge

The Pacific Place skybridge was built alongside the Pacific Place shopping mall to provide a connection between Nordstrom and the new parking garage and stores at Pacific Place. The skybridge provides shoppers with weather-protected passage across 6th Avenue between the two major shopping facilities.

Approval for the skybridge was granted in 1997 through Ordinance 118631. The first renewal of the term permit was granted in 2014 through Ordinance 121855, which also updated the terms of the agreement through 2017.

CB 119844

CB 119844 further amends CB 118631 to update the terms of agreement based on current best practices for drafting term permits and extends approval for a final ten-year term. CB 119844, if adopted, would be in effect through July 26, 2027. At that time, the owners of Pacific Place could apply again for approval of the skybridge and would need to provide new public benefits.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst



Legislation Text

File #: CB 119845, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting Onni DEU (John Street) LLC permission to construct, maintain, and operate a below-grade private thermal energy exchange system under and across John Street, east of Boren Avenue and west of Fairview Avenue North, 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, Onni DEU (John Street) LLC applied for permission to construct a below-grade private thermal energy exchange system between the buildings located at 1120 Denny Way and 1120 John Street in the South Lake Union neighborhood (“Thermal Energy Exchange System”); and

WHEREAS, the purpose of the Thermal Energy Exchange System is to capture waste heat and distribute between the buildings located at 1120 Denny Way and 1120 John Street, reducing energy usage and carbon emissions that would otherwise be discharged to the atmosphere; and

WHEREAS, the obligations of the ordinance remain in effect after the ordinance term expires until the encroachment is removed, or Onni DEU (John Street) LLC is relieved of the obligations by the Seattle Department of Transportation Director, or the ordinance is renewed; and

WHEREAS, the Seattle City Council adopted Resolution 31899 and conceptually approved the Thermal Energy Exchange System; 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 Onni DEU (John Street) LLC, 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 below-grade thermal energy exchange system under and across John Street, east of Boren Avenue North and west of Fairview Avenue North (collectively referred to as “Thermal Energy Exchange System”), adjacent in whole or in part to the property legally described as:

Lots 7-12, Block 110, D.T. Denny’s 5th Addition to North Seattle, as per plat recorded in Volume 1 of Plats, Page 202, Records of King County, Washington; together with those portions of the donation claim of D.T. Denny and Louisa Denny, his wife, and Government Lot 7 in the SE 1/4 of Section 30, Township 25, Range 04, W.M., in King County.

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 180 days 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 Thermal Energy Exchange System 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 180 days before the then-existing term expires.

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 Thermal Energy Exchange System 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 Thermal Energy Exchange System 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 Thermal Energy Exchange System is necessary for any public use or benefit or that the Thermal Energy Exchange System interferes with any public use or benefit; or

(b) The Director determines that use of the Thermal Energy Exchange System 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 Thermal Energy Exchange System 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 Thermal Energy Exchange System, the Permittee shall, at its own expense, remove the Thermal Energy Exchange System 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 Thermal Energy Exchange System in as good condition for public use as existed prior to constructing the Thermal Energy Exchange System 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 Thermal Energy Exchange System 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 preclude 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 Thermal Energy Exchange System 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 Thermal Energy Exchange System shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the Thermal Energy Exchange System in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the Thermal Energy Exchange System except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the Thermal Energy Exchange System reconstructed or repaired at the Permittee's cost and expense because of: the deterioration or unsafe condition of the Thermal Energy Exchange System; the installation, construction, reconstruction, maintenance, operation, or repair of any municipally owned public utilities; or 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 Thermal Energy Exchange System be closed or removed at the Permittee's expense if the Director deems that the

Thermal Energy Exchange System 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 closure or removal of the Thermal Energy Exchange System, 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 its removal and restoration obligations under Section 5 of this ordinance. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 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 Thermal Energy Exchange System 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 Thermal Energy Exchange System 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 Thermal Energy Exchange System, 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 Thermal Energy Exchange System or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the Thermal Energy Exchange System;

(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 that is in the amount of \$45,000, 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. Before the transfer, the successor owner of the Property shall accept in writing all of the terms and conditions of the permission granted by 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. 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 accepted in writing all of the terms and conditions of the permission granted by this ordinance; has provided, at the time of the acceptance, 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 Thermal Energy Exchange System.

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 Thermal Energy Exchange System during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the Thermal Energy Exchange System 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 Thermal Energy Exchange System. 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;
- (b) Describes any damages or possible repairs to any element of the Thermal Energy Exchange System;
- (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.

If a natural disaster or other event has damaged the Thermal Energy Exchange System, 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 Thermal Energy Exchange System. 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 \$5,900.40, or as adjusted annually thereafter, for the privileges granted by this ordinance.

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. All payments shall be made to the City Finance Director for credit to the Transportation Operating Fund.

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

Section 19. **Acceptance of terms and conditions.** The Permittee shall not commence construction of the Thermal Energy Exchange System 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. Providing these documents shall constitute 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 Thermal Energy Exchange System 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 _____, 2020, and signed by
me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE granting Onni DEU (John Street) LLC permission to construct, maintain, and operate a below-grade private thermal energy exchange system under and across John Street, east of Boren Avenue and west of Fairview Avenue North, 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 will allow Onni DEU (John Street) LLC permission to construct, maintain, and operate a below-grade private thermal energy exchange system under and across John Street, east of Boren Avenue and west of Fairview Avenue North. An area map is attached for reference.

The thermal energy exchange system permit is for a period of fifteen years commencing on the effective date of the ordinance, with one renewable fifteen-year term. The legislation specifies the conditions under which authorization is granted and provides for acceptance of the permit and conditions.

Onni DEU (John Street) LLC is to pay to the City of Seattle an annual fee of \$5,900.40 commencing on the effective date of the ordinance, and annually thereafter. Adjustments to the annual fee may be made every year and if so made shall be calculated in accordance with a term permit fee schedule adopted by City Council by Ordinance 123485. An Annual Fee Assessment Summary is attached for reference.

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

Appropriation change (\$):	General Fund \$		Other \$	
	2020	2021	2020	2021
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021

			\$5,900.40	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021

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.

Is there financial cost or other impacts of *not* implementing the legislation?

If the legislation is not enacted by the City Council, the City of Seattle will not receive the annual fee of \$5,900.40. As previously stated, the City of Seattle has the option to adjust the fee amount on an annual basis.

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	2020 Revenue	2021 Estimated Revenue
Transportation Fund 13000	SDOT	Annual Fee	\$5,900.40	TBD
TOTAL			\$5,900.40	TBD

Is this change one-time or ongoing?
On-going.

Revenue/Reimbursement Notes:

The 2020 fee is based on the 2020 assessed land values by King County.

3.c. Positions

☐ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- Does this legislation affect any departments besides the originating department?**
No.
- Is a public hearing required for this legislation?**
No.

- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

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

No.

- e. Does this legislation affect a piece of property?**

Yes, the property located at 1120 John Street, and legally described in Section 1 of the Council Bill.

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

- 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).**

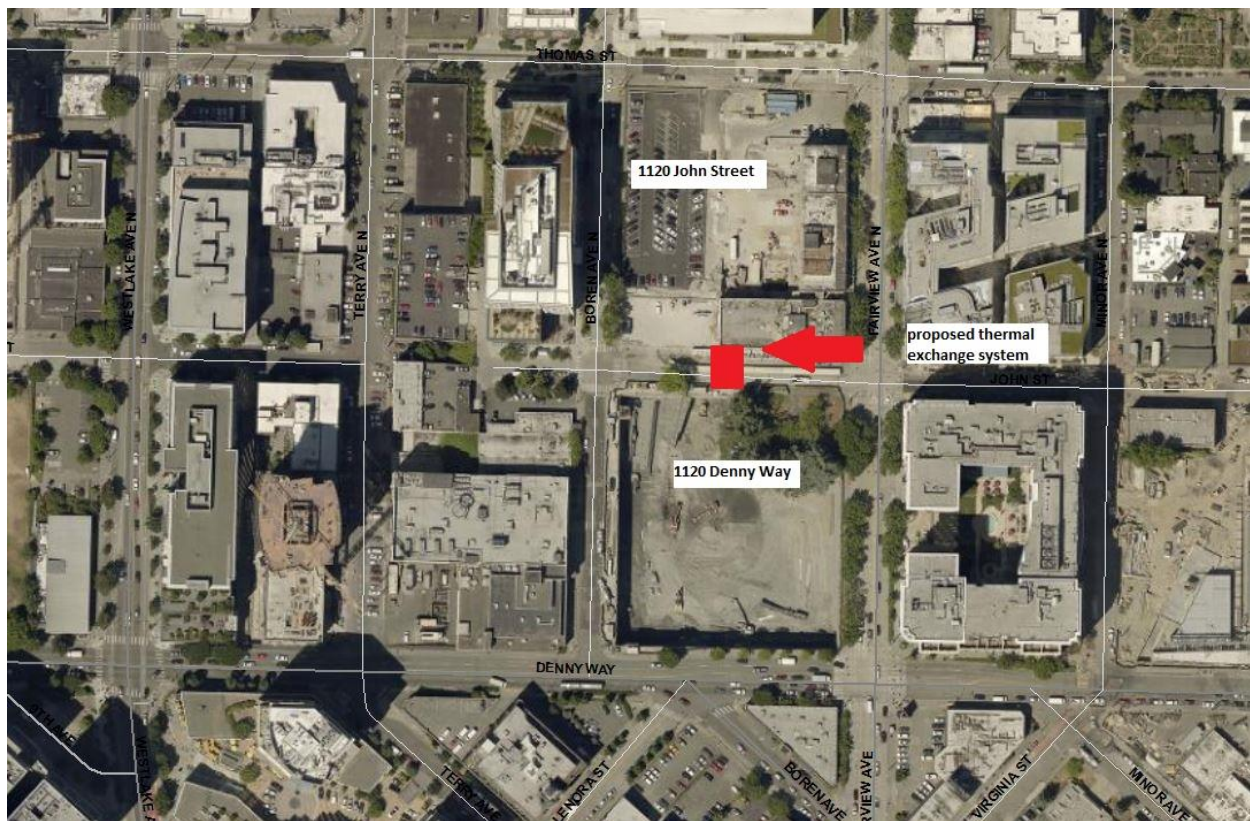
N/A

List attachments/exhibits below:

Summary Attachment A – 1120 John Street Thermal Exchange Area Map

Summary Attachment B – 1120 John Street Thermal Exchange Fee Assessment

Attachment A – 1120 John Street Thermal Exchange Area Map



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

Attachment B – 1120 John Street Thermal Exchange Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/5/18

<p><u>Summary:</u> 2020 Land Value: \$745SF 2020 Permit Fee: \$5,900.40</p>

I. Property Description:

A below-grade private thermal energy exchange system under and across John Street, east of Boren Avenue and west of Fairview Avenue. The thermal energy exchange systems area is **330 square feet**.

Applicant:

Onni DEU (John Street) LLC

Abutting Parcels, Property Size, Assessed Value:

Parcel 1986200525; Lot size: 110,478 square feet

Tax year 2020 Appraised Land Value: \$76,229,800 (\$690/square foot)

Parcel 2693100065; Lot size: 27,583 square feet

Tax year 2020 Appraised Land Value: \$22,066,400 (\$800/square foot)

Average square foot value: \$745

II. Annual Fee Assessment:

The 2020 permit fee is calculated as follows:

$(\$745/\text{SF}) \times (330 \text{ SF}) \times (30\%) \times (8\%) = \$5,900.40$ where 30% is the degree of alienation for below-grade utility lines and 8% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, 124532, 125185 and 125452.

August 12, 2020

MEMORANDUM

To: Transportation and Utilities Committee Members
From: Lish Whitson, Analyst
Subject: Council Bill 119845: John Street Thermal Exchange Tunnel

On Monday, August 17, 2020 the City Council will consider [Council Bill \(CB\) 119845](#), which would grant final approval to Onni DEU (John Street) LLC for the 1120 John Street Thermal Exchange Tunnel. The thermal exchange tunnel is intended to capture waste heat and distribute it between the office buildings being built at 1120 John Street (the former Seattle Times building) and the residential buildings being constructed at 1120 Denny Way, at Fairview Avenue N, in South Lake Union, Council District 7. CB 119845 would grant approval for an initial fifteen-year term, which can be renewed once for a total term of up to thirty years.

Because this thermal exchange tunnel crosses under a 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 was granted in September 2019 under [Resolution 31899](#).

This memorandum summarizes the term permit approval process and describes the conditions of approval under CB 119845.

Significant Structure Term Permits

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 access to utility, pedestrian or vehicular access; 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.

Generally, the City grants approval for a ten-year term, renewable two times for a total term of thirty years.

[SMC 15.65.040.C](#) identifies ten issues that are considered when reviewing whether 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% 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.

The Director of the Seattle Department of Transportation (SDOT) reviews the term permit petition and 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.

John Street Thermal Exchange

Resolution 31899 granted conditional conceptual approval for a significant structure term permit to the John Street Thermal Exchange project in September 2019. The resolution included six conditions that Onni DEU (John Street) LLC needed to satisfy to receive final approval for the term permit, as follows:

- A. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation (SDOT), which the Director of Transportation (Director) will circulate to other City departments and any public and private utilities affected by the installation of the Thermal Energy Exchange System;
- B. 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;
- C. Pay all City permit fees;
- D. Obtain all necessary permits;
- E. Maintain and inspect the Thermal Energy Exchange System; and
- F. Remove the Thermal Energy Exchange System and restore the right-of-way to in as good condition for public use as existed prior to construction of the Thermal Energy Exchange System 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.

Conditions A-D have been met and CB 119845 provides that Conditions E and F will be met if the thermal exchange system is built and operated. If approved, CB 119845 would grant Onni DEU (John Street) final approval to build a tunnel under John Street to operate for a thermal energy exchange system for fifteen years, renewable for another 15 years upon approval by the City.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst



Legislation Text

File #: CB 119846, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting SMRE Marketside LLC permission to maintain and operate a pedestrian skybridge over and across Post Alley at the north margin of Union Street for a fifteen-year term, renewable for one successive fifteen-year term; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

WHEREAS, by Ordinance 113517, the City of Seattle (“City”) granted permission to Harbor Development

Company to construct, maintain, and operate a pedestrian skybridge over and across Post Alley at the north margin of Union Street; and

WHEREAS, the permission authorized by Ordinance 113517 was amended by Ordinance 118909, and the permission ended on August 8, 2017; and

WHEREAS, ownership of the pedestrian skybridge was transferred from Harbor Development Company to SMRE Marketside LLC on July 31, 2012; and

WHEREAS, SMRE Marketside LLC has applied for permission to maintain and operate a pedestrian skybridge over and across Post Alley at the north margin of Union Street; and

WHEREAS, the Seattle Design Commission recommended approval of the existing pedestrian skybridge and public benefit mitigation elements, including: additional street improvements at the intersection of Western Avenue and Union Street, such as new paving, landscaping, bench/traffic barrier on the west side of Western Avenue, four new Americans with Disabilities (ADA) compliant ramps, and two marked pedestrian crossings; six additional signs indicating the routes and availability of the public access elevators; upgrading the “Post Alley” sign and increased wattage of lights along Post Alley; and

installing a historic marker on Marketside Flats celebrating its history as a United States Immigration Center and Longshoreman/Cannery union headquarters; and

WHEREAS, the adoption of this ordinance is the culmination of the approval process for the pedestrian skybridge to legally occupy a portion of the public right-of-way; 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 SMRE Marketside LLC, 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 are referred to as “Permittee”), to maintain and operate an existing pedestrian skybridge over and across Post Alley at the north margin of Union Street. The pedestrian skybridge is adjacent in whole or in part to the properties legally described as:

PARCEL A:

LOT 12, BLOCK F, OF ADDITION TO THE TOWN OF SEATTLE, AS LAID OFF BY A. A. DENNY (COMMONLY KNOWN AS A. A. DENNY’S 4TH ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 69, RECORDS OF KING COUNTY AUDITOR;

PARCEL B:

TOGETHER WITH THOSE CERTAIN VIEW EASEMENTS, BUILDING HEIGHT RESTRICTION AND FIRE SEPARATION COVENANTS SET FORTH IN INSTRUMENTS RECORDED JUNE 2, 1988 AND MARCH 21, 1989 UNDER RECORDING NUMBERS 8806020348 AND 8903210956, RECORDS OF KING COUNTY, WASHINGTON;

PARCEL C:

TOGETHER WITH EASEMENTS FOR ACCESS FOR MAINTENANCE, REPAIR AND REPLACEMENT ACTIVITIES SET FORTH IN THAT CERTAIN JOINT MAINTENANCE AND RECIPROCAL ACCESS AGREEMENT RECORDED DECEMBER 15, 2003 UNDER RECORDING NUMBERS 20031215002236, RECORDS OF KING COUNTY, WASHINGTON;

PARCEL D:

TOGETHER WITH EASEMENTS FOR EMERGENCY EXITING SET FORTH IN THAT CERTAIN

EASEMENT AGREEMENT FOR EMERGENCY EXISTING RECORDED MARCH 23, 2007
UNDER RECORDING NUMBER 20070323002457, RECORDS OF KING COUNTY,
WASHINGTON.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

Section 2. **Term.** The permission granted to Permittee is for a term of fifteen years starting on August 9, 2017, and ending at 11:59 p.m. on August 8, 2032. Upon written application made by the Permittee at least 180 days before expiration of the term, the Director or the City Council may renew the permit once, for a successive fifteen-year term, subject to the right of the City to require the removal of the pedestrian skybridge 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 180 days prior to the expiration of the then-existing term.

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 pedestrian skybridge 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 prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian skybridge, or any part thereof or installation on the public place, at the Permittee’s sole cost and expense in the event that:

(a) The City Council determines by ordinance that the space occupied by the pedestrian skybridge is necessary for any public use or benefit or that the pedestrian skybridge interferes with any public use or benefit;
or

(b) The Director determines that use of the pedestrian skybridge 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 pedestrian skybridge 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 pedestrian skybridge, the Permittee shall, at its own expense, remove the pedestrian skybridge 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 pedestrian skybridge in as good condition for public use as existed prior to construction of the pedestrian skybridge 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 pedestrian skybridge 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 pedestrian skybridge 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 then 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 pedestrian skybridge shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pedestrian skybridge in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the pedestrian skybridge except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the pedestrian skybridge reconstructed or repaired at the Permittee's cost and expense because of: the deterioration of the pedestrian skybridge; 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 pedestrian skybridge be removed at the Permittee's expense if the Director deems that the pedestrian skybridge create 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 termination or expiration of the permission granted, or removal of the pedestrian skybridge, 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 its removal and restoration obligations under Section 5 of this ordinance. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 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 pedestrian skybridge 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 pedestrian skybridge;

(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 pedestrian skybridge 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 pedestrian skybridge, as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian skybridge;

(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 \$2,000,000 per Occurrence; \$4,000,000 General Aggregate; \$2,000,000 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 that is: in the amount of \$20,000, 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. In the event that 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. Prior to transfer, the successor owner of the Property shall accept in writing all of the terms and conditions of the permission granted by this ordinance and the new owner of the Property shall be conferred with the rights and obligations of Permittee by this ordinance. Other than a transfer to a new owner of the Property, Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's

consent, which the Director shall not unreasonably refuse. 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 accepted in writing all of the terms and conditions of the permission granted by this ordinance; has provided, at the time of the acceptance, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 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 pedestrian skybridge.

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 pedestrian skybridge during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the pedestrian skybridge 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 pedestrian skybridge. 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;
- (b) Describes any damages or possible repairs to any element of the pedestrian skybridge;
- (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 within 60 days after the effective date of this ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural

disaster or other event that may have damaged the pedestrian skybridge, 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 pedestrian skybridge. 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 obligations of the Permittee.

Section 17. **Annual fee.** Beginning on August 9, 2017, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an annual fee of \$9,395.11, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the annual 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. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. **Compliance with other laws.** Permittee shall construct, maintain, and operate the pedestrian skybridge in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian skybridge, 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 deliver to the Director its written

signed acceptance of the terms of this ordinance within 60 days after the effective date of this ordinance. The Director shall file the written acceptance with the City Clerk. If no such acceptance is received within that 60-day period, the privileges conferred by this ordinance shall be deemed declined or abandoned and the permission granted deemed lapsed and forfeited and the Permittee shall, at its own expense, remove the pedestrian skybridge and all of the Permittee's equipment and property and replace and restore all portions of the public place as provided in Section 5 of this ordinance.

Section 20. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian skybridge 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, 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, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Public benefit mitigation.** Permittee shall construct the following public benefit mitigation within one year of the effective date of this ordinance:

A. Street improvements at the intersection of Western Avenue and Union Street to extend the waterfront connection at Union Street, coordinated with the Office of the Waterfront on the design, including: new paving, landscaping, bench/traffic barrier on the west side of Western Avenue, four new Americans with Disabilities

(ADA) compliant ramps, and two marked pedestrian crossings.

B. Coordinate with the private property owner at Harbor Steps to provide six additional signs indicating the routes and availability of the public access elevators.

C. Upgrade the “Post Alley” sign, replacing the neon and new painting, and increasing wattage of lights along Post Alley.

D. Install a historic marker at the front door of Marketside Flats celebrating its history as a United States Immigration center and Longshoreman/Cannery union headquarters.

Prior to construction of these elements, the Permittee shall obtain the required permits from the appropriate City departments. Following construction, Permittee shall maintain these elements in good and safe condition.

Section 22. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 23 **Ratify and confirm.** Any act taken by the City or the Permittee pursuant to the authority and in compliance with the conditions of this ordinance but prior to the effective date of this ordinance is ratified and confirmed.

Section 24. 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 _____, 2020, and signed by
me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Amy Gray/206-386-4638	Christie Parker/206-684-5211

1. BILL SUMMARY

Legislation Title: AN ORDINANCE granting SMRE Marketside LLC permission to maintain and operate a pedestrian skybridge over and across Post Alley at the north margin of Union Street for a fifteen-year term, renewable for one successive fifteen-year term; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

This legislation would allow SMRE Marketside LLC to continue maintaining and operating a pedestrian skybridge over Post Alley at the north margin of Union Street. The skybridge permit is for a period of fifteen years, commencing on the expiration of the last term on August 8, 2017. The permit may be extended for one successive 15-year term. The legislation specifies the conditions under which permission is granted, including SMRE providing a public benefit. The public benefits includes:

- Additional street improvements at the intersection of Western Avenue and Union Street, such as new paving, landscaping, bench/traffic barrier on the west side of Western Avenue, four new ADA compliant ramps, and two marked pedestrian crossings;
- Six additional signs indicating the routes and availability of the public access elevators;
- Upgrading the “Post Alley” sign and increase wattage of light along Post Alley; and
- Installing a historic marker on the entrance of the pedestrian skybridge celebrating the site’s history as a United States Immigration Center and Longshoreman/Cannery union headquarters.

The City originally granted permission for the skybridge by Ordinance 113517 in August 1987. The ratify and confirm clause is required in order to grant permission for the existing skybridge retroactively to August 9, 2017.

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 \$	
	2020	2021	2020	2021
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021
			2017 Annual Fee: \$9,395.11; 2018 Annual Fee: \$11,103.77; 2019 Annual Fee: \$12,361.37; 2020 Annual Fee: \$14,732.78	TBD
Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021

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.

Is there financial cost 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 2017, 2018, 2019, and 2020 annual fees.

3.a. Appropriations

 This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

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

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2020 Revenue	2021 Estimated Revenue
Transportation Fund	SDOT	Annual Fee	2017 Annual Fee: \$9,395.11; 2018 Annual Fee: \$11,103.77; 2019 Annual Fee: \$12,361.37; 2020 Annual Fee: \$14,732.78	TBD
TOTAL			\$47,593.03	

Is this change one-time or ongoing?

On-going

Revenue/Reimbursement Notes:

The 2017 fee is based on the 2017 land value as assessed by King County. The 2018, 2019, and 2020 annual fee is based on the respective years assessed land value by King County.

3.c. Positions

 This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- Does this legislation affect any departments besides the originating department?
No.
- Is a public hearing required for this legislation?
No.
- Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No.
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.

e. Does this legislation affect a piece of property?

Yes, the SMRE Marketside LLC property legally described in Section 1 of the Council Bill.
A map is attached to this document.

f. 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.

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

List attachments/exhibits below:

Summary Attachment A – SMRE Marketside LLC Skybridge Area Map

Summary Attachment B – SMRE Marketside LLC Skybridge Photo

Summary Attachment C – Annual Fee Assessment

Attachment A – SMRE Marketside LLC Skybridge Area Map



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

Attachment B – SMRE Markerside Skybridge Photo



Attachment C - Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 12/9/19

Summary:
Land Value: \$224.12/SF
2017 Permit Fee:
\$9,395.11

I. Property Description:

Existing pedestrian skybridge under and across Post Alley at the north margin of Union Street. The skybridge provides a pedestrian connection between Markerside Flats and Union Street. The skybridge area is **262 square feet**.

Applicant:
SMRE Markerside LLC

Abutting Parcels, Property Size, Assessed Value:

2017

Parcel 1976200160; Lot size: 7,200 square feet
Tax year 2017 Appraised Land Value \$1,620,000 (\$225/square foot)

Parcel 6094500000; Lot size: 17,751 square feet
Tax year 2017 Appraised Land Value \$3,962,600 (\$223.23/square foot)

Average 2017 Tax Assessed Land Value: \$224.12/SF

2018

Parcel 1976200160; Lot size: 7,200 square feet
Tax year 2018 Appraised Land Value \$1,908,000 (\$265/square foot)

Parcel 6094500000; Lot size: 17,751 square feet
Tax year 2018 Appraised Land Value \$4,699,900 (\$264.77/square foot)

Average 2018 Tax Assessed Land Value: \$264.88/SF

2019

Parcel 1976200160; Lot size: 7,200 square feet
Tax year 2019 Appraised Land Value \$2,124,000 (\$295/square foot)

Parcel 6094500000; Lot size: 17,751 square feet
Tax year 2019 Appraised Land Value \$5,232,400 (\$294.77/square foot)

Average 2019 Tax Assessed Land Value: \$294.88/SF

2020

Parcel 1976200160; Lot size: 7,200 square feet
Tax year 2020 Appraised Land Value \$2,520,000 (\$350/square foot)

Parcel 6094500000; Lot size: 17,751 square feet
Tax year 2020 Appraised Land Value \$6,264,500 (\$352.91/square foot)

Average 2020 Tax Assessed Land Value: \$351.45/SF

II. Annual Fee Assessment:

The 2017 permit fee is calculated as follows:

Skybridge:
 $(\$224.12/\text{SF}) \times (262 \text{ SF}) \times (200\%) \times (8\%) = \$9,395.11$ where 200% is the degree of alienation for pedestrian skybridge and 8% is the annual rate of return.

The 2018 permit fee is calculated as follows:

Skybridge:
 $(\$264.88/\text{SF}) \times (262 \text{ SF}) \times (200\%) \times (8\%) = \$11,103.77$ where 200% is the degree of alienation for pedestrian skybridge and 8% is the annual rate of return.

The 2019 permit fee is calculated as follows:

Skybridge:
 $(\$294.88/\text{SF}) \times (262 \text{ SF}) \times (200\%) \times (8\%) = \$12,361.37$ where 200% is the degree of alienation for pedestrian skybridge and 8% is the annual rate of return.

The 2020 permit fee is calculated as follows:

Skybridge:
 $(\$351.45/\text{SF}) \times (262 \text{ SF}) \times (200\%) \times (8\%) = \$14,732.78$ where 200% is the degree of alienation for pedestrian skybridge and 8% is the annual rate of return.

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

August 12, 2020

MEMORANDUM

To: Transportation and Utilities Committee Members
From: Lish Whitson, Analyst
Subject: Council Bill 119846: Marketside Skybridge

On Monday, August 17, 2020 the City Council will consider [Council Bill \(CB\) 119846](#), which would extend approval to maintain an existing skybridge linking the Marketside Flats apartments to the extension of Union Street west of 1st Avenue. The CB would update terms in the City's approval and grant approval for a new fifteen-year term, which could be renewed once for a total of thirty years. The skybridge was originally approved in 1987 under [Ordinance 113517](#). The skybridge crosses Post Alley on the north side of Union Street.

Because this skybridge crosses a city alley, approval must be granted by the City Council pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.64 "Skybridge Term Permits"](#). The Seattle Department of Transportation (SDOT) has worked with the new owners of Marketplace Flats to update the terms of approval for the skybridge.

This memorandum summarizes the skybridge approval process and describes the effect of CB 119846.

Skybridge Term Permits

A skybridge is a structure that provides for pedestrian access over a City street or right-of-way. SMC Chapter 15.64 establishes the procedures and criteria for approval of skybridges. The City's general policy is to limit the proliferation of skybridges. When the City grants approval for a skybridge, the City's approval is for a fixed length of time. Generally, the City grants approval for a ten-year term, renewable two times for a total term of thirty years.

[SMC 15.64.086.C](#) identifies thirteen considerations for the renewal of skybridge term permits upon the expiration of a term:

1. Adequacy of horizontal and vertical clearance;
2. Any known conflicts with existing or proposed utilities, street lighting, traffic control devices, or other upcoming transportation projects;
3. View blockage;
4. Interruption or interference with existing streetscape or other street amenities;
5. Impacts due to reduction of natural light;
6. Reduction of and effect on pedestrian activity at street level;
7. Number of pedestrians that currently use the skybridge;
8. Effect on commerce and enjoyment of neighboring land uses;

9. Availability of reasonable alternatives;
10. Changed conditions in the vicinity since original installation;
11. Effect on traffic and pedestrian safety;
12. Accessibility for the elderly and handicapped; and
13. The public benefit mitigation elements, or changes to the existing public benefit mitigation elements, provided by the proposal.

The Director of the Seattle Department of Transportation (SDOT Director) reviews the term permit renewal petition and transmits a recommendation to the City Council. The Council's review of the proposal considers the thirteen items noted above. [SMC 15.64.087.A](#) describes the conditions under which the Council can approve an application for a skybridge:

“The City Council shall not approve an application to continue to maintain and operate an existing skybridge upon term expiration unless it finds that continued maintenance and operation of the skybridge is in the public interest and no reasonable alternative to the skybridge exists.”

If the Council determines that it is appropriate to grant a new term for an existing skybridge, the Council may impose terms and conditions on the renewal. The Council must, in its approval of a skybridge term permit, “preserve the right to require the permittee to remove the skybridge at the permittee's sole cost and expense if necessary.”

Marketside Skybridge

The Marketside skybridge was built to connect the Marketside Flats, an apartment building located at the northeast corner of Union Street and Western Avenue, to 1st Avenue. Marketside Flats, a [City of Seattle Landmark](#), was previously the United States Immigration Center, the Cannery Workers and Farm Laborers Union headquarters, and the International Longshoremen's and Warehousemen's Union headquarters. The skybridge provides residents with street-level access to the heart of Downtown Seattle and has been in place since the conversion of the structure to residential use.

CB 119846

CB 119846 provides approval for up to another thirty years for the skybridge, starting with an initial 15-year term. The bill updates the terms of agreement based on current best practices for drafting term permits. As part of the approval process for this new term, Marketside Flats has agreed to provide the following public benefits in the immediately surrounding area:

- Street improvements at the intersection of Western Avenue and Union Street to extend the waterfront connection at Union Street, including: new paving and landscaping, a bench/traffic barrier on the west side of Western Avenue, four new Americans with Disabilities (ADA) compliant ramps, and two marked pedestrian crossings.

- Six additional signs indicating routes connecting 1st Avenue and the waterfront and the availability of the public access elevators.
- Upgrades to the “Post Alley” sign, replacing the neon and new painting, and increasing wattage of lights along Post Alley.
- A historic marker at the front door of Marketside Flats celebrating its history as a United States Immigration center and Longshoreman/Cannery union headquarters.

CB 119846, if adopted, would be in effect through August 8, 2032, after which the owners could apply for another 15-year term.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst



Legislation Text

File #: CB 119850, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Department of Transportation; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of The City of Seattle a Quit Claim Deed from King County, a political subdivision of the State of Washington, located in a portion of Block B, Supplementary Plat of Edes and Knight's Addition to the City of Seattle, a portion of the Northwest quarter of Section 32, Township 26 North, Range 4 East, Willamette Meridian, a portion of Block 1, Ross Home Addition, and a portion of Block 48, Yesler's 2nd Addition (Supplemental) to the City of Seattle; designating the property for street purposes and laying it off as right-of-way; placing the property under the jurisdiction of the Department of Transportation; and ratifying and confirming certain prior acts.

WHEREAS, King County, a political subdivision of the state of Washington ("King County"), owned four pieces of property subject to foreclosure orders of the King County Superior Court to satisfy tax liens it assessed against several delinquent property owners ("Foreclosed Properties"); and

WHEREAS, King County acquired the Foreclosed Properties in trust by deed for the taxing districts between 1994 and 2008 under King County Recording Numbers 199401121993, 199802040747, 199901250967, and 20080206001944 because there were no qualifying bids received at the tax foreclosure sales offering the Foreclosed Properties for sale to the public; and

WHEREAS, the City Traffic Engineer, on behalf of the Department of Transportation, recently reviewed several properties being offered for sale by King County and determined that purchasing the Foreclosed Properties would enhance The City of Seattle's transportation system given their proximity to existing right-of-way; and

WHEREAS, King County is conveying the Foreclosed Properties to The City of Seattle ("City") pursuant to chapter 36.35 RCW as agreed upon between King County and the City pursuant to the terms and

conditions set forth in the King County Tax Title Terms of Sale, executed by the Director of Transportation on August 8, 2019; and

WHEREAS, once accepted, the Foreclosed Properties will become City street right-of-way; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Quit Claim Deed from King County, a political subdivision of the State of Washington, dated September 20, 2019, and recorded under King County Recording Number 20190920000323, which is attached as Attachment A and incorporated into this ordinance, is accepted for street purposes, placed under the jurisdiction of the Department of Transportation, and laid off, opened, widened, extended, and established as right-of-way (a portion of tax parcel numbers 225450-2530, 322604-9544, 744600-0070, and 982870-2355).

Section 2. Funding for the Foreclosed Properties acquisition comes from the Commercial Parking Tax in the Transportation Fund.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment A - Recorded Quit Claim Deed from King County

AFTER RECORDING RETURN TO:
City of Seattle

700 Fifth Avenue, Suite 3800
PO Box 34996
Seattle, WA 98124-4996

E3011129

EXCISE TAX AFFIDAVITS
9/20/2019 10:42 AM KING COUNTY, WA
Tax Amount:\$10.00



20190920000323

QUIT CLAIM DEED Rec: \$105.50
9/20/2019 10:42 AM
KING COUNTY, WA

QUIT CLAIM DEED

Grantor -- King County, Washington
Grantee -- City of Seattle, a municipal corporation
Legal ---- PTN LT 2, BLK B, EDES & KNIGHTS SUPL ADD & E 10 FT W 30 FT S ½ SE
¼ SE ¼ NW ¼ 32-26-4 & PTN LT 10 BLK 1 ROSS HOME ADD & PTN LT 9
BLK 48 YESLERS H L 2ND ADD SUPL
Tax Acct. -- 225450-2530, 322604-9544, 744600-0070, and 982870-2355

The Grantor, KING COUNTY, a political subdivision of the State of Washington, for and in consideration of the sum of \$9,000, conveys and quitclaims to Grantee, City of Seattle, a municipal corporation, the following real property situated in King County, Washington and described in EXHIBIT A, attached hereto and incorporated herein by this reference including after acquired title.

The real property was the subject of a foreclosure order of the King County Superior Court and the Grantor acquired the real property in trust for the taxing districts by virtue of RCW 84.64.200. Grantor holds tax title properties in trust for the taxing districts as provided in RCW 36.35.020. Grantor is conveying the real property to Grantee as provided for in RCW ch. 36.35

GRANTOR

KING COUNTY

BY: 
Bryan Hague, Manager, Real Estate Services

DATE: 9/20/2019

Approved as to Form:

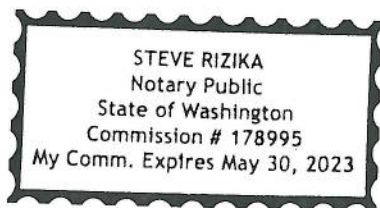
BY: 
Deputy Prosecuting Attorney 51312

NOTARY BLOCK FOR KING COUNTY

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

On this 20th day of September, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared BRYAN HAGUE, to me known to be the Manager of the Real Estate Services section of the King County Department of Executive Services, and who executed the foregoing instrument and acknowledged to me that HE was authorized to execute said instrument on behalf of KING COUNTY for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Notary Public in and for the
State of Washington, residing

Steve Rizika

Printed Name

at Mercer Island, WA

City and State

My appointment expires 5/30/23

EXHIBIT A

Legal Description

Parcel A

LOT 2, BLOCK B, EDES & KNIGHTS SUPPLEMENTAL ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 194, IN KING COUNTY, WASHINGTON, THE PORTION LYING WEST OF THE WEST LINE OF LOT 12, BLOCK 15, EXTENDING SOUTH, RENTONS ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 118, IN KING COUNTY, WASHINGTON.

APN: 225450-2530

Parcel B

THE EAST 10 FEET OF THE WEST 30 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 30 FEET FOR ROAD BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 5238188.

APN: 322604-9544

Parcel C

THE PORTION NORTHEASTERLY OF A LINE 46.5 FEET NORTHEASTERLY AND PARALLEL TO THE CENTERLINE OF THE MAIN TRACK OF THE FREMONT BALLARD LINE NORTH PACIFIC RAILWAY, LOT 10, BLOCK 1, ROSS HOME ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 25, IN KING COUNTY, WASHINGTON.

APN: 744600-0070

Parcel D

LOT 9, BLOCK 48, YESLERS H L 2ND ADDITION SUPPLEMENTAL: THE TRIANGULAR PORTION OF LOT 9 BLOCK 48 LYING NORTHWESTERLY OF EAST MADDISON STREET.

APN: 982870-2355

EXHIBIT C.

BILL OF SALE AND ASSIGNMENT

THIS BILL OF SALE is made as of this 20th day of September, 2019, by KING COUNTY, a political subdivision of the State of Washington ("**Seller**"), in favor of City of Seattle, a municipal corporation ("**Buyer**").

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Seller does hereby absolutely and unconditionally give, grant, bargain, sell, transfer, set over, assign, convey, release, confirm and deliver to Buyer all of Seller's right, title and interest in and to any and all equipment, furniture, furnishings, fixtures and other tangible personal property owned by Seller that is attached, appurtenant to or used in connection with the real property legally described on the attached Exhibit A.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale as of the date first above written.

SELLER:

By: 

Name: Bryan Hague

Title: Manager, Real Estate Services

EXHIBIT A
To Bill of Sale and Assignment

Legal Description

Parcel A

LOT 2, BLOCK B, EDES & KNIGHTS SUPPLEMENTAL ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 194, IN KING COUNTY, WASHINGTON, THE PORTION LYING WEST OF THE WEST LINE OF LOT 12, BLOCK 15, EXTENDING SOUTH, RENTONS ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 118, IN KING COUNTY, WASHINGTON.

APN: 225450-2530

Parcel B

THE EAST 10 FEET OF THE WEST 30 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 30 FEET FOR ROAD BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 5238188.

APN: 322604-9544

Parcel C

THE PORTION NORTHEASTERLY OF A LINE 46.5 FEET NORTHEASTERLY AND PARALLEL TO THE CENTERLINE OF THE MAIN TRACK OF THE FREMONT BALLARD LINE NORTH PACIFIC RAILWAY, LOT 10, BLOCK 1, ROSS HOME ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 25, IN KING COUNTY, WASHINGTON.

APN: 744600-0070

Parcel D

LOT 9, BLOCK 48, YESLERS H L 2ND ADDITION SUPPLEMENTAL: THE TRIANGULAR PORTION OF LOT 9 BLOCK 48 LYING NORTHWESTERLY OF EAST MADDISON STREET.

APN: 982870-2355

EXHIBIT D.

**Seller's Certification of Non-Foreign Status under
Foreign Investment in Real Property Tax Act (26 U.S.C. 1445)**

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. For U.S. tax purposes (including Section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee that withholding of tax is not required upon the disposition of a U.S. real property interest by King County ("Transferor"), the undersigned hereby certifies the following on behalf of Transferor:


1. Transferor is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. Transferor is not a disregarded entity as defined in Section 1.1445-2(b)(2)(iii);
3. Transferor's U.S. employer identification number is 91-6001327;
4. Transferor's office address is King County Facilities Management Division, Real Estate Services Section, Room 800 King County Administration Building, 500 Fourth Avenue, Seattle, WA 98104.

Transferor understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of Transferor.

Dated this 20th day of September, 2019.

King County, Transferor:

By: 
Name: Bryan Hague
Title: Manager, Real Estate Services

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Department of Transportation	Gretchen M. Haydel/ 206 233-5140	Christie Parker/ 206 684-5211

** 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 the Department of Transportation; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of The City of Seattle a Quit Claim Deed from King County, a political subdivision of the State of Washington, located in a portion of Block B, Supplementary Plat of Edes and Knight's Addition to the City of Seattle, a portion of the Northwest quarter of Section 32, Township 26 North, Range 4 East, Willamette Meridian, a portion of Block 1, Ross Home Addition, and a portion of Block 48, Yesler's 2nd Addition (Supplemental) to the City of Seattle; designating the property for street purposes and laying it off as right-of-way; placing the property under the jurisdiction of the Department of Transportation; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

This legislation accepts a quit claim deed from King County for four small pieces of property abutting City of Seattle ("City") streets, designates the properties for street use, lays them off as right-of-way, places them under the jurisdiction of the Seattle Department of Transportation, and ratifies and confirms prior acts.

The City traffic engineer recently reviewed a list of properties being offered for sale by King County, a political subdivision of the state of Washington ("King County"), and recommended that four of the properties be purchased by the City to enhance the City's transportation system. These properties are all adjacent to City right-of-way.

King County purchased these four foreclosed properties at public sales between 1994 and 2008 for failure of the property owners to satisfy assessed property taxes with the taxing authority.

The Director of Transportation agrees with the traffic engineer's assessment. Once the properties are accepted and laid off as right-of-way, they will become part of the City's transportation system, and in several cases align with their current use.

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?

Yes. The aggregate cost of the four permanent property acquisitions being laid off as City right-of-way is \$9,000 which was funded through the Commercial Parking Tax, a component of the Transportation Fund. The costs associated with maintaining the newly-acquired rights-of-way, have been anticipated in the 2020 budget.

Is there financial cost or other impacts of *not* implementing the legislation?

None.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

Yes. Four small pieces of property are being acquired for street right-of-way.

f. 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 known impacts to vulnerable or historically disadvantaged communities and a Language Access Plan is not required to be implemented for these acquisitions.

- 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).**

This legislation does not include a new initiative or a major programmatic expansion.

List attachments/exhibits below:

Summary Attachment 1 – Vicinity Map for Parcel No. 225450-2530
Summary Attachment 2 – Vicinity Map for Parcel No. 322604-9544
Summary Attachment 3 – Vicinity Map for Parcel No. 744600-0070
Summary Attachment 4 – Vicinity Map for Parcel No. 982870-2355

King County



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 2/6/2020

Parcel Number 225450-2530



King County

King County



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 2/6/2020

Parcel Number 322604-9544



King County

King County



Pictometry, King County, King County, King County Assessor's Office, King County GIS Center

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 2/6/2020

Parcel Number 744600-0070



King County

King County



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 2/6/2020

Parcel Number 982870-2355



King County

August 10, 2020

MEMORANDUM

To: Seattle City Council
From: Calvin Chow, Analyst
Subject: Acceptance of Deeds and Easements – CB 119850, 119851, 119852, 119853, 119854, 119855, and 119856

On August 17, 2020, the City Council will discuss and may act on a series of Council Bills (CBs) to accept various property deeds and easements as public right-of-way for streets, alleys, and sidewalks. These actions are ministerial in nature, and Central Staff has not identified any policy issues for Council's consideration.

[CB 119850](#), accepts four parcels from King County via quit claim deed. These are remnant parcels that have generally functioned as right-of-way, and they are located at separate locations around the city. One parcel ([744600-0070](#)) is adjacent to existing SDOT right-of-way for the Burke-Gilman Trail (previously acquired from the Burlington Northern Santa Fe Railway) and is encroached upon by an adjoining business. SDOT's acquisition of this remnant parcel from King County will protect against third-party acquisition that could complicate the ultimate resolution of the encroachment issues. The total cost for the Seattle Department of Transportation (SDOT) to acquire these parcels from King County is \$9,000.

[CB 119851](#), [119852](#), [119853](#), [119854](#), [119855](#), and [119856](#) are packages of property deeds and easements acquired as a result of permitting decisions on private development activity. Typically, these transactions are bundled into legislation throughout the year and transmitted to Council on a rolling basis. Due to the reduced City Council schedule during the COVID-19 emergency, these six Council Bills have been transmitted together and would authorize a total of 121 property transactions.

Central Staff recommends approval of this legislation.

cc: Kirstan Arestad, Executive Director
Dan Eder, Deputy Director



Legislation Text

File #: CB 119851, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: South Trenton Street abutting Parcel A and Parcel B, City of Seattle Short Subdivision Number 3026975, recorded under King County Recording Number 20180131900006 (formerly known as Lot 15, Dunlap's Plat of Land on Lake Washington); South Rose Street and 39th Avenue South abutting Tract 31 and Tract 32, Lake Dell; the alley in Block 34, Woodlawn Addition to Green Lake; the alley in Block 4, Hillman City Addition to the City of Seattle, Division No. 1; the alley in Block 33, Little City Farms, Division No. 5; the alley in Block 148, Gilman Park; the alley in Block 1, Bowyer's Addition to the City of Seattle; the alley in Block 22, Hill Tract Addition to the City of Seattle; the alley in Block 4, Weedon's Division of Green Lake Addition to Seattle; Aurora Avenue North and North 128th Street abutting Parcel B and Parcel C, City of Seattle Lot Boundary Adjustment No. 3026911, recorded under King County Recording Number 20180516900007 (previously known as Tract 10, Tract 11, and Tract 12, Schreiner's Garden Tracts); the alley in Block 158, Replat of Blocks 65, 66, 158, 159, 160, 161, and 163, Gilman Park; the alley in Block 15, University Park Addition to the City of Seattle; the alley in Parcel B, Seattle Short Subdivision Number 3027671, recorded November 9, 2017, under King County Recording Number 20171109900007 (previously known as Block 7, Francies R. Day's LaGrande); the alley in Parcel A and Parcel B, City of Seattle Lot Boundary Adjustment 3028296, recorded under King County Recording Number 20180301900004 (previously known as Block 23, South Park); the alley in Block 12, Pettit's University Addition to the City of Seattle; the alley in Block 3, Borzone's 2nd Addition to the City of Seattle; the alley in Parcel A and Parcel B, City of Seattle Short Subdivision Number 3030547-LU, recorded under King County Recording Number 20180824900003 (previously known as Block 26, Gilman Park); and the alley in Block 4, Lawton Heights.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Deed for Street Purposes, dated November 15, 2018, by LINK TOWNHOMES LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

The North 8.50 feet of Parcel A, City of Seattle Short Subdivision No. 3026975, recorded under Recording No. 20180131900006, records of King County, Washington.

Dedication area contains 2,385 square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-05A; a portion of tax parcel number 212370-0305; King County Recording Number 20181205000982)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 2. The Deed for Street Purposes, dated November 15, 2018, by LINK TOWNHOMES LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

The North 8.50 feet of Parcel B, City of Seattle Short Subdivision No. 3026975, recorded under Recording No. 20180131900006, records of King County, Washington.

Dedication area contains 606 square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-05B; a portion of tax parcel 212370-0306; King County Recording Number 20181205001014)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 3. The Deed for Street Purposes, dated July 17, 2018, by SEATTLE PUBLIC SCHOOLS, a municipal corporation of the State of Washington, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

That portion of Tract 31, and Tract 32, except the East 125 feet of said Tract 32, Lake Dell, according to the Plat thereof recorded in Volume 4 of Plats, page 17, records of King County, Washington;

Except the West 20 feet for road;

And except from said tracts that portion conveyed to the City of Seattle for street purposes by deed recorded under Recording No. 6433661.

Situate in the county of King, state of Washington, being more particularly described as follows:

Beginning at the Southeast corner of said Tract 31;

Thence along the South line of said Tract 31 N 88° 36' 22" W, 275.30 feet to the West line of the Northeast quarter of Tract 30 of said plat;

Thence leaving said South line N 01° 07' 33" E, 7.50 feet to a line that is 7.50 feet Northerly when measured at right angles and parallel with the South line of said Tract 31;

Thence along said parallel line S 88° 36' 22" E, 270.30 to a line that is 5.00 feet Westerly when measured at right angles and parallel with the East line of said Tract 31;

Thence along said parallel line N 01° 07' 48" W, 321.25 feet to the North line of said Tract 31;

Thence along said North line S 88° 34' 45" E, 5.00 feet to the East line of said Tract 31;

Thence along said East line S 01° 07' 48" W, 328.75 feet to the True Point of Beginning.

Containing 3,671 square feet more or less.

(Right-of-Way File Number: T2018-23A; a portion of tax parcel number 400600-0598; King County Recording Number 20180820000650)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 4. The Deed for Alley Purposes, dated July 11, 2018, by CONTEMPORARY BUILDERS GROUP, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The Southerly 0.50 feet of the following described property:

Lots 5 and 6, Block 34, Woodlawn Addition to Green Lake, according to the plat thereof recorded in Volume 6 of Plats, page 20, records of King County, Washington;

Except the Northerly 40 feet thereof as measured along the Westerly line of said Lot 6,

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-24; a portion of tax parcel number 952810-1560; King County Recording Number 20180719000516)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 5. The Deed for Alley Purposes, dated August 20, 2018, by HILLMAN CITY ASSOCIATES, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The West 2.00 feet of the following described property:

Lots 1, 2, and 3, Block 4, Hillman City Addition to the City of Seattle, Division No. 1, according to the plat thereof recorded in Volume 10 of Plats, page(s) 57, in King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-25; a portion of tax parcel numbers 333050-0440 and 333050-0450; King County Recording Number 20180831000054)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 6. The Deed for Alley Purposes, dated August 20, 2018, by HILLMAN CITY ASSOCIATES, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The East 2.00 feet and the South 2.00 feet of the following described property:

Lots 9, 10, and 11, Block 4, Hillman City Addition to the City of Seattle, Division No. 1, according to the plat thereof recorded in Volume 10 of Plats, Page(s) 57, in King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-26; a portion of tax parcel numbers 333050-0480 and 333050-0490; King County Recording Number 20180926000388)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 7. The Deed for Alley Purposes, dated August 20, 2018, by CRAIG C. HAVESON and MARA D. HAVESON, husband and wife, that conveys and warrants to The City of Seattle, a municipal corporation of

the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The West 2.00 feet of Lot 13, Block 33, Little City Farms, Division Number 5, according to the plat thereof recorded in Volume 26 of Plats, page 26, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-27; a portion of tax parcel number 436570-0380; King County Recording Number 20180821000688)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 8. The Deed for Alley Purposes, dated January 8, 2019, by STOR TENKER LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The North 4.00 feet of the following described property:

Lots 12 and 13, Block 148, Gilman Park (also shown of record as Gilman Park Addition), according to the plat thereof recorded in Volume 3 of Plats, page 40, records of King County, Washington (also shown of record as King County Auditor),

Except the North 6 feet thereof, heretofore conveyed to the City of Seattle for alley by deed recorded under Recording Number 257072,

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-28; a portion of tax parcel numbers 276830-0980 and 276830-0985; King County Recording Number 20190115000734)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 9. The Deed for Alley Purposes, dated August 30, 2018, by SAGE HOMES NORTHWEST, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The West 2.00 foot of the following described property:

Lot 5, Block 1, Bowyer's Addition to the City of Seattle, according to the plat thereof recorded in Volume 19 of Plats, page 6, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-33; a portion of tax parcel number 101400-0025; King County Recording Number 20180831000064)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 10. The Deed for Alley Purposes, dated August 10, 2018, by BLACKHAWK INVESTMENTS LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The South 2.0 feet of the following described property:

Lot 5, Block 22, Hill Tract Addition to the City of Seattle, according to the plat thereof recorded in Volume 8 of Plats, page 42, records of King County, Washington,

Except the South 16 feet thereof conveyed to the City of Seattle for alley by deed recorded under Recording Number 605134, and accepted under City of Seattle Ordinance No. 18971.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-43; a portion of tax parcel number 331950-0950; King County Recording Number 20180813000555)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 11. The Deed for Alley Purposes, dated September 17, 2018, by WPPI ROOSEVELT, LLC, a Delaware limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

That portion of the following described property:

PARCEL A:

The South 20 feet of Lot 13, and all of Lots 14 through 16, inclusive, Block 4, Weedon's Division of Green Lake Addition to Seattle, according to the plat thereof recorded in Volume 5

of Plats, page 27, in King County, Washington.

PARCEL B:

The North 10 feet of Lot 13 and all of Lot 12, inclusive, Block 4, Weedin's Division of Green Lake Addition to Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 27, in King County, Washington.

More particularly described as follows:

The Easterly 2.00 feet thereof.

Said portion contains 300 square feet, or 0.0069 acres, more or less.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-44; a portion of tax parcel numbers 922140-0435 and 922140-0445; King County Recording Number 20180919000013)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 12. The Deed for Street Purposes, dated August 10, 2018, by MARK AND PENNIE LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

PARCEL A:

A portion of land lying in the Southeast quarter of the Southwest quarter of Section 19, Township 26 North, Range 4 East, W. M., in King County, Washington, described as follows:

The East 4.00 feet of Parcel C of City of Seattle Lot Boundary Adjustment Number 3026911, under Recording Number 20180516900007, records of King County, Washington.

PARCEL B:

A portion of land lying in the Southeast quarter of the Southwest quarter of Section 19, Township 26 North, Range 4 East, W. M., in King County, Washington, described as follows:

The South 6.00 feet of Parcels B and C of City of Seattle Lot Boundary Adjustment Number 3026911, under Recording Number 20180516900007, records of King County, Washington;

Except the East 4.00 feet of said Parcel C.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-46; a portion of tax parcels 760870-0051 and 760870-0065; King County Recording Number 20180810000329)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 13. The Deed for Alley Purposes, dated September 19, 2018, by DWIGHT DAVID PROTEAU and JACQUELINE LISA PROTEAU, husband and wife, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The South 4.00 feet of Lots 5 and 6, Block 158, Replat of Blocks 65, 66, 158, 159, 160, 161, and 163, Gilman Park, according to the plat thereof recorded in Volume 21 of Plats, page 19, records of King County, Washington;

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-52; a portion of tax parcel numbers 276830-1515 and 276830-1520; King County Recording Number 20180919000707)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 14. The Deed for Alley Purposes, dated January 22, 2019, by YUAN'S H&H PROPERTY LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The East 1.00 feet of the following described property:

Lots 21, 22, and 23, Block 15, University Park Addition to the City of Seattle, according to the plat thereof recorded in Volume 13 of Plats, page 85, in King County, Washington.

Contains 120.00± square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-58; a portion of tax parcel numbers 882390-2160, 882390-2165, and 882390-2170; King County Recording Number 20190128000434)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 15. The Deed for Alley Purposes, dated September 18, 2018, by WICK HOMES LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The East 2.00 foot of the following described property:

Parcel B, City of Seattle Short Subdivision Number 3027671, recorded November 9, 2017 under King County Recording Number 20171109900007, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-62; a portion of tax parcel number 193130-0831; King County Recording Number 20180927001058)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 16. The Deed for Alley Purposes, dated November 30, 2018, by PROJECT 827 LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The South 1.00 foot of Parcels A and B of City of Seattle Lot Boundary Adjustment 3028296, recorded under King County Recording Number 20180301900004, records of King County, Washington.

Above described area containing 125 square feet.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-63; a portion of tax parcel numbers 788360-4365 and 788360-4380; King County Recording Number 20181211000056)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 17. The Deed for Alley Purposes, dated November 26, 2018, by LGC UW PORTFOLIO II, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King

County, Washington:

The West 1.00 foot of the following described property:

The West 50 feet of Lots 23 and 24, Block 12, Pettit's University Addition to the City of Seattle, according to the plat thereof recorded in Volume 10 of Plats, page 73, in King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-64; a portion of tax parcel number 674670-1965; King County Recording Number 20181128000490)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 18. The Deed for Alley Purposes, dated December 10, 2018, by MODERN HOMES, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The North 2.00 feet of Lot 22, Block 3, Borzone's 2nd Addition to the City of Seattle, according to the plat thereof recorded in Volume 23 of Plats, page 3, in King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-67; a portion of tax parcel number 094600-0310; King County Recording Number 20181218001026)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 19. The Deed for Alley Purposes, dated January 16, 2018, by NORTHWEST CONTOUR BUILDING COMPANY, a Washington corporation, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The South 1.00 foot of the following described property:

Parcel's A and B, City of Seattle Short Subdivision No. 3030547-LU, recorded under King County Recording Number 20180824900003, records of King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-79; a portion of tax parcel numbers 276760-2760 and 276760-2761; King County Recording Number 20190116000418)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 20. The Deed for Alley Purposes, dated December 19, 2018, by BUILD SOUND, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The North 1.00 foot of Lot 8 and the East ¼ of Lot 9, Block 4, Lawton Heights (also showing of record as Lawton Heights an Addition to the City of Seattle), according to the plat thereof, recorded in Volume 16 of Plats, page 94, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-81; a portion of tax parcel number 423540-0195; King County Recording Number 20190107000192)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 21. The real properties conveyed by the deeds described above are placed under the jurisdiction of the Seattle Department of Transportation.

Section 22. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 23. 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 _____, 2020, and signed by
me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Gretchen M. Haydel/206 233-5140	Christie Parker/206 684-5211

** 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 accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: South Trenton Street abutting Parcel A and Parcel B, City of Seattle Short Subdivision Number 3026975, recorded under King County Recording Number 20180131900006 (formerly known as Lot 15, Dunlap's Plat of Land on Lake Washington); South Rose Street and 39th Avenue South abutting Tract 31 and Tract 32, Lake Dell; the alley in Block 34, Woodlawn Addition to Green Lake; the alley in Block 4, Hillman City Addition to the City of Seattle, Division No. 1; the alley in Block 33, Little City Farms, Division No. 5; the alley in Block 148, Gilman Park; the alley in Block 1, Bowyer's Addition to the City of Seattle; the alley in Block 22, Hill Tract Addition to the City of Seattle; the alley in Block 4, Weedon's Division of Green Lake Addition to Seattle; Aurora Avenue North and North 128th Street abutting Parcel B and Parcel C, City of Seattle Lot Boundary Adjustment No. 3026911, recorded under King County Recording Number 20180516900007 (previously known as Tract 10, Tract 11, and Tract 12, Schreiner's Garden Tracts); the alley in Block 158, Replat of Blocks 65, 66, 158, 159, 160, 161, and 163, Gilman Park; the alley in Block 15, University Park Addition to the City of Seattle; the alley in Parcel B, Seattle Short Subdivision Number 3027671, recorded November 9, 2017, under King County Recording Number 20171109900007 (previously known as Block 7, Francies R. Day's LaGrande); the alley in Parcel A and Parcel B, City of Seattle Lot Boundary Adjustment 3028296, recorded under King County Recording Number 20180301900004 (previously known as Block 23, South Park); the alley in Block 12, Pettit's University Addition to the City of Seattle; the alley in Block 3, Borzone's 2nd Addition to the City of Seattle; the alley in Parcel A and Parcel B, City of Seattle Short Subdivision Number 3030547-LU, recorded under King County Recording Number 20180824900003 (previously known as Block 26, Gilman Park); and the alley in Block 4, Lawton Heights.)

Summary and background of the Legislation:

This Council Bill accepts 20 deeds for street or alley purposes, places them under the jurisdiction of the Seattle Department of Transportation, and ratifies and confirms certain prior acts. The deeds are for property transferred to the City for street or alley purposes as a result of conditions imposed on private development projects.

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 costs associated with implementing this ordinance, for example, maintaining the newly-acquired rights-of-way, have been anticipated in the 2020 budget.

Is there financial cost or other impacts of *not* implementing the legislation?

None.

4. OTHER IMPLICATIONS

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

Yes. The Department of Construction and Inspections evaluates the building development projects and determines the conditions that must be met pursuant to the City's Land Use Code and the Seattle Right of Way Manual with respect to the dedication of these deeds to the City.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

Yes, maps are attached.

f. 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?

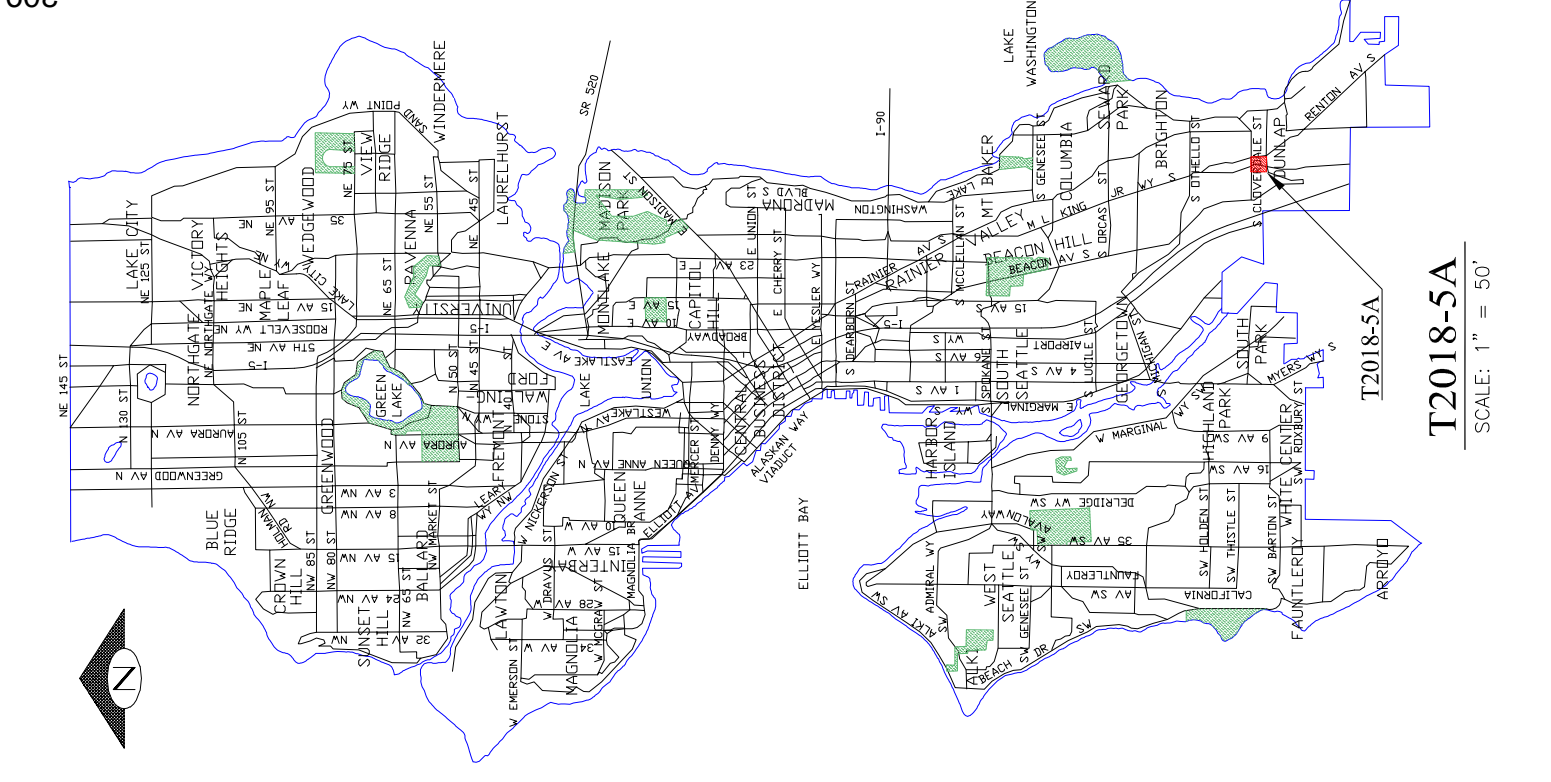
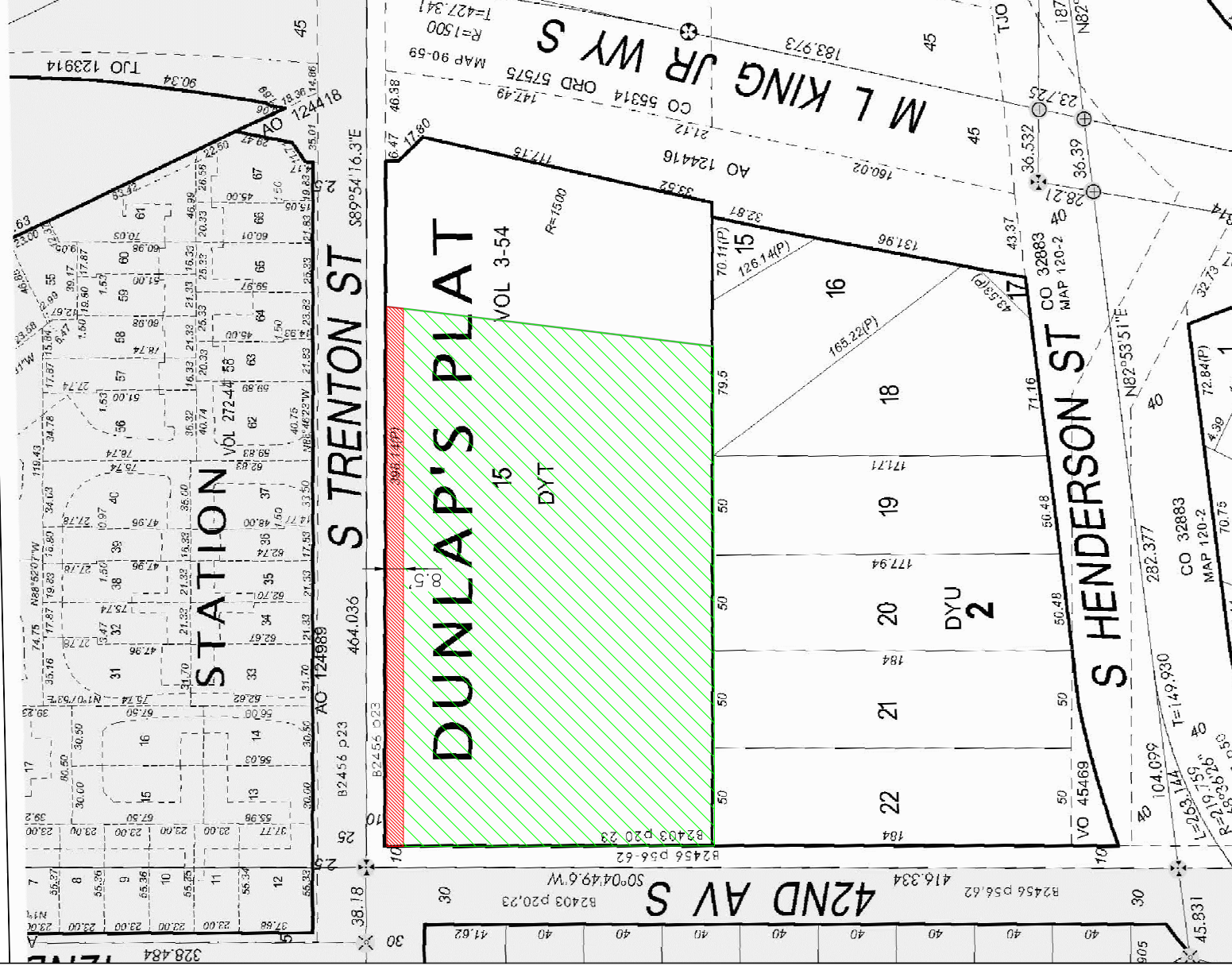
There are no known impacts to vulnerable or historically disadvantaged communities and a Language Access Plan is not required to be implemented to accept dedicated property.

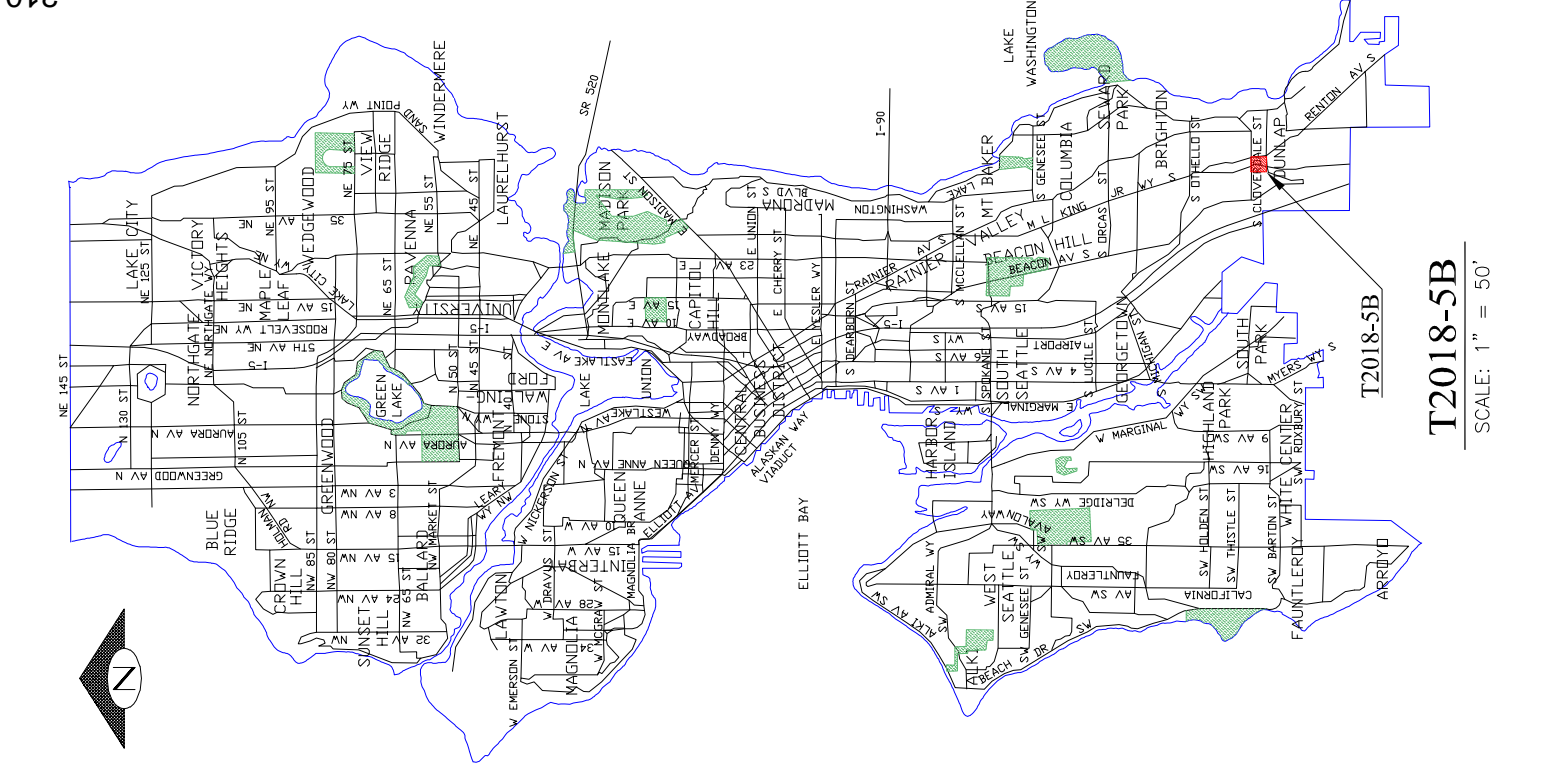
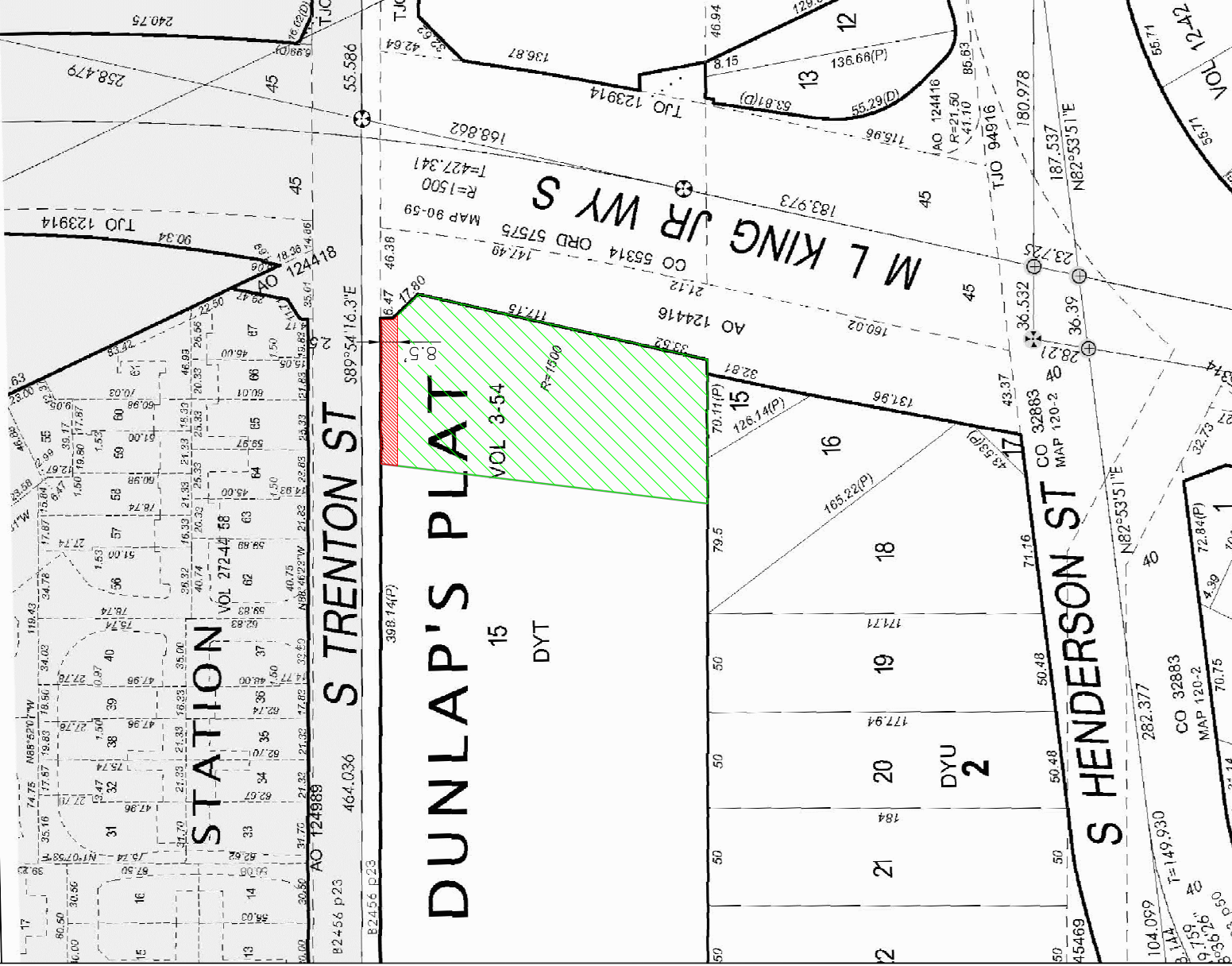
g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

This legislation does not include a new initiative or a major programmatic expansion.

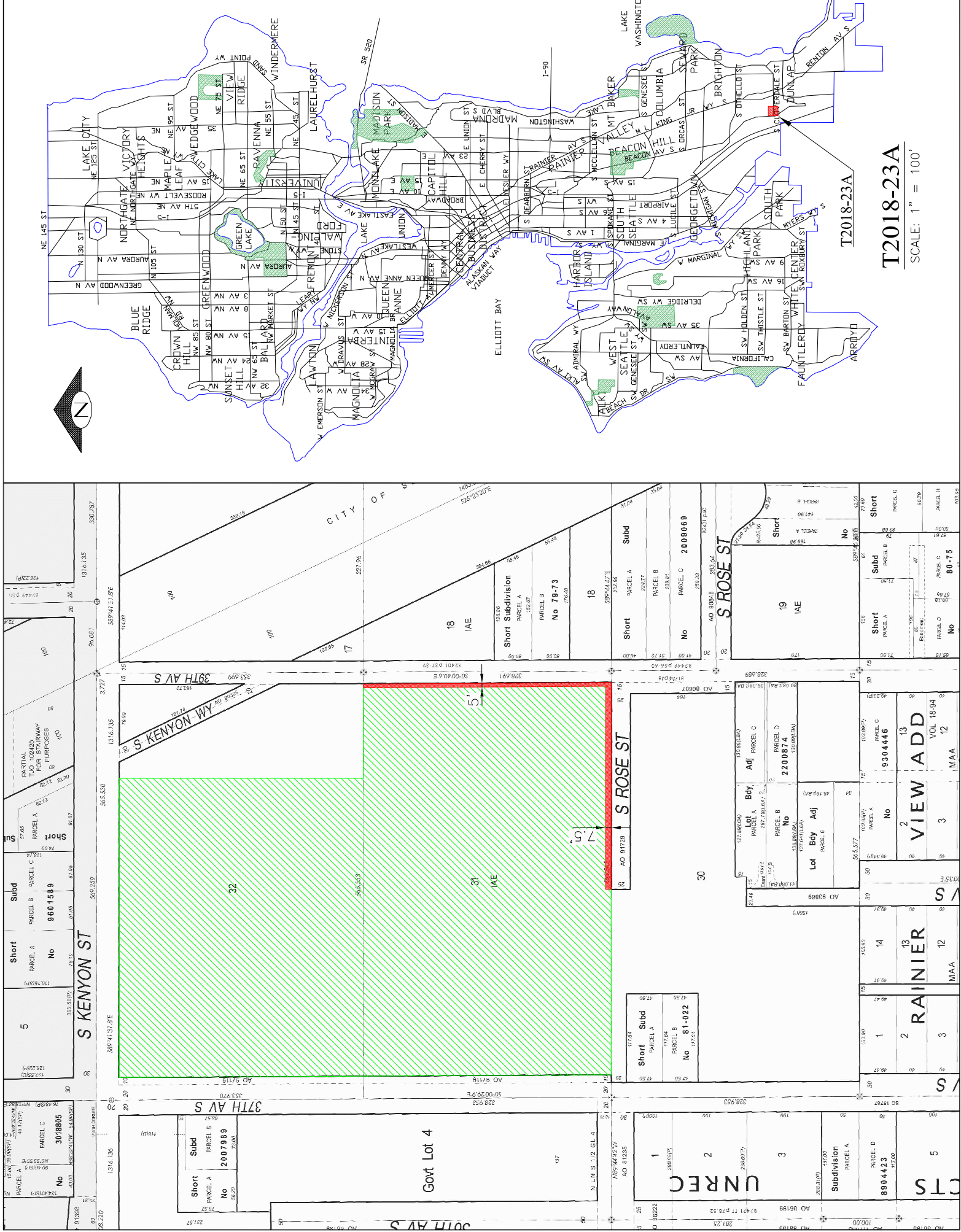
List attachments/exhibits below:

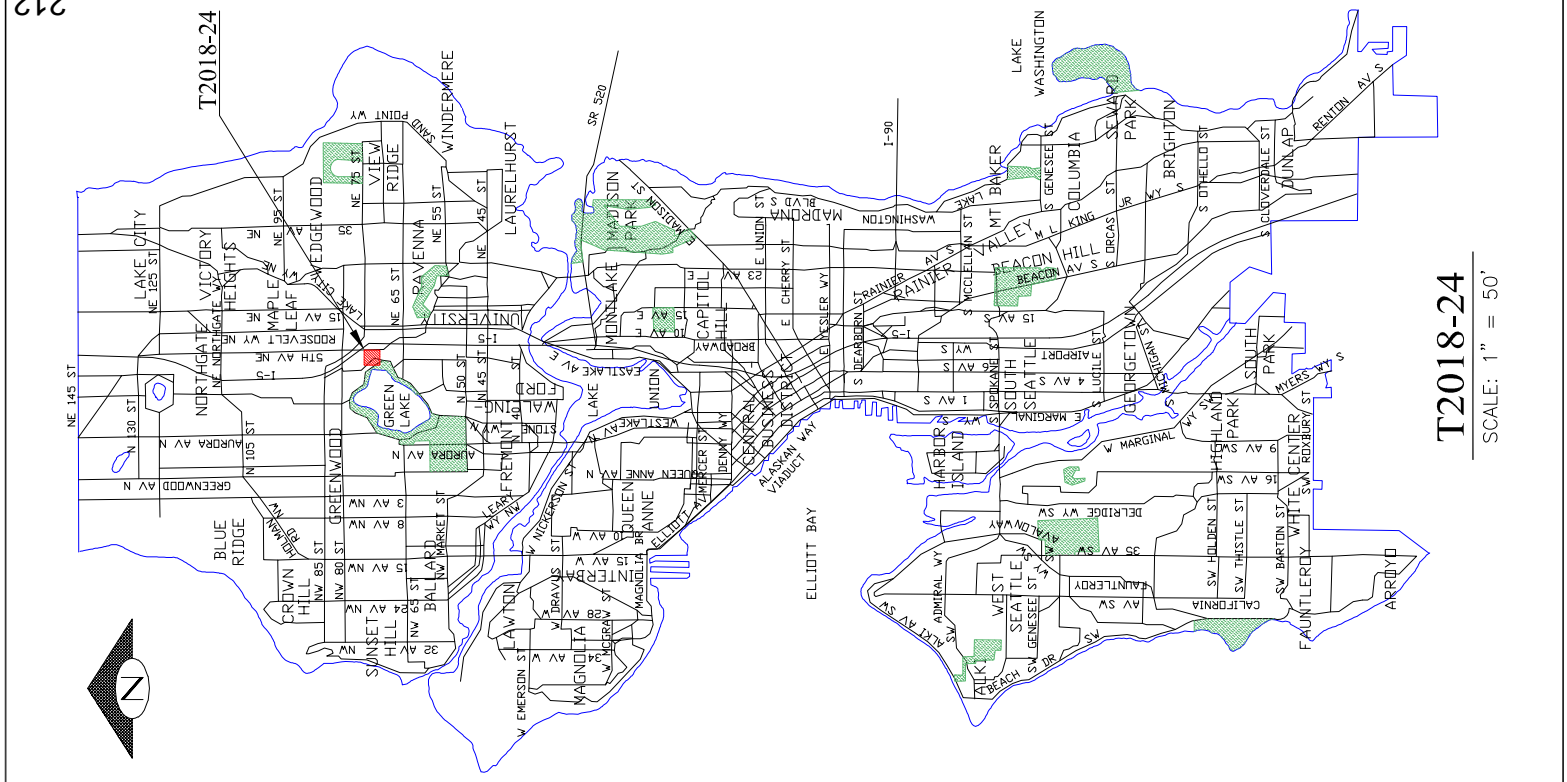
Summary Attachments 1-20 – Maps of properties being conveyed to the City of Seattle for street and alley purposes.





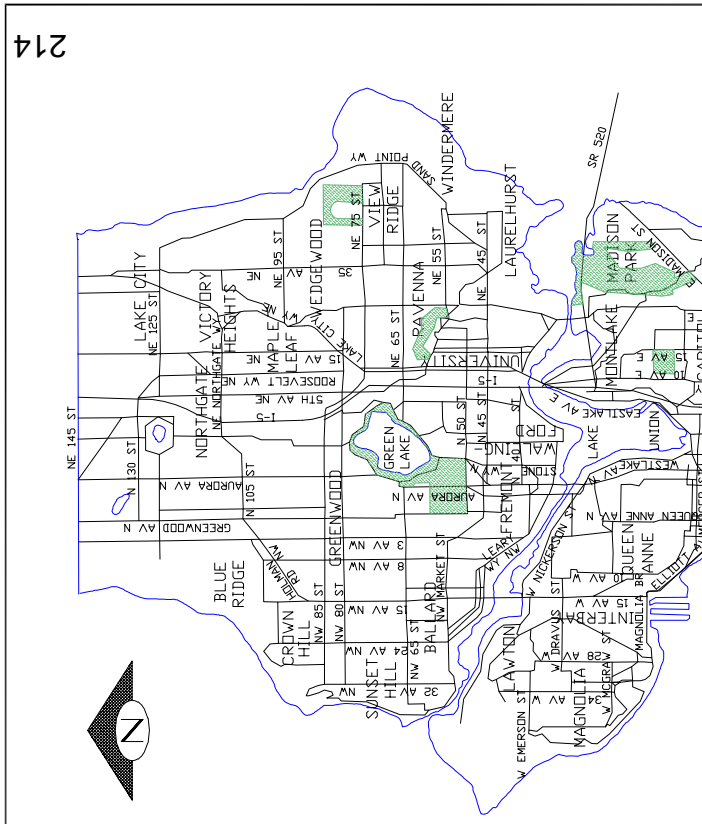
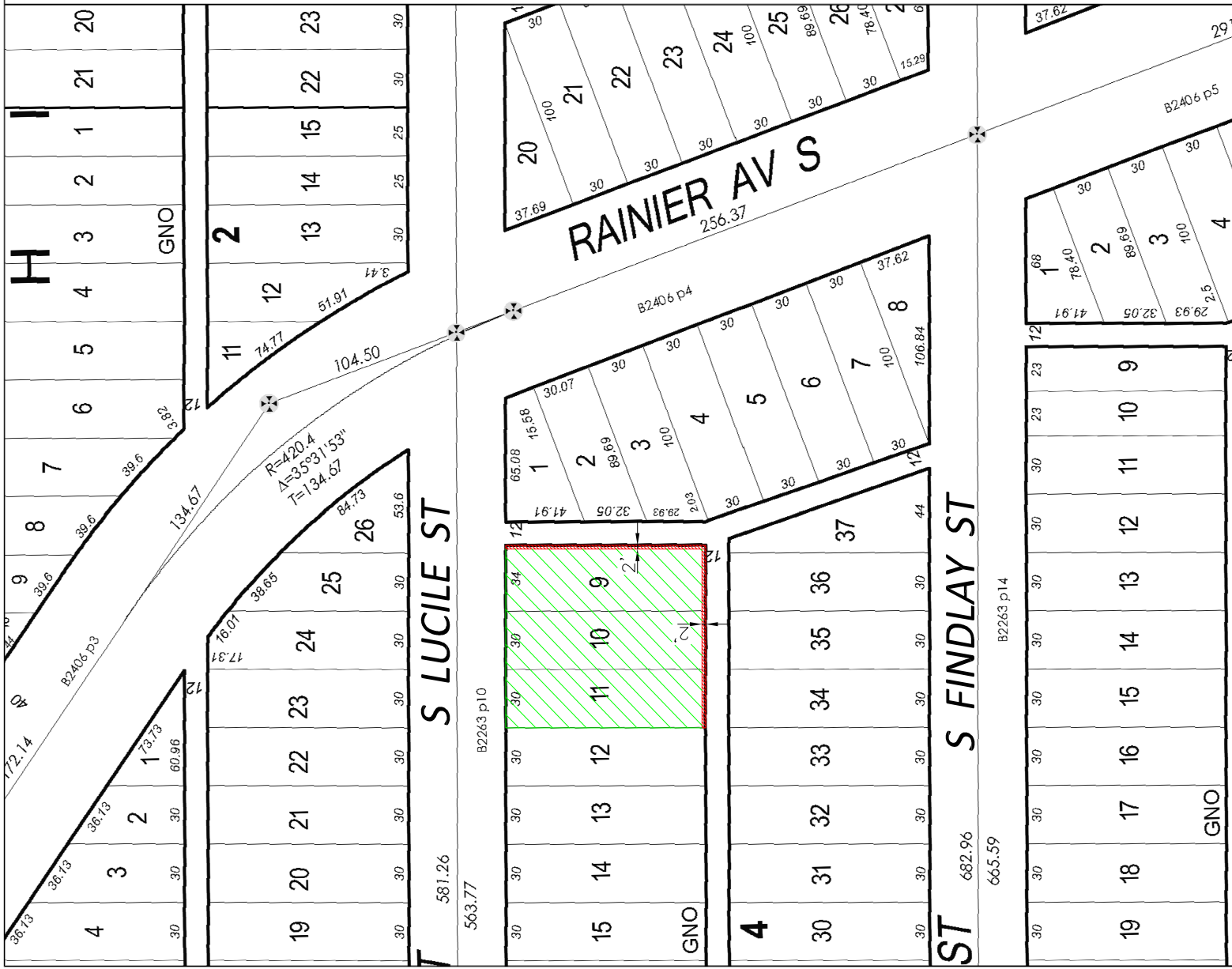
SCALE: 1" = 50'



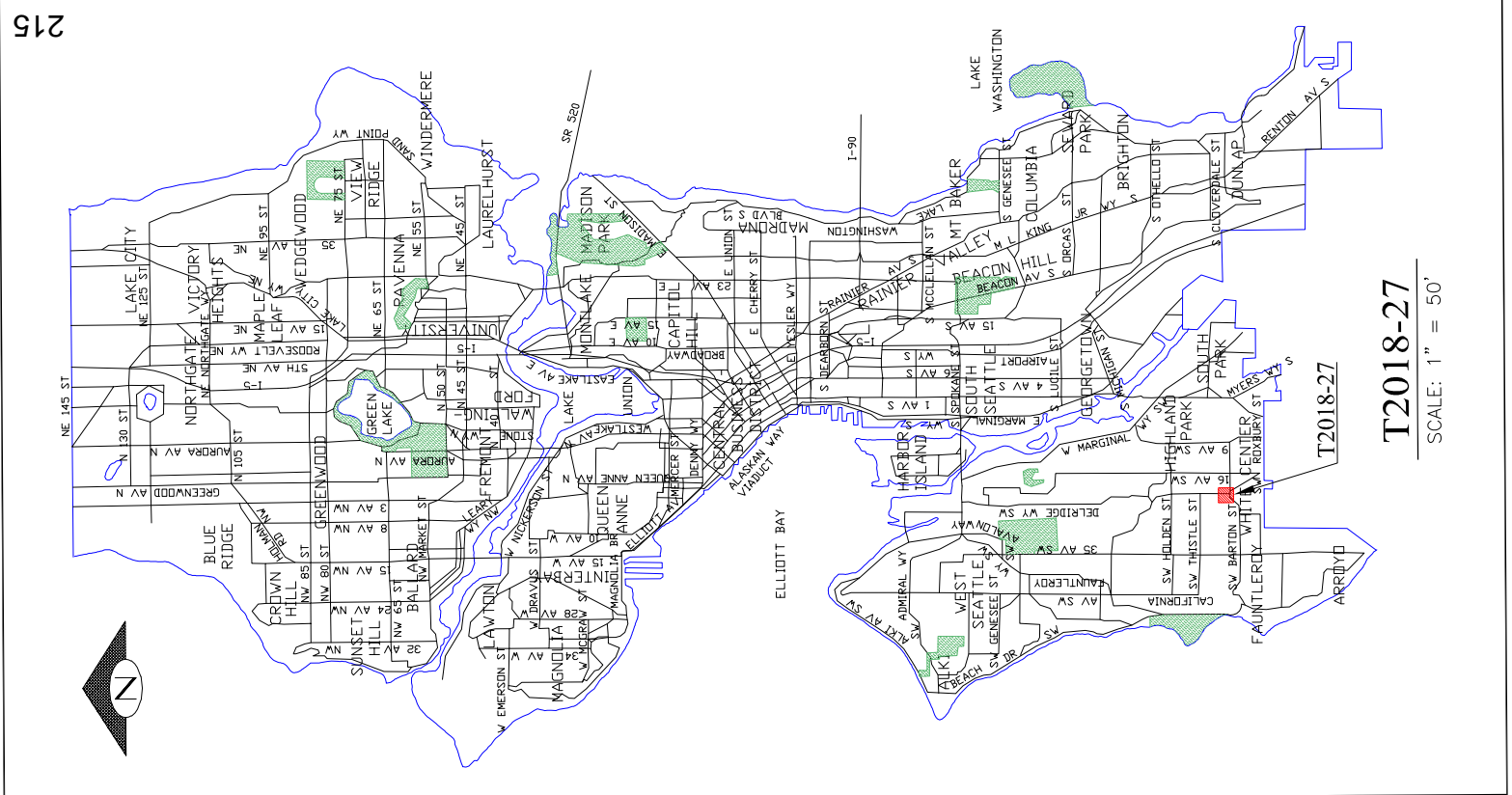
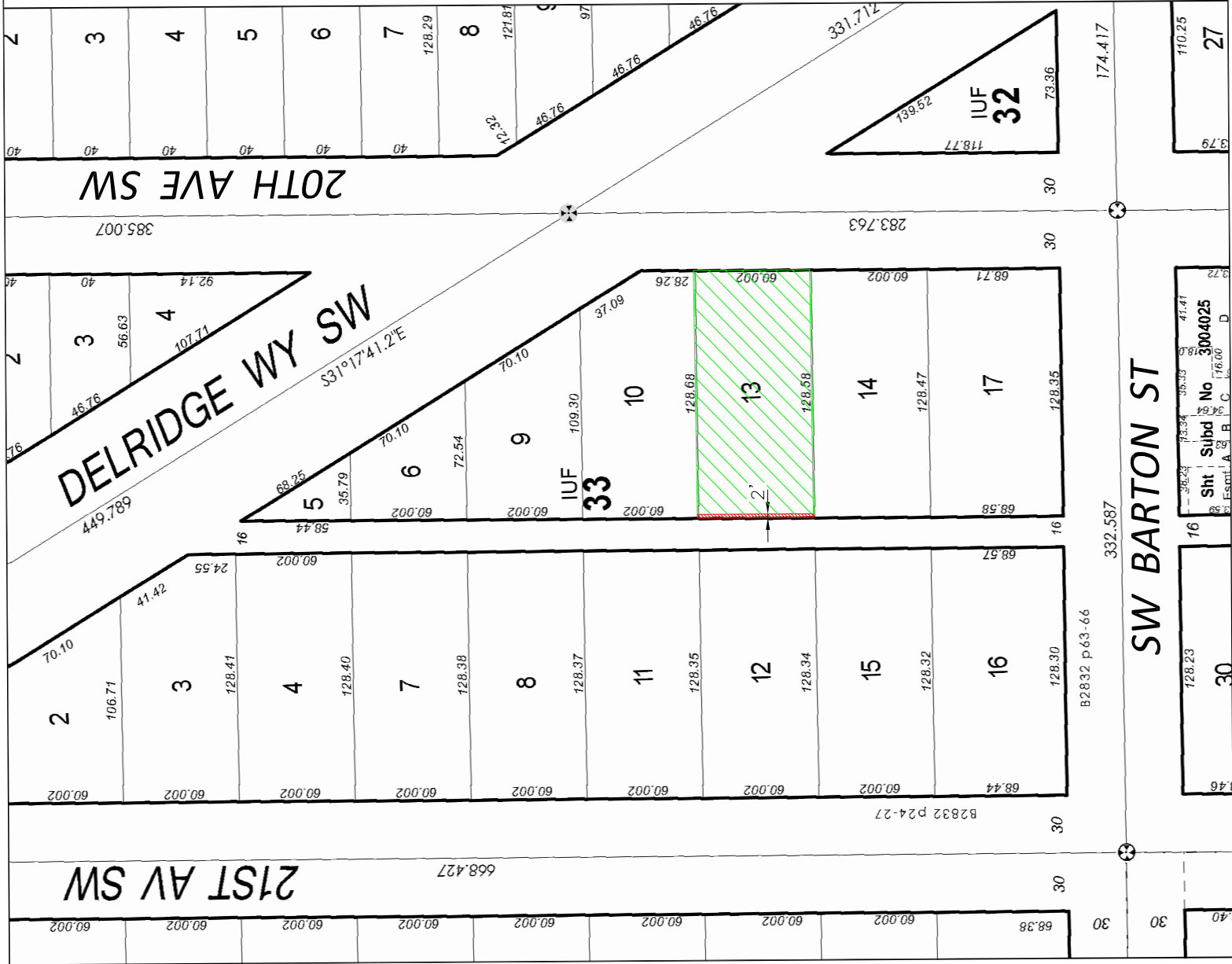


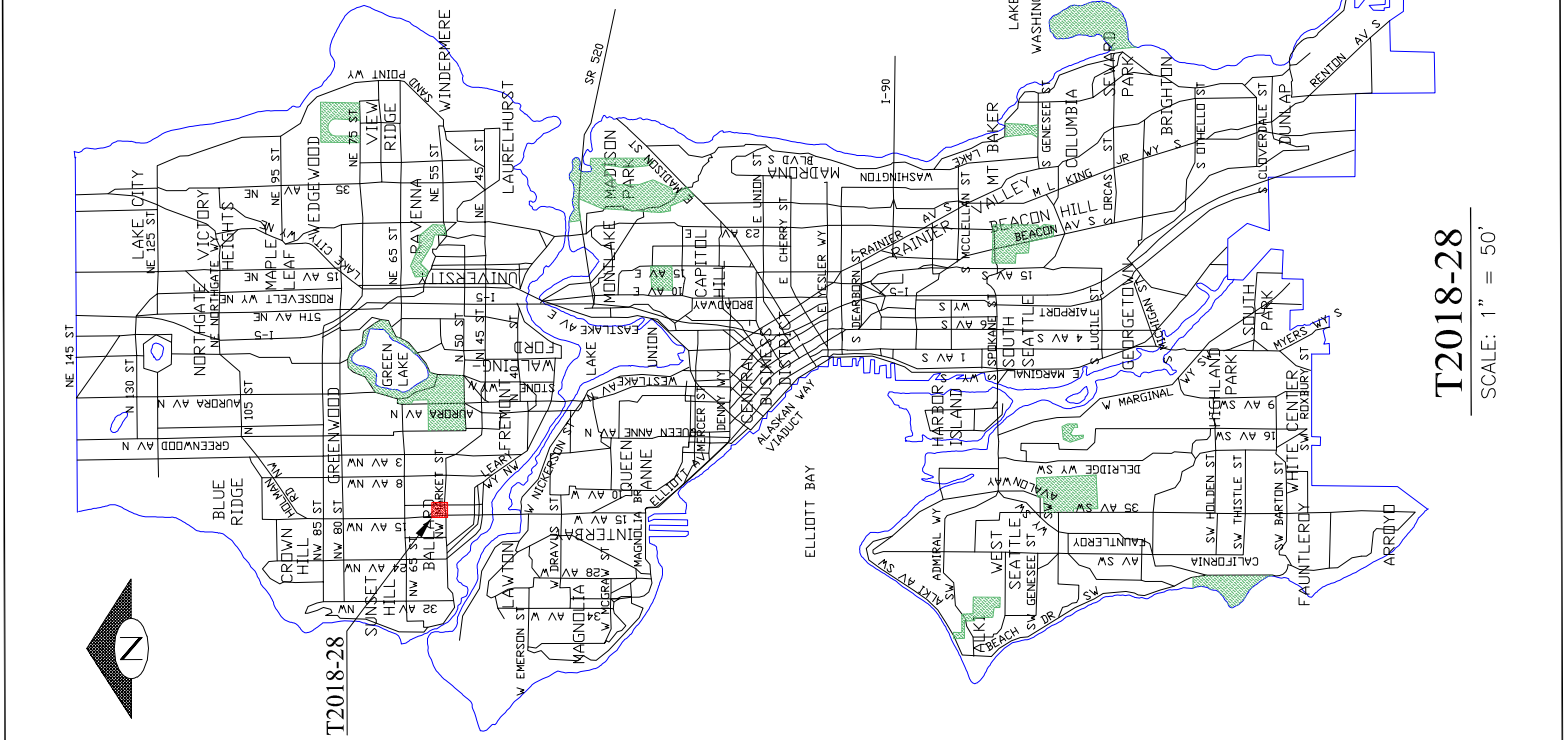
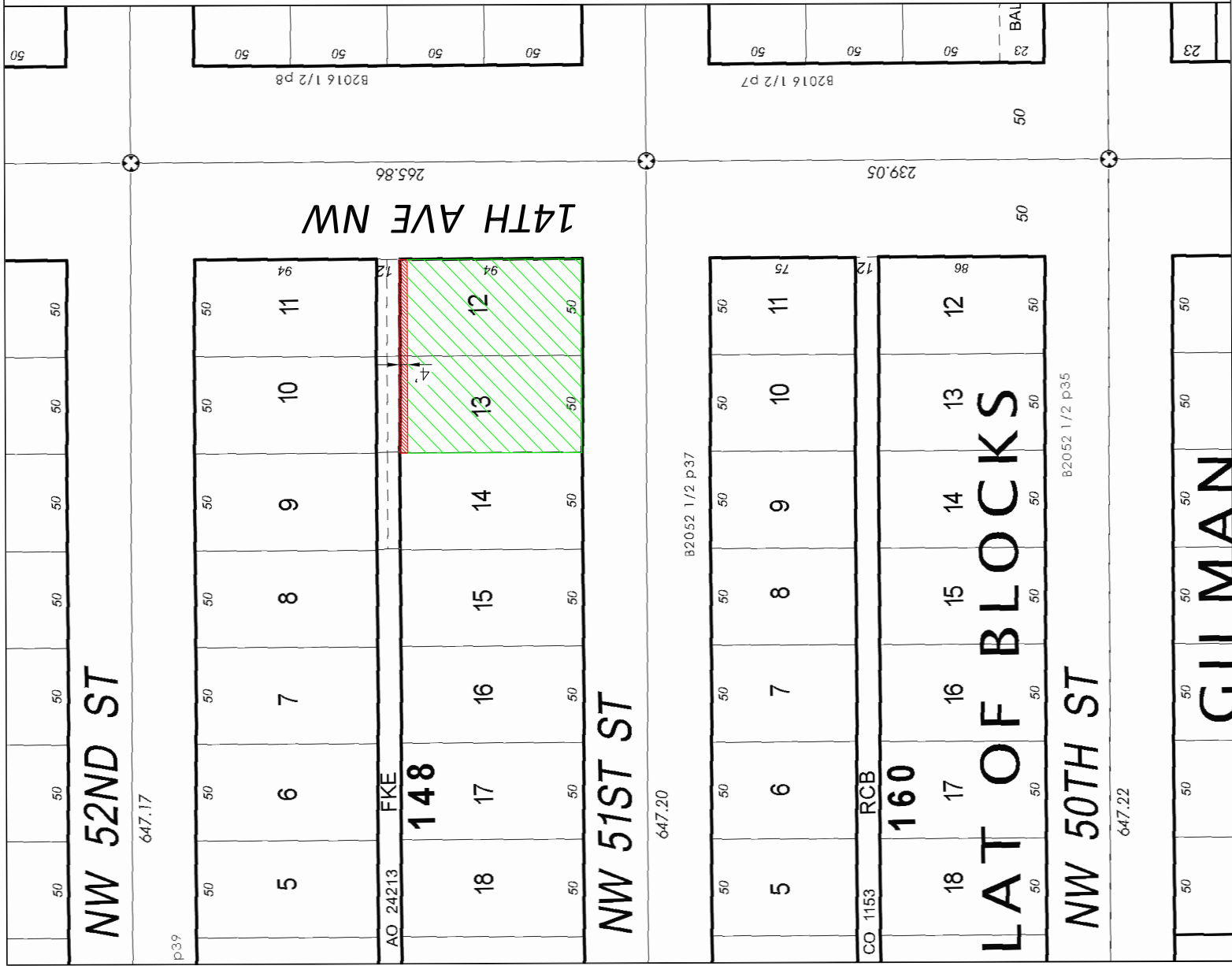
T2018-24
SCALE: 1" = 50'

SCALE: 1" = 50'

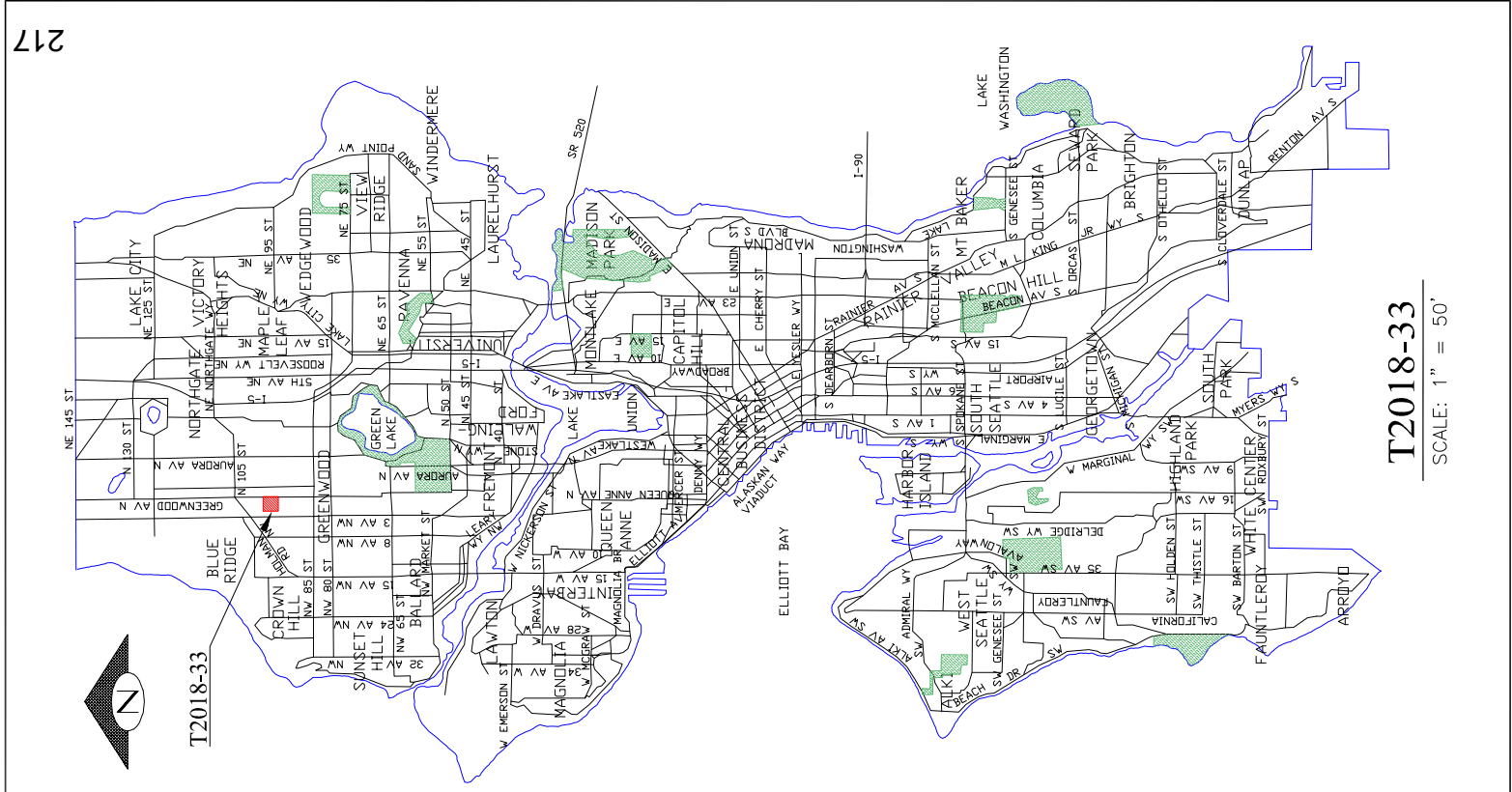
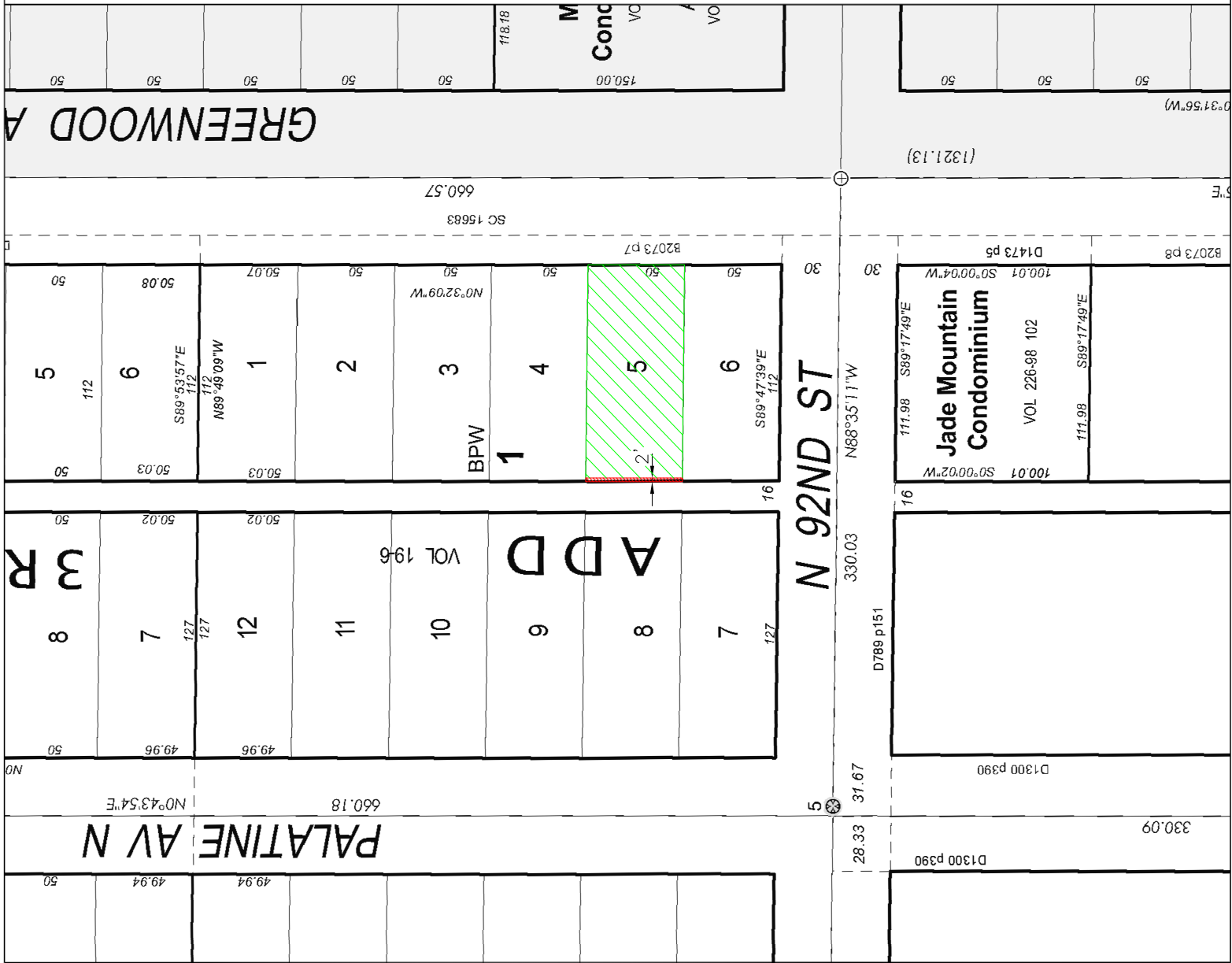


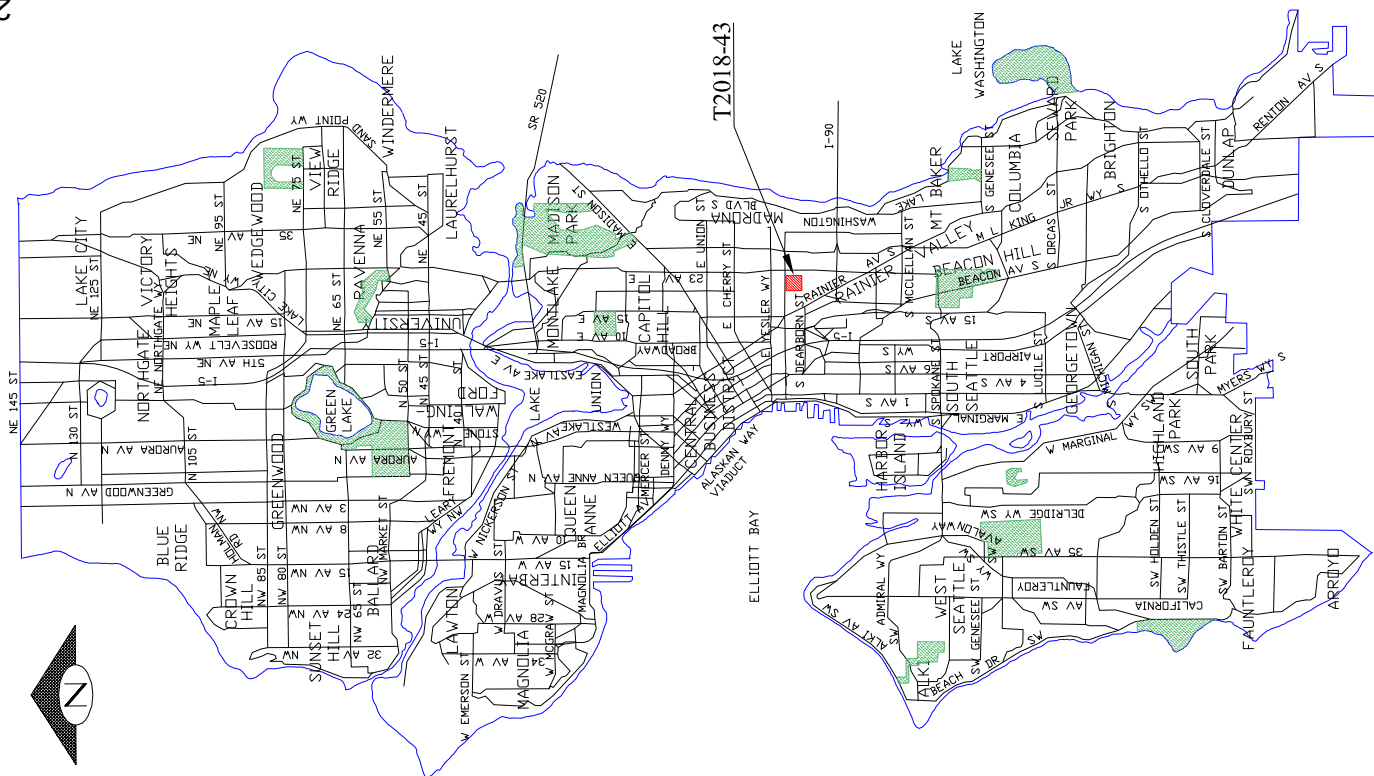
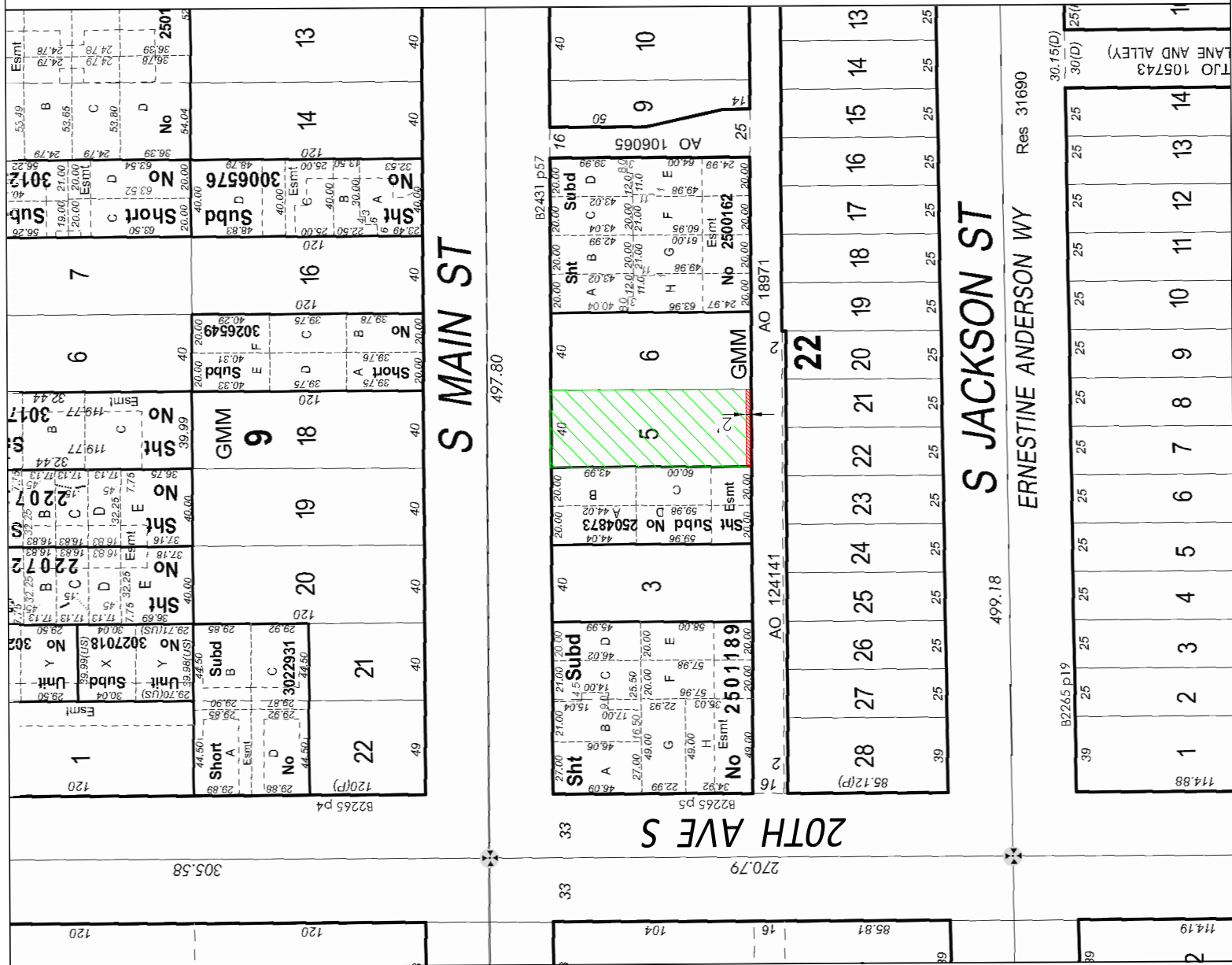
T2018-26
SCALE: 1" = 50'





T2018-28
SCALE: 1" = 50'



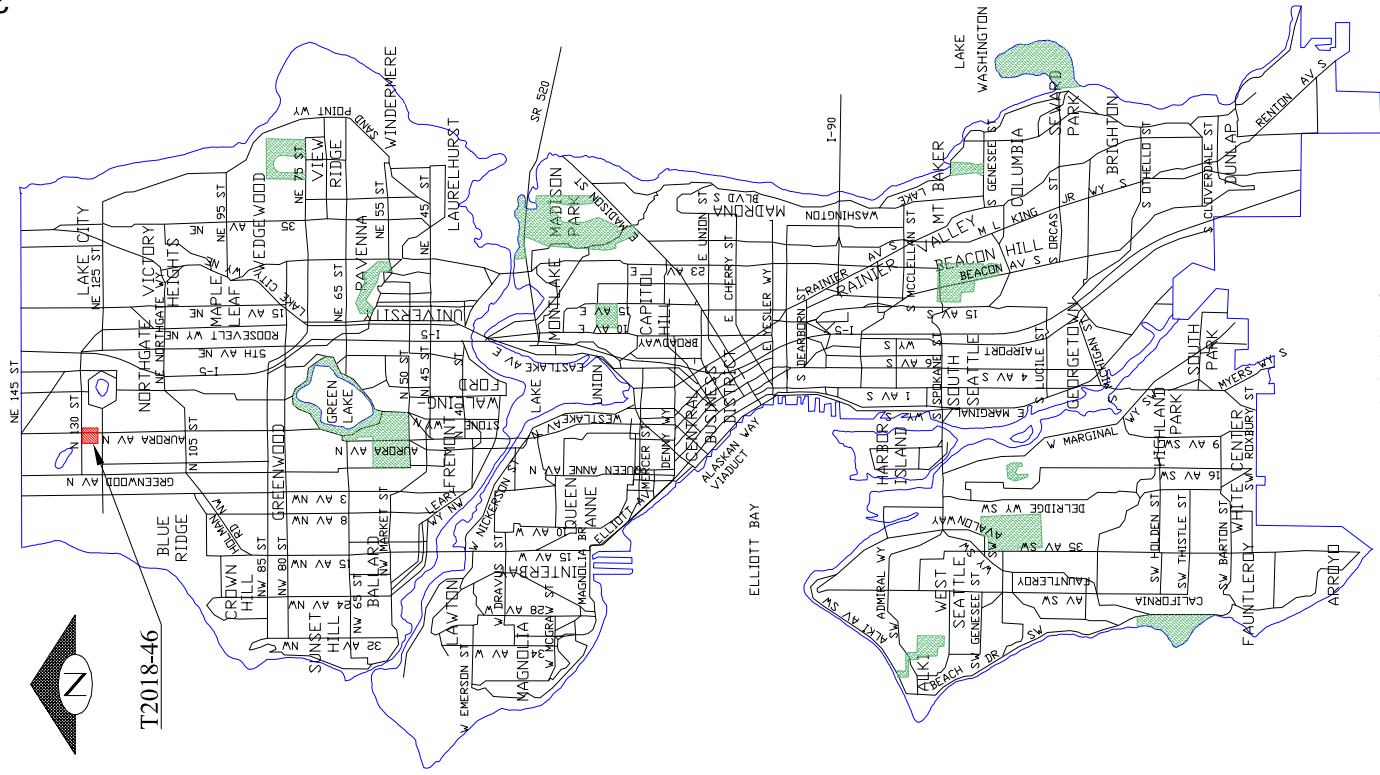
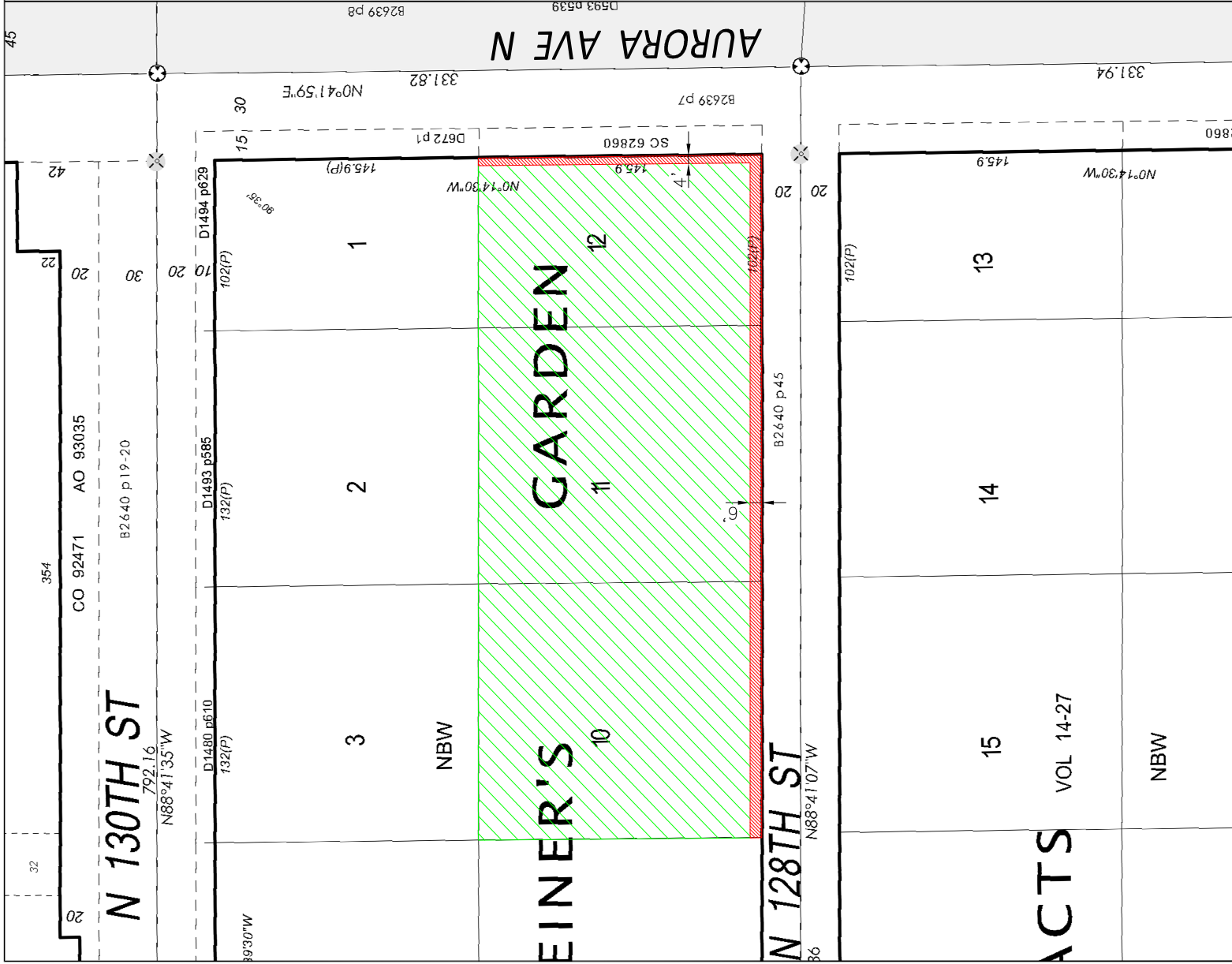


T2018-43

SCALE: 1" = 50'

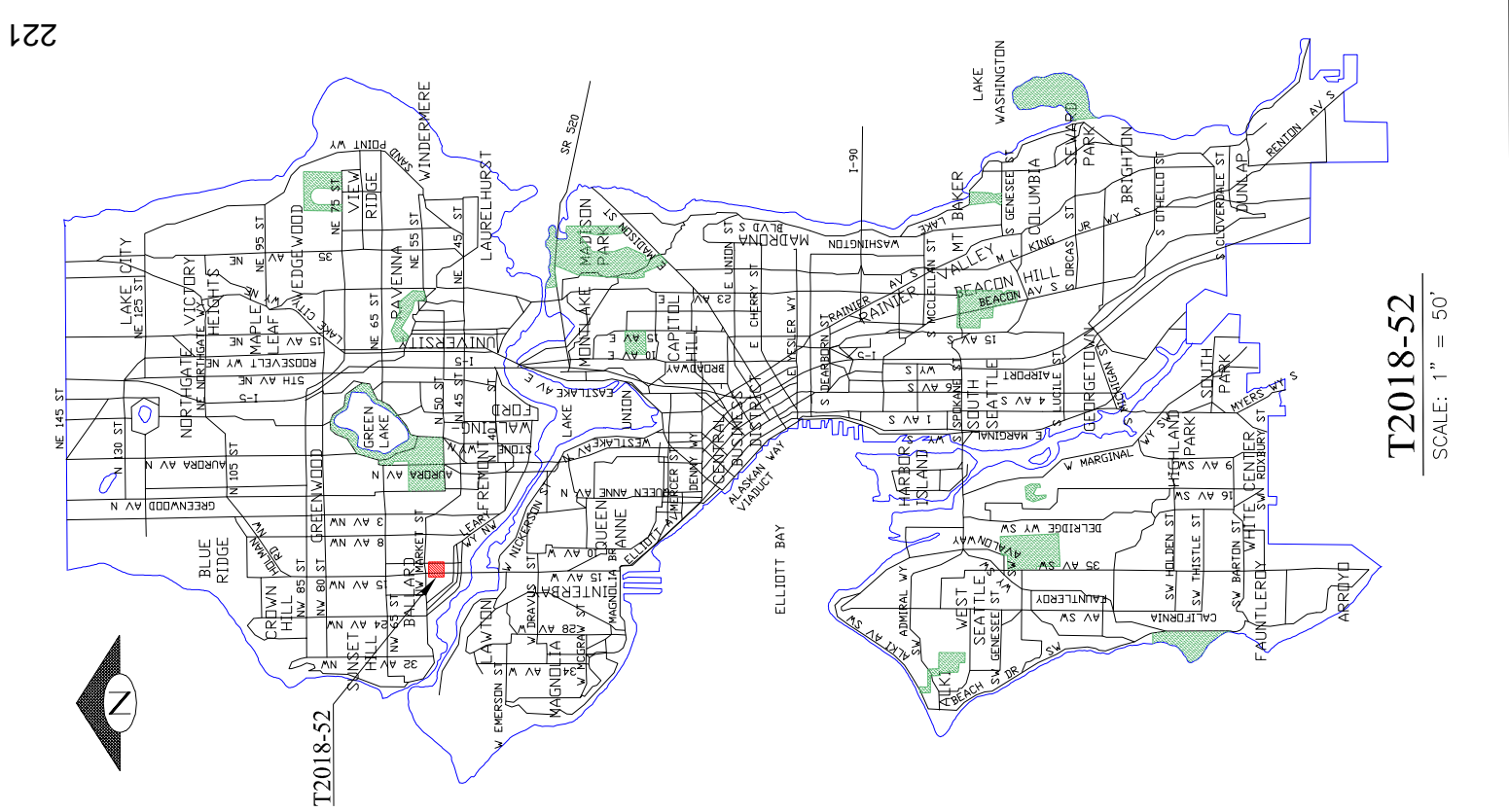


T2018-44
SCALE: 1" = 50'

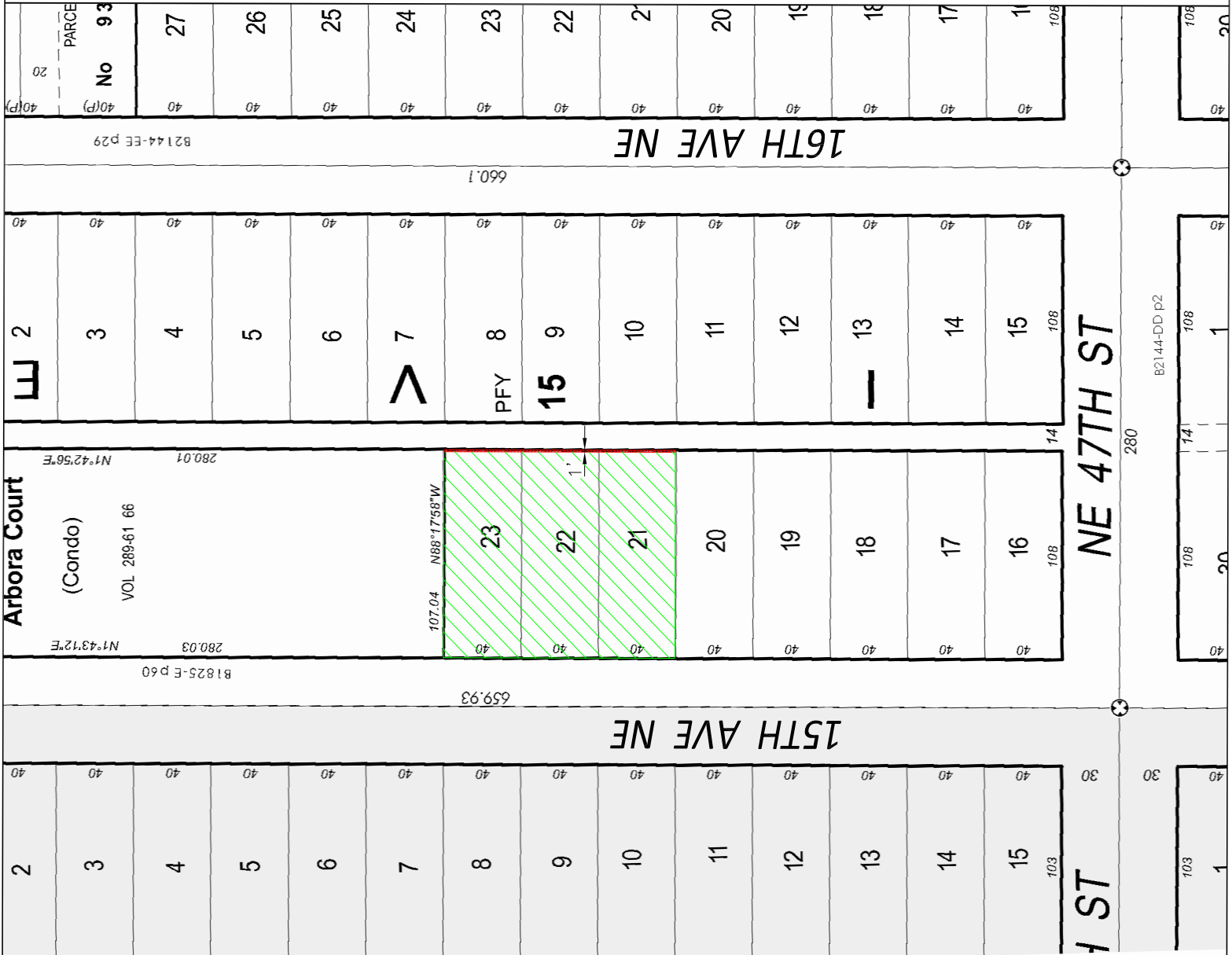


T2018-46

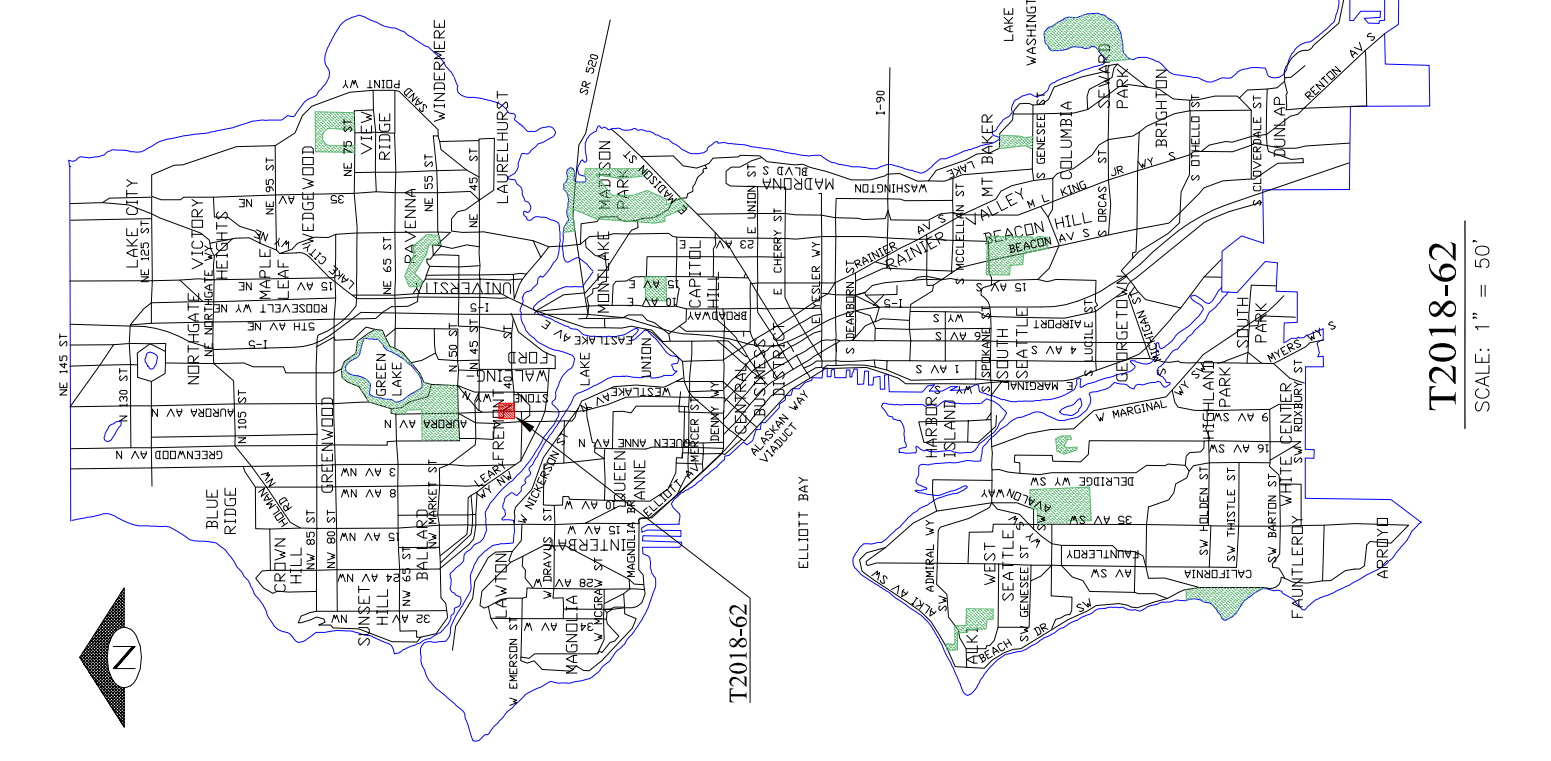
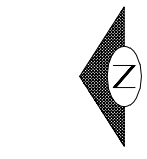
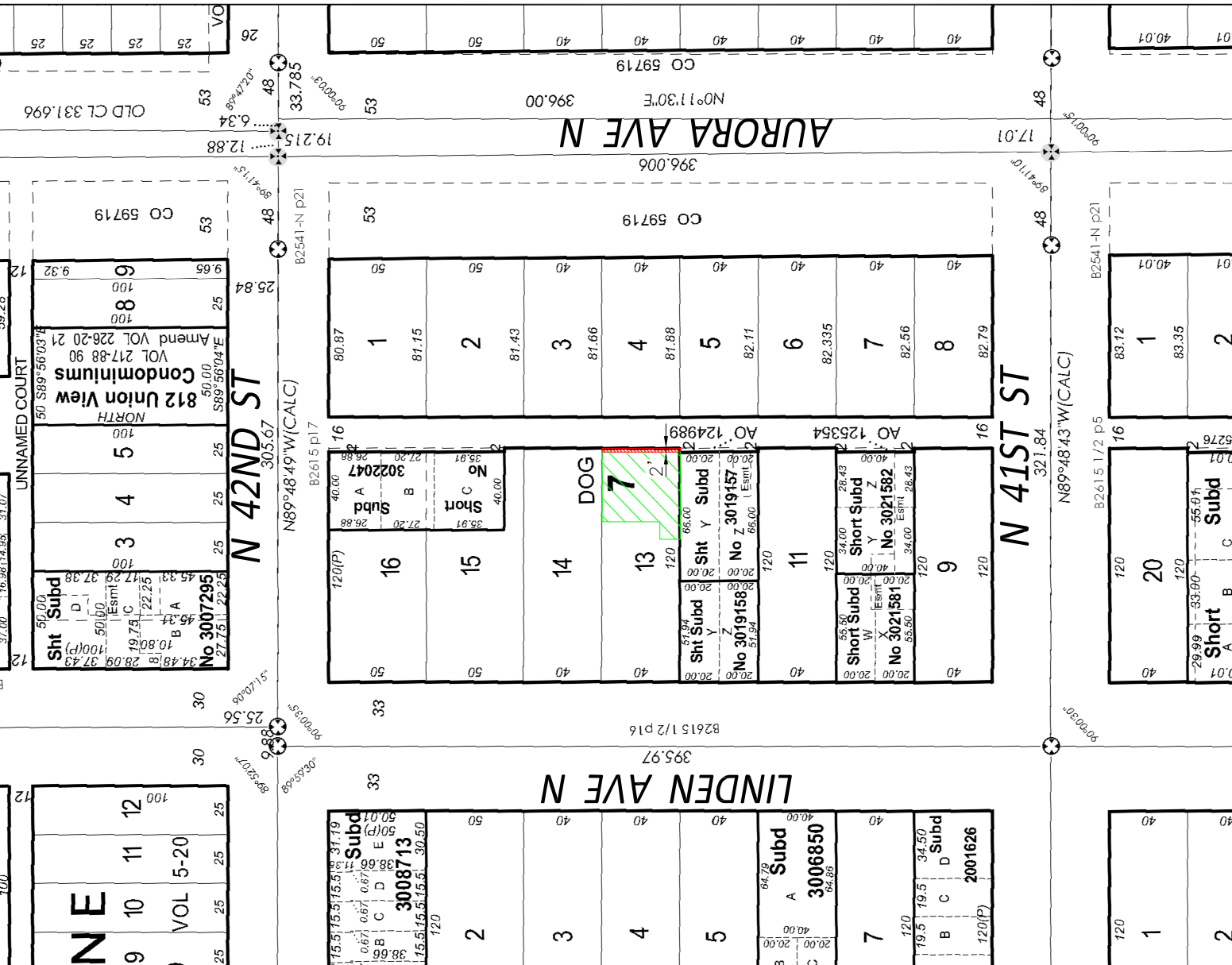
SCALE: 1" = 50'



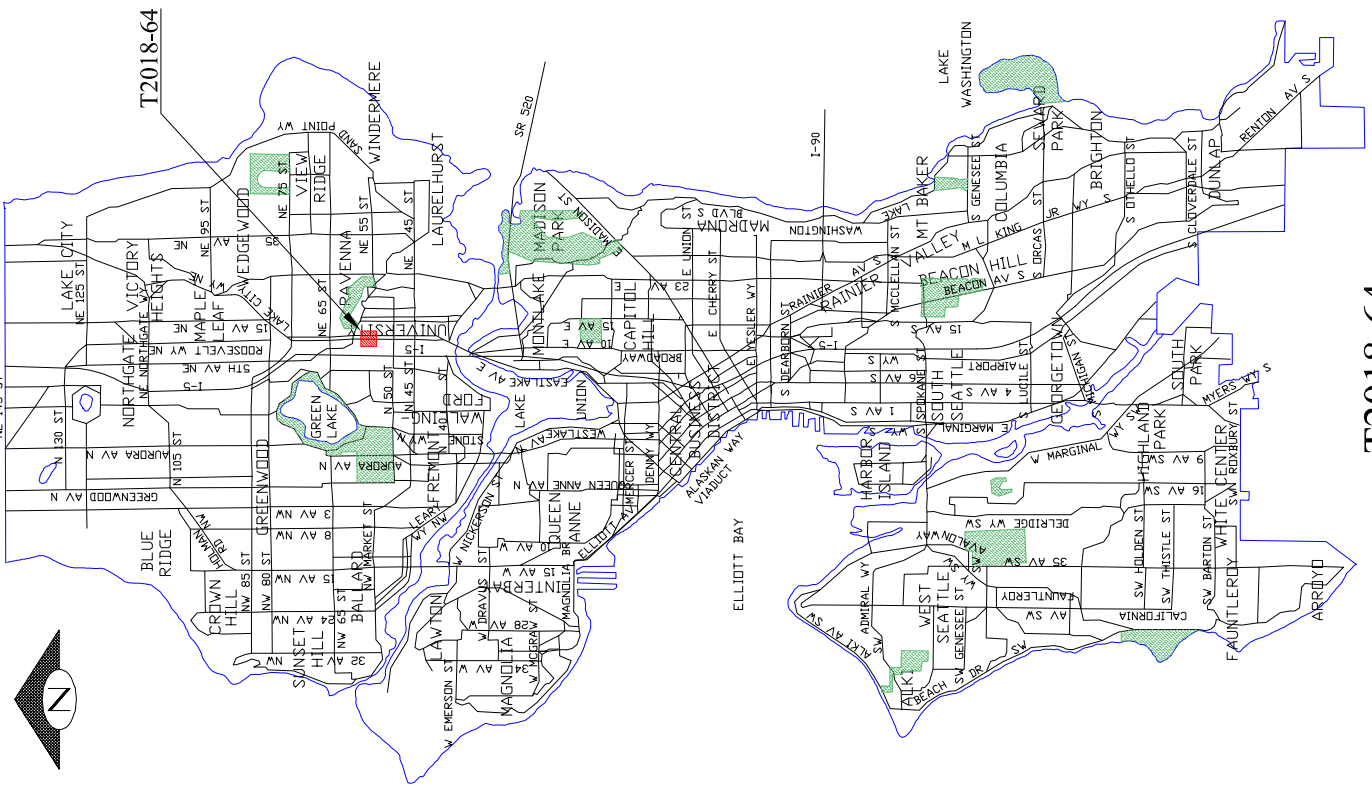
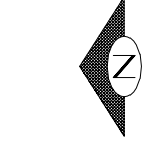
T2018-52
SCALE: 1" = 50'



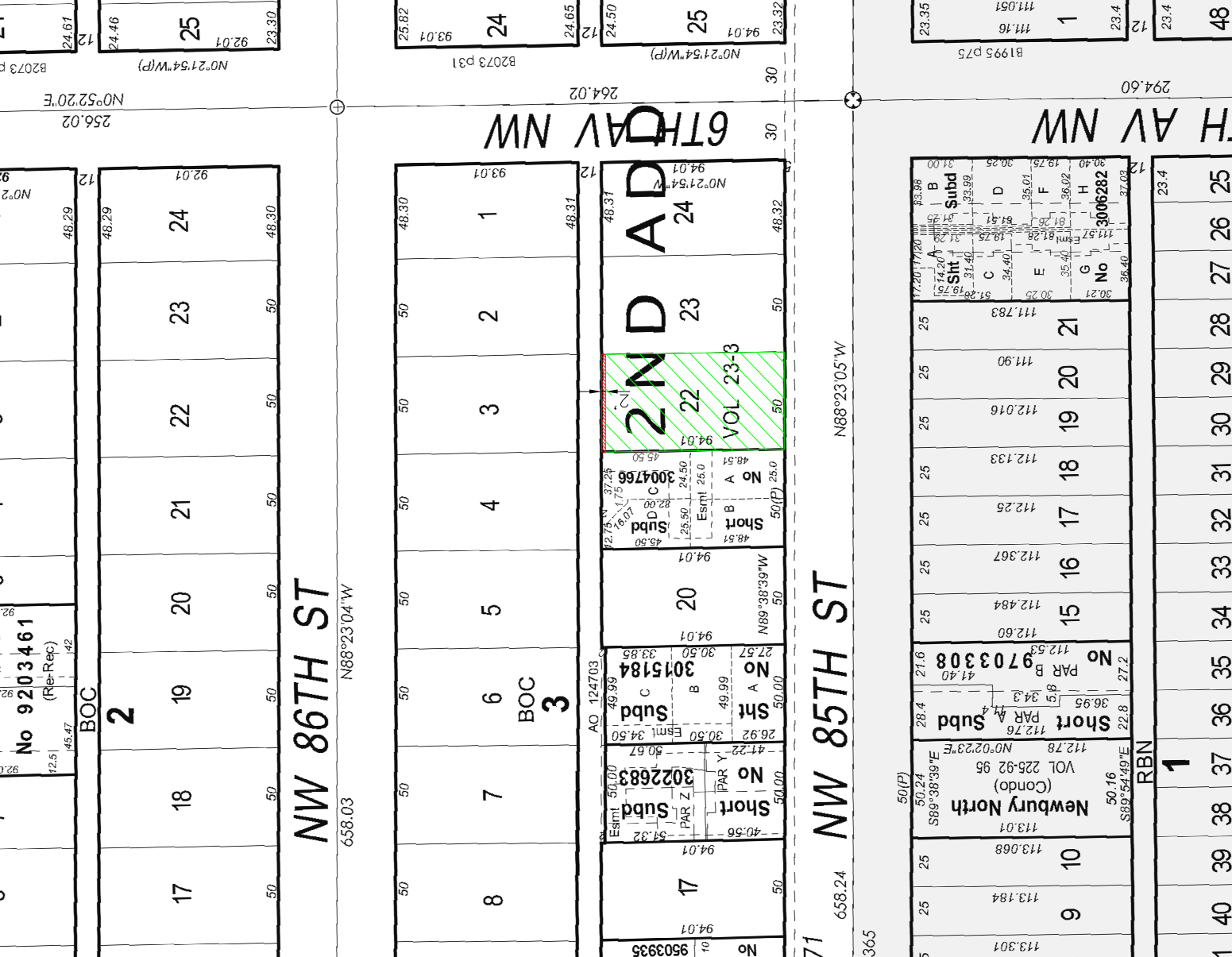
T2018-58
SCALE: 1" = 50'



T2018-62
SCALE: 1" = 50'



T2018-64
SCALE: 1" = 50'

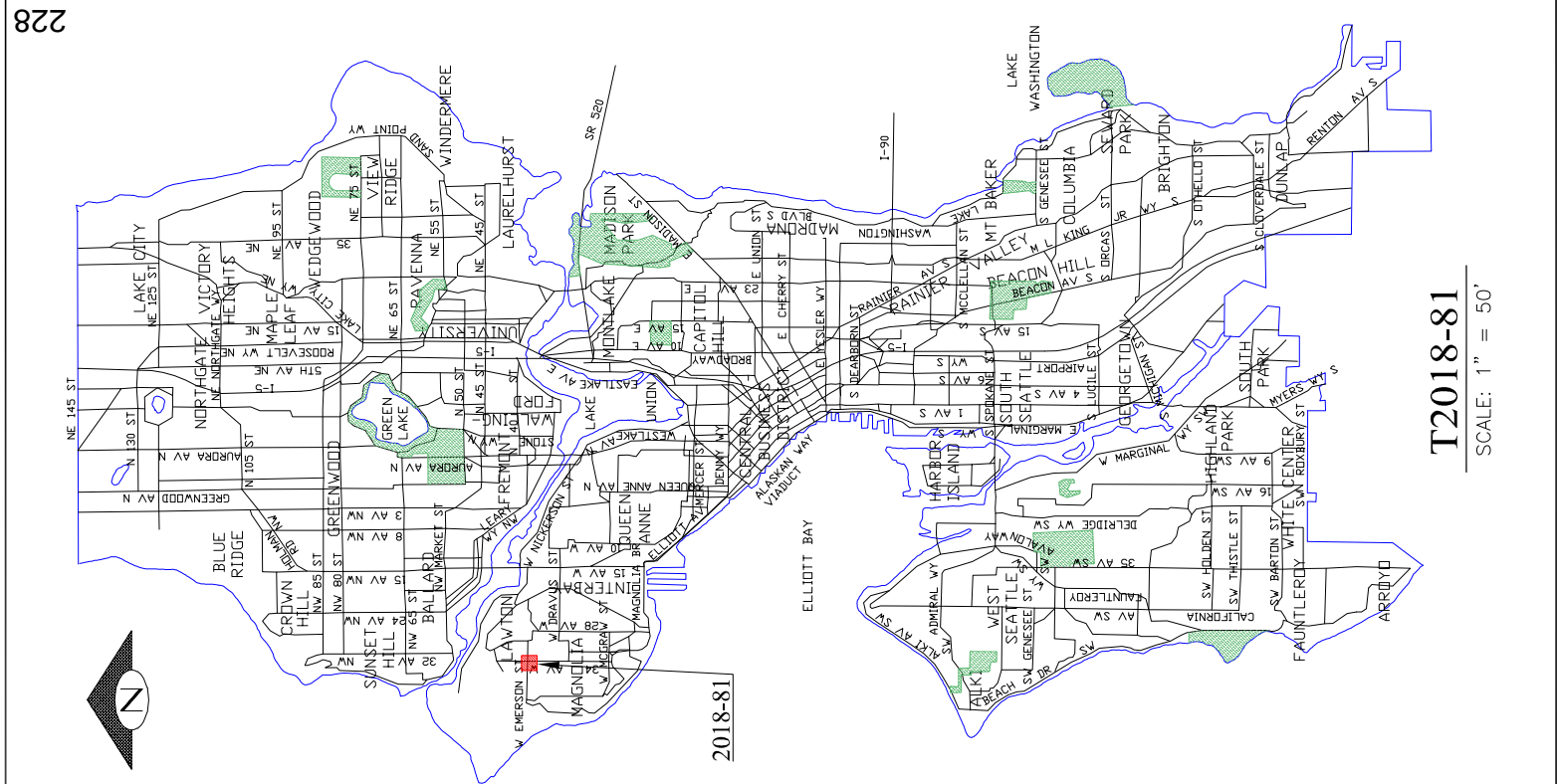
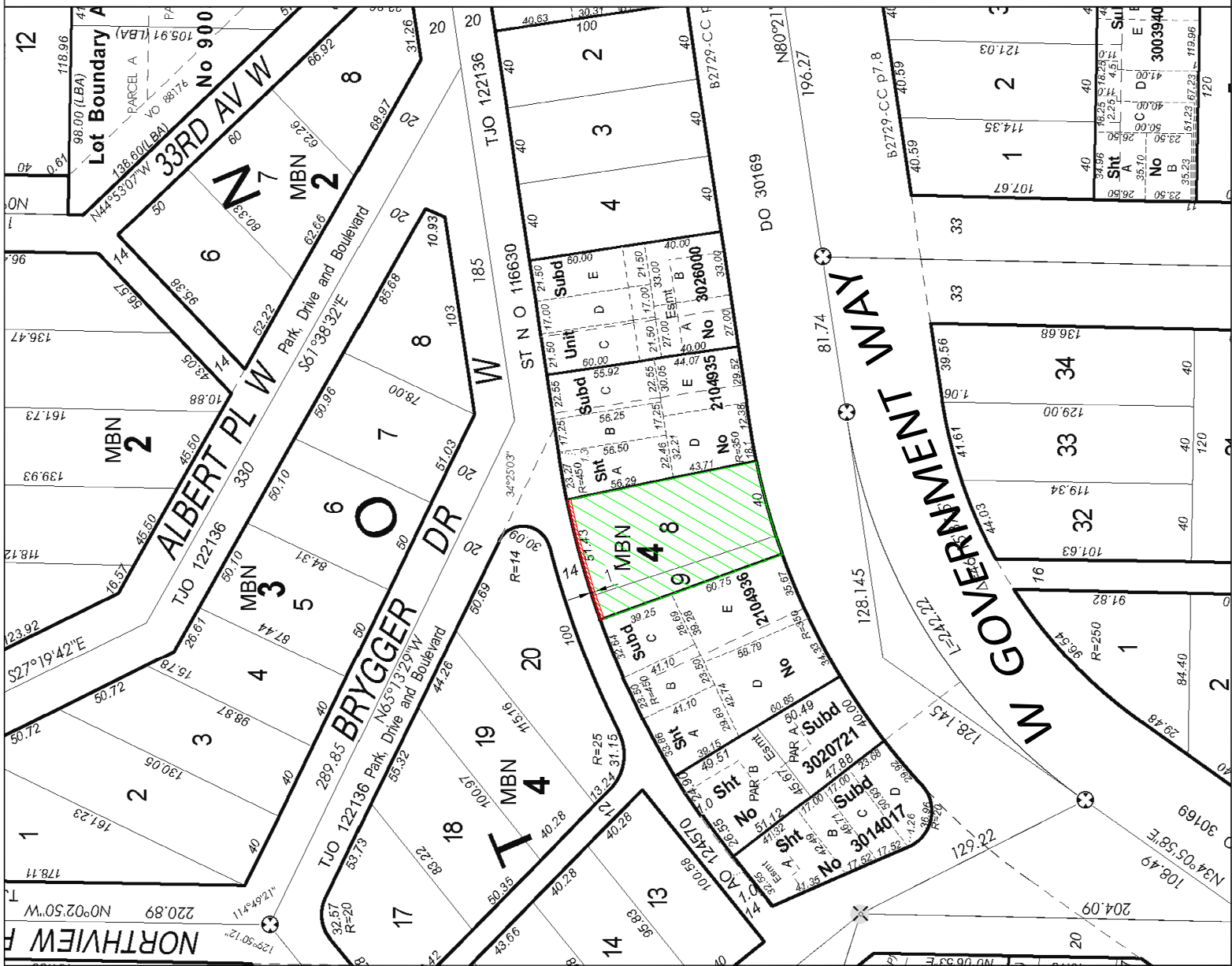


T2018-67

T2018-67

SCALE: 1" = 50'

43.95		1		265.97		265.97		VAR		20	
46.61		32		10		95		1		8	
45.31		1		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	
44.89		32		10		95		1		8	





Legislation Text

File #: CB 119852, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE accepting twenty limited purpose easements for public sidewalk, and emergency vehicle, street, or alley turn-around purposes; placing the real property conveyed by such easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts. (This ordinance concerns the following rights of way; the sidewalk adjoining Block 4, Robinson's Tracts, together with a portion of vacated 39th Avenue South, vacated under Ordinance 118837; the sidewalk adjoining Block 3, Davis Addition to Seattle; the sidewalk adjoining Parcels B and C, City of Seattle Lot Boundary Adjustment Number 3013809, recorded under King County Recording Number 20121018900001 (previously known as Block 111, Gangloff's Addition to the City of Seattle, and a portion of The Donation Claim of D. T. Denny and Louisa Denny, his wife, and Government Lot 7, located in the Southeast quarter of the Southeast quarter of Section 30, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington); the sidewalk adjoining Block 81, D. T. Denny's Park Addition to North Seattle; the sidewalk adjoining Block 33, Block 43, and Block 44, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), together with a portion of vacated Pine Street, vacated Terry Avenue, Lots 1 and 12, and the alley approved for vacation by Seattle City Council per Clerk File Number 314338 on May 7th, 2018, all within said blocks; the sidewalk adjoining the Northwest quarter of the Southwest quarter of Section 16, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington; the street turn-around and the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3023386, recorded under King County Recording Number 20161011900002 (previously known as Tracts A, B, C, and D, Blocks 2, 3, and 26, Joseph R. McLaughlin's Water Front Addition to the City of Seattle, together with a portion of vacated Front Street, vacated Second Avenue South, vacated Third Avenue South, and vacated alley, vacated under Ordinance Numbers 86205, 86872 and 109967, all within said block); the sidewalk adjoining Block 235, Seattle Tide Lands, together with a portion of South Lyons Street vacated under Ordinance 91450; the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3023038-LU, recorded under King County Recording Number 20180726900001 (previously known as a portion of the Southeast quarter of Section 16, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington and the Easterly margin of Martin Luther King Jr. Way South as established by Condemnation under King County Superior Court Cause Number 98096, pursuant to City of Seattle Ordinance Number 30673); the sidewalk adjoining Lot 13, Carney's Supplemental Plat of Tract 5 in Bayside Addition to the City of Seattle; the sidewalk adjoining Block 5, Sorenson's Addition to the City of Seattle; the sidewalk adjoining Block 135, Seattle Tide Lands, together with a portion of the vacated alley within said block lying between Lots 3 and 4, vacated under City of Seattle Ordinance Number 5009, and a portion of vacated West Galer Street, vacated under City of Seattle Ordinance Number 5010; the street turn-around abutting Block 140, Seattle Tide Lands; the emergency vehicle turn-around

abutting Block 139, Seattle Tide Lands; the alley turn-around abutting Parcel A, City of Seattle Lot Boundary Adjustment Number 9905264, recorded under King County Recording Number 20000424900010 (previously known as Block 1, Pioneer Addition to the City of Seattle); the sidewalk adjoining Parcel A, City of Seattle Short Subdivision Number 3026975, recorded under King County Recording Number 20180131900006 (previously known as Lot 15, Dunlap's Plat of Land on Lake Washington); and the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3031112-LU, recorded under King County Recording Number 20180924900001 (previously known as Block 29, Woodland Addition to Salmon Bay City).)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Easement for Public Sidewalk, dated April 10, 2009, by UGM LANDOWNER, a Washington non-profit corporation, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

Lots 1 through 20, Block 4, Robinson's Tracts as per plat recorded in Volume 14 of Plats on page 81, records of King County,

TOGETHER WITH,

That portion of vacated 39th Avenue South, as vacated under City of Seattle Ordinance No. 118837, which would attach thereto by operation of law;

EXCEPT, the South 10.00 feet of Lots 10 and 11 in said Block 4 condemned for widening Othello Street under King County Superior Court No. 213414 and accepted under City of Seattle Ordinance No. 53964;

AND EXCEPT, the North 30.00 feet and the West 20.00 feet of said Block 4, conveyed to the City of Seattle for street purposes by Deed recorded under King County Auditor's File No. 4960375 and accepted under City of Seattle Ordinance No. 87627;

AND EXCEPT, those portions thereof condemned for public use purposes under King County Superior Court Cause No. 03-2-40978-2 SEA, a copy of Stipulation and Decree of Appropriation being recorded under Recording No. 20040817001284 and accepted under City of Seattle Ordinance No. 53964;

TOGETHER WITH an easement for ingress and egress, and restrictions with respect to the Easterly one half of a portion of Vacated 39th Avenue as set forth in a Deed recorded under King County Auditor's File No. 8509110940;

SUBJECT TO easements of record;

DESCRIBED AS FOLLOWS:

Beginning at the Southeast corner of said property;

Thence S 89° 11' 47" W, 288.40 feet along the North margin of South Othello Street to point on the East margin of 38th Avenue South;

Thence N 01° 14' 36" W, 10.06 feet along said East margin of 38th Avenue South;

Thence S 89° 10' 39" W, 0.18 feet along said East margin;

Thence N 00° 47' 34" W, 543.16 feet along said East margin;

Thence N 89° 12' 26" E, 0.79 feet along the said East margin to the Westerly line of said property;

Thence S 00° 50' 30" E, 551.00 feet;

Thence N 89° 14' 23" E, 287.40 feet;

Thence S 00° 46' 36" E, 2.00 to the Point of Beginning.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2009-18; a portion of tax parcel number 737860-0265; King County Recording Number 20090417000403)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. UGM LANDOWNER is responsible for maintenance of the surface and supporting structure of this easement area.

Section 2. The Easement for Public Sidewalk, dated July 30, 2018, by DEP REAL ESTATE VIII, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

The West 3.00 feet of the following described property:

The North half of Lot 24 and all of Lot 25 in Block 3 of Davis Addition to Seattle, according to the plat thereof recorded in Volume 6 of Plats, page 75, records of King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2017-63; a portion of tax parcel number 191210-0620; King County Recording Number 20180820000635)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. DEP REAL ESTATE VIII, LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 3. The Easement for Public Sidewalk, dated May 15, 2018, by ONNI DENNY FAIRVIEW (LAND) LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Parcels B and C, City of Seattle Lot Boundary Adjustment No. 3013809, recorded October 18, 2012, under Recording No. 20121018900001, in King County, Washington, lying South of the following described line;

Commencing at the Southeast corner of said Parcel B;

Thence N 00° 55' 01" E, along the East line of said Parcel B and the West right-of-way margin of Fairview Avenue N., a distance of 3.71 feet to the POINT OF BEGINNING of the following described line;

Thence N 82° 55' 55" W 56.57 feet;

Thence S 86° 37' 55" W 69.63 feet;

Thence N 88° 29' 05" W 38.87 feet;

Thence S 89° 52' 54" W 23.68 feet;

Thence S 84° 04' 11" W 54.35 feet;

Thence N 84° 59' 55" W 70.49 feet to the West line of said Parcel C and the East right-of-way margin of Boren Avenue N and a point lying S 01° 26' 25" W, along said line and margin, 12.16 feet to the Southwest corner of said Parcel C;

EXCEPT that portion lying South of the following described line;

COMMENCING at said Southwest corner of said Parcel C;

Thence, N 01° 26' 25" E, along said West line and East margin, 6.15 feet to the POINT OF BEGINNING of the herein described line;

Thence S 84° 59' 55" E 66.09 feet to the South line of said Parcel C and the North right-of-way margin of Denny Way.

TOGETHER WITH that portion of said Parcel B lying North of the following described line;

COMMENCING at the Northeast corner of said Parcel B, being the Point of Intersection of the South right-of-way margin of John Street and the West right-of-way margin of said Fairview Avenue N.;

Thence N 88° 32' 45" W, along said South right-of-way margin, 13.87 feet to the POINT OF BEGINNING of the herein described line;

Thence S 80° 34' 25" W 30.66 feet;

Thence S 86° 04' 51" W 53.35 feet;

Thence N 72° 01' 42" W 24.03 feet;

Thence N 40° 28' 33" W 5.31 feet to said South right-of-way margin;

EXCEPT that portion lying North of the following described line:

COMMENCING at said POINT OF BEGINNING;

Thence N 88° 32' 45" W, along said South right-of-way margin, 32.65 feet to the POINT OF BEGINNING of the herein described line;

Thence S 86° 04' 51" W 50.20 feet;

Thence N 72° 01' 42" W 16.53 feet to said South right-of-way margin.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-01 a portion of tax parcel numbers 269310-0068 and 269310-0100; King County Recording Number 20180919000711)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. OMNI DENNY FAIRVIEW (LAND) LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 4. The Easement for Public Sidewalk, dated September 4, 2018, by CITY INVESTORS XXVII LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Lots 1, 2, 3, 4, 5, and 6, Block 81, D. T. Denny's Park Addition to North Seattle, according to the plat thereof, recorded in Volume 2 of Plats, page 46, in King County, Washington, described as follows:

Commencing at the Southeast corner of said Block 81, lying 33.00 feet distant from, and at right angles to, the centerlines of rights-of-ways of Thomas Street and Eighth Avenue North;

Thence North 01° 27' 44" East, along the West margin of Eighth Avenue North, a distance of 4.56 feet to the Point of Beginning;

Thence departing North 05° 51' 30" West 61.67 feet;

Thence North 01° 26' 00" East 190.28 feet;

Thence North 06° 26' 11" East 91.73 feet to said West margin of Eighth Avenue North;

Thence South 01° 27' 44" West along said West margin, a distance of 359.77 feet to the Point of Beginning;

Situate in the Southwest quarter of the Southeast quarter of Section 30, Township 25 North, Range 4 East, Willamette Meridian, city of Seattle, county of King, state of Washington;

The above described parcel contains 2,108 square feet (0.0484 acre), more or less.

(Right-of-Way File Number: T2018-39; a portion of tax parcel numbers 199120-1150, 199120-1187, 199120-1190, 199120-1195, and 199120-1200; King County Recording Number 20180911000093)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. CITY INVESTORS XXVII LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 5. The Easement for Public Sidewalk, dated January 23, 2019, by the WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT, a King County public facilities district, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

A 16.00 foot wide strip being those portions of Pine Street and Terry Avenue and of Lots 1 and 12 and the alley adjoining thereto, approved for vacation by Seattle City Council per Clerk File No. 314338 on May 7th, 2018, all in Block 44, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), according to the plat thereof, recorded under Volume 1 of Plats, page 121, records of King County, Washington, being described as follows:

The Southeasterly margin of said strip being parallel with and lying 18.00 feet Northwesterly of the centerline of Pine Street;

And lying Westerly of the Westerly margin of SR 5, Seattle Freeway;

Jackson Street to Olive Way as described as follows:

Beginning at the Northeasterly corner of Lot 10 said Block 44;

Thence South 30° 38' 17" East, along the Easterly line of Lots 10 and 11, said Block 44 to a point opposite highway Engineer's Station 2233+60± on the line survey of SR 5, Seattle Freeway;

Jackson Street to Olive Way and 110.00 feet Northwesterly therefrom;

Thence South 16° 54' 23" West, parallel with said line survey, to a point on a line that is parallel with and 18.00 feet Northwesterly of, measured at right angles to, the centerline of Pine Street and the terminus of said Westerly margin;

The above described easement containing 3,113 square feet, more or less;

Situate in Seattle, King County, Washington.

(Right-of-Way File Number: T2018-40; a portion of tax parcel numbers 066000-1700 and 066000-1725; King County Recording Number 20190124000609)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT is responsible for maintenance of the surface and supporting structure of this easement area.

Section 6. The Easement for Public Sidewalk, dated January 23, 2019, by the WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT, a King County public facilities district, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Lots 1 through 7, Block 43, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), according to the plat thereof, recorded under volume 1 of Plats, page 121, records of King County, Washington, together with the alley adjoining thereto approved for vacation by Seattle City Council per Clerk File No. 314338 on May 7th, 2018, being more particularly described as follows:

Beginning at a point measured at right angles 33.00 feet Northeast of the centerline of Terry Avenue and 33.00 feet Northwest of the centerline of Olive Way, also being the Southerly corner of said Lot 1;

Thence North 30° 36' 00" West, along the Northeasterly margin of Terry Avenue, a distance of 159.77 feet to the Southeasterly margin of Howell Street, also being the Westerly corner of said Lot 3;

Thence North 42° 17' 00" East, along the Southeasterly margin of Howell Street, a distance of 125.54 feet to the Southwesterly margin of said alley, also being the Northerly corner of said Lot 3;

Thence continuing North 42° 17' 00" East, along said Southeasterly margin, a distance of 16.74 feet to the Northeasterly margin of said alley, and the Westerly corner of said Lot 4;

Thence continuing North 42° 17' 00" East, along said Southeasterly margin, a distance of 125.52 feet to the Southwesterly margin of Boren Avenue, and the Northerly corner of said Lot 4;

Thence South 30° 37' 37" East, along said Southwesterly margin, a distance of 238.51 feet to the Northwesterly margin of Olive Way, also being the Easterly corner of said Lot 7;

Thence South 59° 23' 02" West along the said Northwesterly margin, a distance of 4.00 feet;

Thence leaving said Northwesterly margin North 30° 37' 37" West, a distance of 222.85 feet;

Thence North 79° 11' 56" West, a distance of 9.14 feet;

Thence South 42° 17' 00" West, a distance of 21.08 feet;

Thence North 47° 43' 52" West, a distance of 2.98 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 2.98 feet;

Thence South 42° 17' 00" West, a distance of 20.00 feet;

Thence North 47° 43' 00" West, a distance of 2.97 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 2.97 feet;

Thence South 42° 17' 00" West, a distance of 25.00 feet;

Thence North 47° 43' 00" West, a distance of 2.96 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 0.67 feet;

Thence South 42° 16' 08" West, a distance of 32.38 feet to a point on the Northeasterly margin of said alley, also being the Southwesterly line of said Lot 4;

Thence continuing South 42° 16' 08" West, a distance of 16.74 feet to a point on the Southwesterly margin of said alley, also being the Northeasterly line of said Lot 3;

Thence continuing South 42° 16' 08" West, a distance of 5.88 feet;

Thence North 47° 43' 52" West, a distance of 0.67 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 2.95 feet;

Thence South 42° 17' 00" West, a distance of 25.00 feet;

Thence North 47° 43' 52" West, a distance of 2.94 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 2.94 feet;

Thence South 42° 17' 00" West, a distance of 25.00 feet;

Thence North 47° 43' 54" West, a distance of 2.93 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 2.93 feet;

Thence South 42° 17' 00" West, a distance of 27.50 feet;

Thence South 47° 43' 52" East, a distance of 2.93 feet;

Thence South 42° 16' 08" West, a distance of 5.00 feet;

Thence South 47° 43' 52" East, a distance of 2.92 feet;

Thence South 42° 17' 00" West, a distance of 18.68 feet;

Thence South 30° 36' 00" East, a distance of 154.72 feet to the Northwesterly margin of Olive Way;

Thence South 59° 23' 02" West, along said margin, a distance of 4.00 feet to the Point of Beginning.

The above described easement contains 2,948 square feet, more or less;

Situate in the Seattle, King County, Washington.

(Right-of-Way File Number: T-2018-41; a portion of tax parcel numbers 066000-1004, 066000-1670, 066000-1675, and 066000-1708; King County Recording Number 20190124000608)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT is responsible for maintenance of the surface and supporting structure of this easement area.

Section 7. The Easement for Public Sidewalk, dated January 23, 2019, by WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT, a King County public facilities district, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Lots 1 through 4, Block 33, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle) according to the plat thereof, recorded under Volume 1 of Plats, page 121, records of King County, Washington, more particularly described as follows:

Beginning at a point measured at right angles 33.00 feet Southwest of the centerline of Terry Avenue and 33.00 feet Northwest of the centerline of Olive Way, also being the East corner of said Lot 4;

Thence North 30°36'00" West, along the Southwesterly margin of Terry Avenue, a distance of 139.47 feet to the Southeasterly margin of Howell Street, also being the Northerly corner of said Lot 3;

Thence South 42°17'13" West, along said Southeasterly margin, a distance of 125.54 feet to the Northeasterly margin of a 16 foot wide alley, approved for vacation by Seattle City Council per Clerk File No. 314338 on May 7th, 2018, also being the Westerly corner of said Lot 3;

Thence continuing South 42°17'13" West along said Southeasterly margin, a distance of 16.74 feet to the Southwesterly margin of said alley, and the Northerly corner of said Lot

2;

Thence continuing South 42°17'13" West along said Southeasterly margin of Howell Street, a distance of 125.52 feet to the Northeasterly margin of 9th Avenue, also being the Westerly corner of said Lot 2;

Thence South 30°37'19" East along said Northeasterly margin, a distance of 6.38 feet;

Thence North 42°16'05" East, a distance of 38.77 feet;

Thence North 30°30'49" West, a distance of 3.01 feet;

Thence North 42°16'05" East, a distance of 29.48 feet;

Thence South 47°43'55" East, a distance of 2.87 feet;

Thence North 42°16'05" East, a distance of 9.00 feet;

Thence North 47°43'55" West, a distance of 2.87 feet;

Thence North 42°16'05" East, a distance of 2.77 feet;

Thence South 47°43'55" East, a distance of 2.87 feet;

Thence North 42°16'05" East, a distance of 21.25 feet;

Thence North 47°43'55" West, a distance of 2.87 feet;

Thence North 42°16'05" East, a distance of 1.75 feet;

Thence South 47°43'55" East, a distance of 2.87 feet;

Thence North 42°16'05" East, a distance of 12.00 feet;

Thence North 47°43'55" West, a distance of 2.44 feet;

Thence North 42°16'05" East, a distance of 1.69 feet;

Thence North 47°43'55" West, a distance of 0.39 feet;

Thence North 42°16'05" East, a distance of 8.81 feet to the Southwesterly margin of said 16 feet wide alley, also being the Northeasterly line of said Lot 2;

Thence continuing North 42°16'05" East, a distance of 16.74 feet to the Northeasterly margin of said alley, also being the Southwesterly line of said Lot 3;

Thence continuing North 42°16'05" East, a distance of 33.72 feet;

Thence North 47°43'55" West, a distance of 0.22 feet;

Thence North 42°16'05" East, a distance of 6.40 feet;

Thence South 47°43'55" East, a distance of 0.22 feet;

Thence North 42°18'02" East, a distance of 73.72 feet;

Thence South 30°31'26" East, a distance of 2.92 feet;

Thence North 42°16'05" East, a distance of 7.52 feet;

Thence South 30°36'00" East, a distance of 131.94 feet to the Northwesterly margin of Olive Way;

Thence North 59°24'54" East along said Northwesterly margin, a distance of 4.00 feet to the Point of Beginning;

The above described easement contains 1,656 square feet, more or less;

Situate in Seattle, King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-42; a portion of tax parcel numbers 066000-1113, 066000-1114, and 066000-1095; King County Recording Number 20190124000607)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. WASHINGTON STATE CONVENTION CENTER PUBLIC FACILITIES DISTRICT is responsible for the maintenance of the surface and supporting structure of this easement area.

Section 8. The Easement for Public Sidewalk, dated August 28, 2018, by THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON, a state institution of higher education and an agency of the State of Washington, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

Commencing at the intersection of centerlines of 15th Avenue Northeast and Northeast 40th Street;

Thence South 87° 53' 12" East, along the Easterly extension of said centerline of 40th Street, a distance of 50.00 feet to the East margin of that 20 foot wide strip of land dedicated as public

highway by the Washington State Legislature Session Laws of 1929, Chapter 66;

Thence South 02° 06' 58" West along the West margin of said strip, coincident with the East margin of said 15th Avenue Northeast, a distance of 531.98 feet to the Point of Beginning;

Thence North 02° 06' 58" East, along said margin, a distance of 504.30 feet to the beginning of a non-tangent curve, concave South, having a radius of 25.38 feet and from which the radial center bears South 30° 36' 01" East;

Thence departing said margin, along said curve, through a central angle of 18° 09' 01", a distance of 8.04 feet;

Thence North 83° 38' 16" East a distance of 0.46 feet;

Thence South 06° 00' 08" East a distance of 0.50 feet;

Thence South 05° 02' 13" West a distance of 7.82 feet;

Thence South 25° 07' 41" East a distance of 4.00 feet;

Thence South 64° 52' 19" West a distance of 3.70 feet to a Point 6.00 feet distant, as measured at right angles, from said Easterly margin of 15th Avenue Northeast;

Thence South 02° 06' 58" West, parallel and 6.00 feet distant from said Easterly margin, a distance of 494.03 feet;

Thence North 87° 53' 02" West a distance of 6.00 feet to the Point of Beginning.

The above easement contains 3,060 square feet, or 0.0702 acres, more or less.

Situate in the city of Seattle, King, Washington.

(Right-of-Way File Number: T2018-47; a portion of tax parcel number 162504-9001; King County Recording Number 20180905000821)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON is responsible for the maintenance of the surface and supporting structure of the easement area.

Section 9. The Easement for Public Sidewalk, dated October 22, 2018, by GEORGETOWN CROSSROADS LLC, a Delaware limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real

property in Seattle, King County, Washington:

A portion of Parcel A, City of Seattle Lot Boundary Adjustment No. 3023386, under Recording Number 20161011900002, records of King County, Washington, lying in the Northwest quarter of the Northwest quarter of Section 29, Township 24 North, Range 4 East, W. M., King County, Washington described as follows:

BEGINNING at the Southwest corner of said Parcel A;

THENCE, North 47° 53' 47" West, along the Southwesterly line of said Parcel A and the Northerly margin of East Marginal Way S. a distance of 124.47 feet to a Point of Curve to the right having a radius of 888.04 feet and a central angle of 10° 13' 13";

THENCE Northwesterly along the arc a distance of 158.41 feet;

THENCE North 28° 24' 32" West, a distance of 31.30 feet to the Point of Curve of a non-tangent curve to the left, of which the radius point lies North 54° 19' 38" East, a radial distance of 883.54 feet;

Thence Southeasterly along the arc, through a central angle of 12° 13' 25", a distance of 188.50 feet;

Thence South 47° 53' 47" East, a distance of 124.47 feet;

Thence South 42° 06' 13" West, a distance of 4.50 feet to the POINT OF BEGINNING.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-57A; a portion of tax parcel number 536720-4646; King County Recording Number 20181030000092)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. GEORGETOWN CROSSROADS LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 10. The Easement for Street Turn-Around, dated November 30, 2018, by GEORGETOWN CROSSROADS LLC, a Delaware limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for street turn-around purposes, the following described real property in Seattle, King County, Washington:

A portion of Parcel A, City of Seattle Lot Boundary Adjustment No. 3023386, under Recording Number 20161011900002, records of King County, Washington, lying the Southwest quarter of the Southwest quarter of Section 20, Township 24 North, Range 4 East, W. M., King County,

Washington, described as follows:

COMMENCING, at the Southeast corner of said Parcel A on the Northerly margin of South Front Street;

THENCE South 49° 47' 52" West along said Northerly margin a distance of 65.82 feet to the POINT OF BEGINNING;

THENCE continuing along said Northerly margin South 49° 47' 52" West a distance of 146.86 feet to a point of non-tangent curvature to the right, concave to the Southeast having a radius of 80.00 feet which bears North 73° 10' 36" East;

THENCE Northerly and Easterly along said curve through a central angle of 133° 14' 31", a distance of 186.04 feet to the POINT OF BEGINNING.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-57B; a portion of tax parcel number 536720-4646; King County Recording Number 20181206000755)

is hereby accepted. The conveyance of this easement for street turn-around purposes is for surface rights of public vehicular access only. GEORGETOWN CROSSROADS LLC is responsible for the maintenance of the surface and supporting structure of this easement area.

Section 11. The Easement for Public Sidewalk, dated September 6, 2018, by SBH, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

The West 1.00 foot of Lots 7, 8, 9, Block 235 of the Seattle Tide Lands, according to the Official Maps thereof on file in the Office of the Commissioner of Lands, in Olympia, Washington and that portion of S. Lyons St vacated by the City of Seattle under Ordinance 91450 lying West of the East line of said West 1.00 foot extended North, being all the more particularly described as follows:

Commencing at the concrete monument in case at the intersection of Airport Way South and Diagonal Ave South, in Seattle, Washington;

Thence South 00° 15' 06" West, along the monument centerline of Airport Way South, 389.67 feet, to the concrete monument in case at the intersection of Airport Way South and South Spokane Street;

Thence South 89° 20' 49" East, along the centerline of South Spokane Street, a distance of 40.00

feet, to the intersection of the Southerly extension of the West line of said Block 235;

Thence North 00° 15' 06" East, along said West line, 160.00 feet to the Point of Beginning;

Thence North 00° 15' 06" East, continuing along said West line, 120.00 feet, to the Northwest corner of said Block 235;

Thence North 23° 34' 02" East, along the West line of said vacated portion of South Lyons Street, a distance of 2.53 feet, to the intersection with said East line of the West 1.00 foot extended North;

Thence South 00° 15' 06" West 122.33 feet, to the intersection with the South line of said Lot 9;

Thence North 89° 19' 18" West, along said South line, 1.00 foot, to the Point of Beginning.

(Containing 121 square feet, more or less)

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-60; a portion of tax parcel 766620-3045; King County Recording Number 20180907000330)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. SBH, LLC is responsible for the maintenance of the surface and supporting structure of this easement area.

Section 12. The Easement for Sidewalk Purposes, dated January 2, 2019, by PROJECT S5 LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

The South 2.00 feet of the East 50.00 feet of Parcel A, City of Seattle Lot Boundary Adjustment Number 3023038-LU, under King County Recording No. 20180726900001.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-69; a portion of tax parcel number 162404-9158; King County Recording Number 20190129000233)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. PROJECT S5 LLC is responsible for the maintenance of the surface and supporting

structure of this easement area.

Section 13. The Easement for Sidewalk, dated December 10, 2018, by 2537 15th, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Lot 13, Carney's Supplemental Plat of Tract 5 in Bayside Addition to the City of Seattle, according to the plat recorded in Volume 3 of Plats, page 75, in King County, Washington, described as follows:

Commencing at the Northeast corner of said Lot 13;

Thence South 01° 23' 58" West, along the East line of said Lot 13, a distance of 3.93 feet to the Point of Beginning;

Thence South 46° 22' 29" West, 3.54 feet;

Thence South 01° 23' 58" West, 37.30 feet;

Thence South 43° 36' 02" East, 3.54 feet to a Point on said East line;

Thence North 01° 23' 58" East, along said East line, 42.30 feet to the Point of Beginning.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-70; a portion of tax parcel number 138980-0105; King County Recording Number 20181214000696)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. 2537 15th, LLC is responsible for the maintenance of the surface and supporting structure of this easement area.

Section 14. The Easement for Public Sidewalk, dated March 27, 2019, by EVERGREEN LAKE LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of the Northwest quarter of the Southwest quarter of Section 29, Township 25 North, Range 4 East, W. M., more particularly described as follows:

The South 3.00 feet of Lot 7, Block 5, Sorensen's Addition to the City of Seattle, according to the Plat thereof, recorded in Volume 1 of Plats, page 218, records of King County, Washington;

Except the West 2.00 feet of said Lot 7;

The above described easement contains 353 square feet or 0.0081 acres, more or less;

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-77; a portion of tax parcel number 786350-0060; King County Recording Number 20190401000004)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. EVERGREEN LAKE LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 15. The Easement for Public Sidewalk, dated January 25, 2019, by CRUISE, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Lot 4, Block 135, the vacated alley within said block lying between Lots 3 and 4, vacated under Ordinance No. 5009 and that portion of vacated West Galer Street adjacent, vacated under Ordinance No. 5010, all within Seattle Tide Lands in King County, Washington as shown on the Official Maps on file in the Office of the Commissioner of Public Lands at Olympia, Washington described as follows:

Beginning at the intersection of the South right-of-way line of West Galer Street and the East right-of-way line of 16th Avenue West, as established by City of Seattle Acquisition Ordinance No. 94165, said right-of-way lines lying 30.00 feet distant, as measured at right angles, from the centerlines of said street and avenue;

Thence South 01° 19' 49" West, along said East right-of-way line, a distance of 92.00 feet;

Thence South 88° 40' 11" East, departing said East line, a distance of 6.00 feet;

Thence North 01° 19' 49" East, parallel with said East line, a distance of 92.00 feet to the South right-of-way line of West Galer Street;

Thence North 88° 40' 59" West, along said South line, a distance of 6.00 feet to the Point of Beginning.

Easement area contains 552 square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-80A; a portion of tax parcel number 766620-1714; King County Recording Number 20190129000237)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. CRUISE, LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 16. The Easement for Street Turn-Around, dated January 25, 2019, by CRUISE, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for street turn-around purposes, the following described real property in Seattle, King County, Washington:

That portion of Lot 1, Block 140, Seattle Tide Lands in King County, Washington as shown on the Official Maps on file in the Office of the Commissioner of Public Lands at Olympia, Washington described as follows:

Commencing at the intersection of the South right-of-way line of West Galer Street and the East right-of-way line of 16th Avenue West, as established by City of Seattle Acquisition Ordinance No. 94165, said right-of-way lines lying 30.00 feet distant, as measured at right angles, from the centerlines of said street and avenue;

Thence South 01° 19' 49" West, along said East right-of-way line, a distance of 233.89 feet to the Point of Beginning.

Thence continuing South 01° 19' 49" West, along said East line, a distance of 90.15 feet;

Thence South 88° 40' 11" East, departing said East line, a distance of 22.00 feet;

Thence North 01° 19' 49" East a distance of 74.05 feet;

Thence North 88° 40' 55" West a distance of 15.00 feet to a point of non-tangent curve, the center of which bears North 44° 18' 58" East;

Thence Northwesterly, along the arc of a curve to the right, said curve having a radius of 22.00 feet, through a central angle of 47° 02' 22" a distance of 18.06 feet to the Point of Beginning.

Easement area contains 1,664 square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-80B; a portion of tax parcel number 766620-1714; King County Recording Number 20190129000243)

is hereby accepted. The conveyance of this easement for street turn-around purposes is for surface rights of public vehicular access only. Parking shall not be permitted in the easement area. CRUISE, LLC is responsible for the maintenance of the surface and supporting structure of this easement area.

Section 17. The Easement for Emergency Vehicle Turn-Around, dated January 25, 2019, by CRUISE, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for emergency vehicle turn-around purposes, the following described real property in Seattle, King County, Washington:

That portion of Lot 5, Block 139, Seattle Tide Lands in King County, Washington, as shown on the Official Maps on file in the Office of the Commissioner of Public Lands at Olympia, Washington described as follows:

Commencing at the intersection of the centerline of right-of-way of 16th Avenue West and West Galer Street, as established by City of Seattle Acquisition Ordinance No. 94165;

Thence South 01° 19' 49" West, along the centerline of right-of-way of 16th Avenue West, a distance of 1230.00 feet to the terminus of said centerline at the South end of that particular Easement for Street Purposes recorded under Recording No. 8106010993, records of King County, Washington and the Point of Beginning.

Thence North 88° 40' 11" West, along the South line of said Easement for Street Purposes, a distance of 13.67 feet to a point of non-tangent curve, the center of which bears North 83° 46' 40" East;

Thence Southeasterly, along the arc of a curve to the left. Said curve having a radius of 657.00 feet, through a central angle 05° 15' 55" a distance of 60.38 feet;

Thence North 78° 30' 44" East a distance of 22.00 feet to a point of non-tangent curve, the center of which bears North 78° 30' 44" East;

Thence Northwesterly, along the arc of a curve to the right, said curve having a radius of 635.00 feet, through a central angle of 04° 18' 19" a distance of 47.71 feet to a point of non-tangent compound curve, the center of which bears South 84° 58' 59" East;

Thence Northeasterly, along the arc of a curve to the right, said curve having a radius of 28.83 feet, through a central angle of 15° 33' 00" a distance of 7.82 feet to the South line of said Easement for Street Purposes and a point known as Point A for the purposes of this description;

Thence North 88° 40' 11" West, along the South line of said easement for street purposes, a distance of 11.17 feet to the Point of Beginning.

Together with that portion of Lot 5, Block 139, Seattle Tide Lands in King County, Washington as shown on the Official Maps on file in the Office of the Commissioner of Public Lands at Olympia, Washington described as follows:

Commencing at the above described Point A;

Thence South 88° 40' 11" East, along the South line of said Easement for Street Purposes, a distance of 18.83 feet to the Southeast corner of said easement;

Thence North 01° 19' 49" East, along the East line of said Easement for Street Purposes, a distance of 17.84 feet to the Point of Beginning.

Thence continuing North 01° 19' 49" East, along said East line, a distance of 19.17 feet to a point of non-tangent curve, the center of which bears North 03° 00' 55" East;

Thence Easterly, along the arc of a curve to the left, said curve having a radius of 28.83 feet, through a central angle of 08° 47' 20" a distance of 4.42 feet;

Thence North 84° 13' 35" East a distance of 22.03;

Thence South 09° 00' 25" East a distance of 18.36 feet;

Thence South 84° 13' 35" West a distance of 25.37 feet to a Point of Curve;

Thence Southeasterly, along the arc of a curve to the left, said curve having a radius of 28.83 feet, through a central angle of 08° 57' 32" a distance of 4.51 feet to the Point of Beginning.

Easement area contains 1,800 square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-80C; a portion of tax parcel number 766620-1732; King County Recording Number 20190129000271)

is hereby accepted. The conveyance of this easement for emergency vehicle turn-around purposes is for surface rights of emergency vehicle access only. Parking shall not be permitted in the easement area. CRUISE, LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 18. The Easement for Alley Turn-Around, dated January 29, 2019, by NORTHWEST KIDNEY CENTERS, a Washington non-profit corporation, that conveys and warrants to The City of Seattle, a municipal

corporation of the State of Washington, for public vehicle turn-around purposes, the following described real property in Seattle, King County, Washington:

That portion of Parcel A of City of Seattle Lot Boundary Adjustment Number 9905264, recorded under Recording Number 9905264, recorded under Recording Number 20000424900010, records of King County, Washington, more particularly described as follows:

Commencing at the Northeast corner of said Parcel A;

Thence South 01° 19' 31" West along the East line of said Parcel A, a distance of 130.45 feet to the Northerly right of way margin of a sixteen (16) foot wide alley, also being the Southeast corner of said Parcel A and True Point of Beginning;

Thence North 88° 51' 15" West along said Northerly margin, a distance of 64.00 feet;

Thence departing said margin North 01° 08' 45" East a distance of 2.00 feet to the beginning of a non-tangent curve, concave to the Northwest, to which the center bears North 01° 08' 45" East and having a radius of 22.00 feet;

Thence Northeasterly along said curve, through a central angle of 90° 00' 00", an arc length of 34.56 feet;

Thence North 01° 08' 45" East, a distance of 22.00 feet;

Thence South 88° 51' 15" East, a distance of 20.00 feet;

Thence South 01° 08' 45" West, a distance of 22.00 feet to the beginning of a tangent curve, concave to the Northeast having a radius of 22.00 feet;

Thence Southeasterly along said curve through a central angle of 90° 00' 58", an arc length of 34.56 feet to the East line of said Parcel A;

Thence South 01° 19' 31" West, a distance of 2.00 feet to the Point of Beginning;

Containing an area of 1,216 square feet, or 0.0279 acres more or less.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2018-82; a portion of tax parcel number 680410-0005; King County Recording Number 20190219001149)

is hereby accepted. The conveyance of this easement for public vehicle turn-around purposes is for surface rights of public access only. NORTHWEST KIDNEY CENTERS is responsible for maintenance of the surface and supporting structure of this easement area.

Section 19. The Easement for Public Sidewalk, dated March 1, 2019, by LINK TOWNHOMES LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

That portion of Parcel A, City of Seattle Short Subdivision No. 3026975, recorded under Recording No. 20180131900006, records of King County, Washington described as follows:

Beginning at a point lying 10.00 feet East of the centerline of right-of-way of 42nd Avenue South and 18.50 feet South of the centerline of right-of-way of South Trenton Street, as measured at right angles;

Thence South 88° 46' 00" East, running parallel with and 18.50 feet distant from the centerline of right-of-way of South Trenton Street, a distance of 5.65 feet;

Thence South 46° 13' 50" West, a distance of 7.99 feet to a point on the East right-of-way line of 42nd Avenue South;

Thence North 01° 13' 41" East, along said East right-of-way line, a distance of 5.65 feet to the Point of Beginning.

Easement area contains 16 square feet, more or less.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-91; a portion of tax parcel number 212370-0305; King County Recording Number 20190304000361)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public vehicular access only. LINK TOWNHOMES LLC is responsible for maintenance of the surface and supporting structure of this easement area.

Section 20. The Easement for Public Sidewalk, dated March 13, 2019, by ISOLA REAL ESTATE VI, L.L.C., a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the State of Washington, for public sidewalk purposes, the following described real property in Seattle, King County, Washington:

The South 2.00 feet of the following described property:

Parcel A, City of Seattle Lot Boundary Adjustment No. 3031112-LU recorded under King

County Recording Number 20180924900001, as recorded in Volume 391 of Surveys, page 166, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2019-11; a portion of tax parcel number 952110-1055; King County Recording Number 20190326000726)

is hereby accepted. The conveyance of this easement for public sidewalk purposes is for surface rights of public access only. ISOLA REAL ESTATE VI, L.L.C. is responsible for maintenance of the surface and supporting structure of this easement area.

Section 21. The real properties conveyed by the easements described above are placed under the jurisdiction of the Seattle Department of Transportation.

Section 22. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 23. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Gretchen M. Haydel/206 233-5140	Christie Parker/206 684-5211

** 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 accepting twenty limited purpose easements for public sidewalk, and emergency vehicle, street, or alley turn-around purposes; placing the real property conveyed by such easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts. (This ordinance concerns the following rights of way; the sidewalk adjoining Block 4, Robinson's Tracts, together with a portion of vacated 39th Avenue South, vacated under Ordinance 118837; the sidewalk adjoining Block 3, Davis Addition to Seattle; the sidewalk adjoining Parcels B and C, City of Seattle Lot Boundary Adjustment Number 3013809, recorded under King County Recording Number 20121018900001 (previously known as Block 111, Gangloff's Addition to the City of Seattle, and a portion of The Donation Claim of D. T. Denny and Louisa Denny, his wife, and Government Lot 7, located in the Southeast quarter of the Southeast quarter of Section 30, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington); the sidewalk adjoining Block 81, D. T. Denny's Park Addition to North Seattle; the sidewalk adjoining Block 33, Block 43, and Block 44, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), together with a portion of vacated Pine Street, vacated Terry Avenue, Lots 1 and 12, and the alley approved for vacation by Seattle City Council per Clerk File Number 314338 on May 7th, 2018, all within said blocks; the sidewalk adjoining the Northwest quarter of the Southwest quarter of Section 16, Township 25 North, Range 4 East, Willamette Meridian, in King County, Washington; the street turn-around and the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3023386, recorded under King County Recording Number 20161011900002 (previously known as Tracts A, B, C, and D, Blocks 2, 3, and 26, Joseph R. McLaughlin's Water Front Addition to the City of Seattle, together with a portion of vacated Front Street, vacated Second Avenue South, vacated Third Avenue South, and vacated alley, vacated under Ordinance Numbers 86205, 86872 and 109967, all within said block); the sidewalk adjoining Block 235, Seattle Tide Lands, together with a portion of South Lyons Street vacated under Ordinance 91450; the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3023038-LU, recorded under King County Recording Number 20180726900001 (previously known as a portion of the Southeast quarter of Section 16, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington and the Easterly margin of Martin Luther King Jr. Way South as

established by Condemnation under King County Superior Court Cause Number 98096, pursuant to City of Seattle Ordinance Number 30673); the sidewalk adjoining Lot 13, Carney's Supplemental Plat of Tract 5 in Bayside Addition to the City of Seattle; the sidewalk adjoining Block 5, Sorenson's Addition to the City of Seattle; the sidewalk adjoining Block 135, Seattle Tide Lands, together with a portion of the vacated alley within said block lying between Lots 3 and 4, vacated under City of Seattle Ordinance Number 5009, and a portion of vacated West Galer Street, vacated under City of Seattle Ordinance Number 5010; the street turn-around abutting Block 140, Seattle Tide Lands; the emergency vehicle turn-around abutting Block 139, Seattle Tide Lands; the alley turn-around abutting Parcel A, City of Seattle Lot Boundary Adjustment Number 9905264, recorded under King County Recording Number 20000424900010 (previously known as Block 1, Pioneer Addition to the City of Seattle); the sidewalk adjoining Parcel A, City of Seattle Short Subdivision Number 3026975, recorded under King County Recording Number 20180131900006 (previously known as Lot 15, Dunlap's Plat of Land on Lake Washington); and the sidewalk adjoining Parcel A, City of Seattle Lot Boundary Adjustment Number 3031112-LU, recorded under King County Recording Number 20180924900001 (previously known as Block 29, Woodland Addition to Salmon Bay City).)

Summary and background of the Legislation:

This proposed Council Bill accepts 20 easements for public sidewalk, and emergency vehicle, street, or alley turn-around purposes, places them under the jurisdiction of the Seattle Department of Transportation, and ratifies and confirms certain prior acts. The easements are for property transferred to the City for sidewalk, street, alley, or emergency vehicle purposes as a result of conditions imposed on private development projects.

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 costs associated with implementing this ordinance, for example, maintaining the newly-acquired rights-of-way, have been anticipated in the 2020 budget.

Is there financial cost or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

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

Yes. The Department of Construction and Inspections evaluates the building development projects and determines the conditions that must be met pursuant to the City's Land Use Code and the Seattle Right of Way Manual with respect to the dedication of these easements to the City.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

Yes.

f. 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 known impacts to vulnerable or historically disadvantaged communities and a Language Access Plan is not required to be implemented to accept dedicated property.

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).

This legislation does not include a new initiative or a major programmatic expansion.

List attachments/exhibits below:

Summary Attachments 1-20 – Maps of properties being conveyed to the City of Seattle for sidewalk, alley, street, or emergency vehicle purposes.



Legislation Text

File #: CB 119856, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: the alley in Block 9, University Heights; Northeast 75th Street abutting Block 7, Manor's University Addition to the City of Seattle; the alley in a portion of the Northwest quarter of the Southeast quarter of Section 4, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington; the alley in Parcel A and Parcel B, City of Seattle Lot Boundary Adjustment Number 9804296, as recorded under King County Recording Number 19990629900016; the alley in Block 2, Shelton's Addition to the City of Seattle; 11th Avenue Northeast abutting Block 2, Shelton's Addition to the City of Seattle; South Juneau Street abutting Parcels A, B, C, D, E, and F, City of Seattle Short Subdivision Number 9804566, as recorded under King County Recording Number 20000329900010, and Parcel H, City of Seattle Short Subdivision Number 9804571, as recorded under King County Recording Number 199812089007; the alley in Block 78, Denny & Hoyt's Supplemental Plat; the alley in Block 52, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle); the alley in Block 87, D. T. Denny's Park Addition to North Seattle; the alley in Block 9, The Byron Addition to the City of Seattle; the alley in Block 5, The Byron Addition to the City of Seattle; the alley in Block 81, Plat of D. T. Denny's Park Addition to North Seattle; the alley in Block 10, Claremont Addition to the City of Seattle; the alley in Block 5, University Heights; the alley in Block 10, Randell's 2nd Addition to the City of Seattle; Southwest Charlestown Street abutting Block 4, Seaboard Addition to the City of Seattle; 37th Avenue South abutting Lots 16 through 25, Holtfreter's Addition to the City of Seattle; the alley in Lots 16 through 25, Holtfreter's Addition to the City of Seattle; the alley in Block 15, Hillman City Addition to the City of Seattle, Division No. 6; and South Grand Street abutting Block 6, Sunnyside Addition to the City of Seattle.)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Deed for Street/Alley Purposes, dated January 26, 1994, by LUKMANSJAH

MASPUTRA and MARYATI L. MASPUTRA, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street/alley purposes the following described real property in Seattle,

King County, Washington:

The West 4 feet of Lots 8, 9, and 10, Block 9, University Heights, as per plat recorded in Volume 9 of Plats, page 41, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: RW8966; a portion of tax parcel number 881640-0740; King County Recording Number 199401280924)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 2. The Deed for Street/Alley Purposes, dated March 18, 1994, by LARRY L. PETERSON and SUSAN M. PETERSON, husband and wife, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street/alley purposes the following described real property in Seattle, King County, Washington:

The South three feet of Lot 24, Block 7, Manor's University Addition to the City of Seattle, according to the plat thereof recorded in Volume 15 of Plats, page 58, records of King County, Washington;

Except, the West six feet thereof as condemned in Superior Court Cause Number 501943 as provided by City of Seattle Ordinance Number 85435;

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: RW94013; a portion of tax parcel 508140-0410; King County Recording Number 199403220407)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 3. The Deed for Street/Alley Purposes, dated August 12, 1998, by THE HOUSING AUTHORITY OF THE CITY OF SEATTLE, a municipal corporation of the state of Washington, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street/alley purposes the following described real property in Seattle, King County, Washington:

That portion of the Northwest quarter of the Southeast quarter of Section 4, Township 24 North, Range 4 East W.M., in King County, Washington, lying easterly of the Easterly margin of Martin Luther King Jr. Way South (formerly Empire Way South) as established by City of Seattle Ordinance No. 69731, and lying westerly of the Westerly margin of 28th Avenue South as established by City of Seattle Ordinance No. 51919, and lying northerly of the Northerly margin of Charles Street (unnamed alley of variable width lying north of Block 2, Hicks Addition,

according to the plat thereof recorded in Volume 2 of Plats, page 69, records of said King County), and lying southerly of a line lying parallel with and 8.00 feet northerly of the following described centerline, as measured at right angles thereto:

Commencing at the cased concrete monument marking the centerline intersection of said Martin Luther King Jr. Way South and South Norman Street, from which point a second cased concrete monument marking the P. I. of a curve in said centerline of Martin Luther King Jr. Way South bears North 00° 40' 45" West 465.02 feet distant;

Thence North 00° 40' 45" West 460.02 feet to the True Point of Beginning of said centerline described herein;

Thence South 88° 56' 20" East 321.39 feet along said centerline to the centerline of said 28th Avenue South and the terminus of said centerline described herein;

Containing an area of 824 square feet, more or less.

Situated in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: RW98025; a portion of tax parcel number 042404-9060; King County Recording Number 199810232761)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 4. The Deed for Street/Alley Purposes, dated September 28, 1999, by HOMESIGHT, a non-profit corporation of the state of Washington, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street/alley purposes the following described real property in Seattle, King County, Washington:

The South 3 feet of Parcel A and the South 3 feet of Parcel B, all in City of Seattle Lot Boundary Adjustment No. 9804296, as recorded under Recording Number 19990629900016, records of King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: RW 98035; a portion of tax parcel numbers 788360-2655 and 788360-2660; King County Recording Number 19991001000887)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 5. The Deed for Street & Street/Alley Purposes, dated October 19, 1999, by API/PICHON VIII, L.L.C., a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal

corporation of the state of Washington, for street & street/alley purposes the following described real property in Seattle, King County, Washington:

The West 3.00 feet of Lots 1, 2, 3, and 4, Block 2, Shelton's Addition to the City of Seattle, according to the plat thereof recorded in Volume 12 of Plats, page 2, records of King County, Washington,

Together with that portion of the East 5.00 feet of said Lots 1, 2, 3, and 4, lying above an elevation of 168.00 feet, City of Seattle Datum.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: RW 99033; a portion of tax parcel number 773360-0055; King County Recording Number 19991022001171)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 6. The Deed for Street Purposes, dated June 1, 2000, by HOMESIGHT, a Washington non-profit corporation, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

That 6-foot wide strip of land lying adjacent, on the North, to Parcels A, B, C, D, E, and F, City of Seattle Short Subdivision No. 9804566, as recorded under King County Recording No. 20000329900010, records of King County, Washington, and designated on said Short Subdivision "to be deeded to the City of Seattle for Street",

AND

That 6-foot wide strip of land lying adjacent, on the South, to Parcel H of City of Seattle Short Subdivision No. 9804571, as recorded under King County Recording No. 9812089007, records of King County, Washington, and designated on said Short Subdivision "to be deeded to the City of Seattle for Street",

Said 6-foot wide strips being deeded to the City of Seattle for widening portions of South Juneau Street between 32nd Avenue South & 35th Avenue South extended Southerly, situate in Section 22, Township 24 North, Range 4 East, W. M., King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2000-23; a portion of tax parcel numbers 222404-9061, 222404-9069, 222404-9070, 222404-9083, 222404-9084, 222404-9085 and 222404-9081; King County Recording Number 20000606001210)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 7. The Deed for Alley Purposes, dated June 7, 2019, by FREMONT CROSSING LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The North 2 feet of Lots 1 through 5, inclusive, in Block 78 of Denny & Hoyt's Supplemental Plat, according to the plat thereof recorded in Volume 3 of Plats, page 3, in King County, Washington.

Containing an area of 300 square feet;

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2018-89; a portion of tax parcel number 197320-0006; King County Recording Number 20190612000743)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 8. The Deed for Alley Purposes, dated June 18, 2019, by VBOB LLC, a Delaware limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The Northeasterly 2.00 feet of Lots 5 and 6, Block 52, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, deceased (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle), according to the plat thereof, recorded in Volume 1 of Plats, page 121, in King County, Washington;

The above described 2.00 foot strip has upper and lower limits, defined by two inclined planes running between the most Northerly corner of said Lot 6 and the most Easterly corner of said Lot 5, said inclined planes are 4.00 feet below and 26.00 feet above the finished grade surface (after development), said inclined planes being more particularly described as follows;

Beginning at the most Northerly corner of said Lot 6 at a lower limit elevation (LLE) of 130.98 feet and an upper limit elevation (ULE) of 160.98 feet;

Thence Southeasterly, along the Northeast lines of said Lots 6 and 5, the following distances:

17.19 feet to a point having a lower limit elevation of 131.06 feet and an upper limit elevation of 161.06 feet;

24.91 feet to a point having a lower limit elevation of 131.24 feet and an upper limit elevation of 161.24 feet;

24.87 feet to a point having a lower limit elevation of 131.31 feet and an upper limit elevation of 161.31 feet;

25.05 feet to a point having a lower limit elevation of 131.38 feet and an upper limit elevation of 161.38 feet;

27.94 feet to the most Easterly corner of said Lot 5, having a lower limit elevation of 131.33 feet and an upper limit elevation of 161.33 feet;

Said elevations described herein are expressed in terms of North American Vertical Datum of 1988 (NAVD 88) as of the date of this instrument and were derived from City of Seattle Benchmark 3658-0301, elevation 132.10 feet. Said point is a brass cap set in a concrete sidewalk in the Southeast quadrant of the intersection of Fairview Avenue North, Fairview Avenue and Denny Way.

Said strip of land contains 240 square feet, more or less.

Situate in the city of Seattle, King County, state of Washington.

(Right-of-Way File Number: T2019-02; a portion of tax parcel number 066000-2190; King County Recording Number 20190619000569)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 9. The Deed for Alley Purposes, dated July 12, 2019, by SEATTLE UNITY CHURCH, a Washington non-profit corporation, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The East 2.00 feet of Lots 7, 8, 9, and 10, Block 87 of D. T. Denny's Park Addition to North Seattle, according to the plat thereof, recorded in Volume 2 of Plats, page 46, records of King County, Washington.

The above-described 2.00 foot strip has upper and lower vertical limits running between the Southeast corner of said Lot 7 and the Northeast corner of said Lot 10. Said vertical limits are 4.00 feet below and 26.00 feet above the existing finished grade surface, respectfully, described as follows:

Beginning at a point on the South line of said Lot 7, said point being 1.00 foot Westerly of said Southeast corner, and having an upper vertical limit elevation of 101.95 feet and a lower vertical limit elevation of 71.95 feet;

Thence Northerly along a line parallel with and 1.00 feet offset Westerly of the East line of said Lots 7, 8, 9, and 10, defining the centerline of said East 2.00 feet, the following twelve distances:

8.28 feet to a point having an upper vertical limit elevation of 101.80 feet and a lower vertical limit elevation of 71.80 feet;

Thence 7.23 feet to a point having an upper vertical limit elevation of 101.68 feet and a lower vertical limit elevation of 71.68 feet;

Thence 9.48 feet to a point having an upper vertical limit elevation of 101.52 feet and a lower vertical limit elevation of 71.52 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 101.09 feet and a lower vertical limit elevation of 71.09 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 100.67 feet and a lower vertical limit elevation of 70.67 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 100.25 feet and a lower vertical limit elevation of 70.25 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 99.80 feet and a lower vertical limit elevation of 69.80 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 99.30 feet and a lower vertical limit elevation of 69.30 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 98.79 feet and a lower vertical limit elevation of 68.79 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 98.24 feet and a lower vertical limit elevation of 68.24 feet;

Thence 25.00 feet to a point having an upper vertical limit elevation of 97.69 feet and a lower vertical limit elevation of 67.69 feet;

Thence 15.26 feet to a point on the North line of said Lot 10, said point being 1.00 foot Westerly of said Northeast corner, and having an upper vertical limit elevation of 97.34 feet and a lower vertical limit elevation of 67.34 feet.

The elevations described herein are expressed in terms of the North American Vertical Datum 1988 (NAVD 88) as of the date of this instrument and are based upon the City of Seattle Benchmark "SNV-5180", elevation 75.506 feet. Said benchmark is a 2-inch brass cap stamped "City of Seattle 5180", located 0.5 feet East of the Northeast corner of a 2.5 foot-high concrete wall for a planter at the intersection of the back of walks at the Southwest corner of the intersection of Dexter Avenue North and Harrison Street.

Strip contains an area of 480.5 square feet.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2019-14; a portion of tax parcel number 199120-1375; King County Recording Number 20190715000524)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 10. The Deed for Alley Purposes, dated August 19, 2019, by UNION RENTAL LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The Westerly 2.00 feet of Lots 3 and 4, Block 9, The Byron Addition to the City of Seattle, according to the plat recorded in Volume 6 of Plats, page 87, in King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2019-18; a portion of tax parcel number 128230-0775; King County Recording Number 20190905000652)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 11. The Deed for Alley Purposes, dated October 9, 2019, by RAINIER BYRON PROPERTIES LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The Southwesterly 2.00 feet of Lots 9 through 12, Block 5, The Byron Addition to the City of Seattle, according to the plat thereof recorded in Volume 6 of Plats, page 87, records of King County, Washington.

Above description contains 240 sq. ft ±.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2019-23; a portion of tax parcel numbers 128230-0345 and 128230-0349; King County Recording Number 20191015000424)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 12. The Deed for Alley Purposes, dated July 29, 2019, by CITY INVESTORS XXIX LLC, a

Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The East 2.00 feet of Lots 7, 8, 9, and 10, Block 81, Plat of D. T. Denny's Park Addition to North Seattle, according to the plat thereof, recorded in Volume 2 of Plats, page 46, records of King County, Washington.

The above described 2.00 foot strip of land has upper and lower limits defined by two inclined planes running between the Southeast corner of said Lot 7 and the Northeast corner of said Lot 10. Said inclined planes are 4.00 feet below and 26.00 feet above the existing finished grade surface, said planes being more particularly described as follows:

Beginning at the Southeast corner of said Lot 7 at an upper elevation of 106.25 feet and a lower elevation of 76.25 feet;

Thence Northerly, along the East line of said Lots 7, 8, 9 and 10 the following distances:

17.00 feet to a point having an upper elevation of 105.85 feet and a lower elevation of 75.85 feet;

25.00 feet to a point having an upper elevation of 105.35 feet and a lower elevation of 75.35 feet;

25.00 feet to a point having an upper elevation of 104.45 feet and a lower elevation of 74.45 feet;

25.00 feet to a point having an upper elevation of 103.85 feet and a lower elevation of 73.85 feet;

25.00 feet to a point having an upper elevation of 103.40 feet and a lower elevation of 73.40 feet;

25.00 feet to a point having an upper elevation of 102.45 feet and a lower elevation of 72.45 feet;

25.00 feet to a point having an upper elevation of 101.90 feet and a lower elevation of 71.90 feet;

25.00 feet to a point having an upper elevation of 100.90 feet and a lower elevation of 70.90 feet;

25.00 feet to a point having an upper elevation of 100.10 feet and a lower elevation of 70.10 feet;

22.88 feet to the Northeast corner of said Lot 10 and the terminus of the herein described strip of

land, said point having an upper elevation of 99.30 feet and a lower elevation of 69.30 feet.

Said elevations described herein are expressed in terms of North American Vertical Datum 1988 (NAVD 88) as of the date of this instrument and are based upon City of Seattle Benchmark 3658-0102, said benchmark having an elevation of 54.26 feet.

Said benchmark is a 2.00 inch brass cap located at the Northwest corner of the intersection of Westlake Avenue North and Thomas Street.

Strip contains an area of 480 square feet, more or less.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2019-31; a portion of tax parcel numbers 199120-1210, 199120-1215, and 199120-1225; King County Recording Number 20190806000346)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 13. The Deed for Alley Purposes, dated July 11, 2019, by JABOODA PROPERTIES 3 LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The West 1.00 foot of the following described property:

Lots 16, 17, 18, 19, and 20, Block 10, Claremont Addition to the City of Seattle, according to the plat thereof, recorded in Volume 10 of Plats, page 68, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Numbers: T2019-34 through 36; a portion of tax parcel numbers 160460-1615, 160460-1620, 160460-1625, and 160460-1630; King County Recording Number 20190711000724)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 14. The Deed for Alley Purposes, dated July 16, 2019, by MIA-LINDSEY BUILDERS LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The East 3.0 feet of Lot 22, Block 5, University Heights, according to the plat thereof recorded

in Volume 9 of Plats, page 41, records of King County, Washington.

Situated in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2019-37; a portion of tax parcel number 881640-0815; King County Recording Number 20190723000708)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 15. The Deed for Alley Purposes, dated August 15, 2019, by CBG 1132, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

1 foot alley dedication:

The East 1.00 foot of Lots 3 and 4, Block 10, Randell's 2nd Addition to the City of Seattle, according to the plat thereof recorded in Volume 4 of Plats, page 89, records of King County, Washington.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2019-43; a portion of tax parcel number 715220-0015; King County Recording Number 20190821000094)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 16. The Deed for Street Purposes, dated September 25, 2019, by GREENSTREAM INVESTMENTS, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

That portion of Lot 28, Block 4, Seaboard Addition to the City of Seattle, according to the plat thereof, recorded in Volume 14 of Plats, page 43, records of King County, Washington, being more particularly described as follows:

Beginning at the N. W. corner of said Lot 28;

Thence S 88° 12' 08" E along the North line of said lot for a distance of 40.00 ft.;

Thence S 01° 57' 33" W, 6.00 ft.;

Thence N 88° 12' 08" W, 40.00 ft.;

Thence N 01° 57' 33" E, 6.00 ft.to the Point of Beginning.

Situate in the city of Seattle, King County, Washington.

(Right-of-Way File Number: T2019-44; a portion of tax parcel number 762870-0520; King County Recording Number 20190926001711)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 17. The Deed for Street Purposes, dated October 7, 2019, by FILIPINO COMMUNITY OF SEATTLE, a Washington non-profit corporation, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

The East 5.00 feet of Lots 16 through 25, Holtfreter's Addition to the City of Seattle, according to the plat thereof recorded in Volume 22 of Plats, page(s) 37, in King County, Washington.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2019-50; a portion of tax parcel number 342660-0080, 342660-0090, 342660-0100, 342660-0106, 342660-0115, 342660-0120, and 342660-0125; King County Recording Number 20191018000618)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 18. The Deed for Alley Purposes, dated October 7, 2019, by FILIPINO COMMUNITY OF SEATTLE, a Washington non-profit corporation, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The West 2.00 feet of Lots 16 through 25, together with the North 2.00 feet of said Lot 25, Holtfreter's Addition to the City of Seattle, according to the plat thereof recorded in Volume 22 of Plats, page(s) 37, in King County, Washington, lying adjacent to and parallel with the public alley right of way.

Except the East 5.00 feet of said Lot 25.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2019-51; a portion of tax parcel numbers 342660-0080, 342660-0090, 342660-0100, 342660-0106, 342660-0115, 342660-0120, and 342660-0125; King County Recording Number 20191018000630)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 19. The Deed for Alley Purposes, dated October 11, 2019, by WILLOW INVESTMENT, LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for alley purposes the following described real property in Seattle, King County, Washington:

The West 2.00 feet of the following described property:

Lots 1, 2, 3, and 4, Block 15, Hillman City Addition to the City of Seattle, Division No. 6, according to the plat recorded in Volume 11 of Plats, page 23, in the county of King, state of Washington,

Except thereof, the West 16 feet of said lots,

And also except thereof, the North 7.5 feet of said Lot 1 condemned for street purposes by King County Superior Court Cause No. 161151, as provided in Ordinance 46044.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Numbers: T2019-52 through 54; a portion of tax parcel number 333300-2820; King County Recording Number 20191017000417)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 20. The Deed for Street Purposes, dated January 31, 2020, by MONEY POT LLC, a Washington limited liability company, that conveys and warrants to The City of Seattle, a municipal corporation of the state of Washington, for street purposes the following described real property in Seattle, King County, Washington:

The North 5.00 feet of Lot 1, Block 6, Sunnyside Addition to the City of Seattle, as per plat recorded in Volume 4 of Plats, page 52, records of King County, Washington;

Except that portion condemned in King County Superior Court Cause No. 76454 for street and accepted by Ordinance No. 21630 of the City of Seattle,

And except that portion conveyed to the City of Seattle for street by deed recorded under Auditor's File No. 3242444 and accepted by Ordinance No. 72042 of The City of Seattle.

Situate in the city of Seattle, county of King, state of Washington.

(Right-of-Way File Number: T2019-72; a portion of tax parcel number 811110-0130; King County Recording Number 20200225000699)

is hereby accepted, laid off, opened, widened, extended, and established upon the land described in this section.

Section 21. The real properties conveyed by the deeds described above are placed under the jurisdiction of the Seattle Department of Transportation.

Section 22. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 23. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Department of Transportation	Gretchen M. Haydel/206 233-5140	Christie Parker/206 684-5211

** 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 accepting various deeds for street or alley purposes; laying off, opening, widening, extending, and establishing portions of rights of way; placing the real property conveyed by said deeds under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: the alley in Block 9, University Heights; Northeast 75th Street abutting Block 7, Manor's University Addition to the City of Seattle; the alley in a portion of the Northwest quarter of the Southeast quarter of Section 4, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington; the alley in Parcel A and Parcel B, City of Seattle Lot Boundary Adjustment Number 9804296, as recorded under King County Recording Number 19990629900016; the alley in Block 2, Shelton's Addition to the City of Seattle; 11th Avenue Northeast abutting Block 2, Shelton's Addition to the City of Seattle; South Juneau Street abutting Parcels A, B, C, D, E, and F, City of Seattle Short Subdivision Number 9804566, as recorded under King County Recording Number 20000329900010, and Parcel H, City of Seattle Short Subdivision Number 9804571, as recorded under King County Recording Number 199812089007; the alley in Block 78, Denny & Hoyt's Supplemental Plat; the alley in Block 52, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, (deceased) (Commonly known as Heirs of Sarah A. Bell's 2nd Addition to the City of Seattle); the alley in Block 87, D. T. Denny's Park Addition to North Seattle; the alley in Block 9, The Byron Addition to the City of Seattle; the alley in Block 5, The Byron Addition to the City of Seattle; the alley in Block 81, Plat of D. T. Denny's Park Addition to North Seattle; the alley in Block 10, Claremont Addition to the City of Seattle; the alley in Block 5, University Heights; the alley in Block 10, Randell's 2nd Addition to the City of Seattle; Southwest Charlestown Street abutting Block 4, Seaboard Addition to the City of Seattle; 37th Avenue South abutting Lots 16 through 25, Holtfreter's Addition to the City of Seattle; the alley in Lots 16 through 25, Holtfreter's Addition to the City of Seattle; the alley in Block 15, Hillman City Addition to the City of Seattle, Division No. 6; and South Grand Street abutting Block 6, Sunnyside Addition to the City of Seattle.)

Summary and background of the Legislation:

This Council Bill accepts 20 deeds for street or alley purposes, places them under the jurisdiction of the Seattle Department of Transportation, and ratifies and confirms certain prior acts. The deeds are for property transferred to the City for street or alley purposes as a result of conditions imposed on private development projects.

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 costs associated with implementing this ordinance, for example, maintaining the newly-acquired rights-of-way, have been anticipated in the 2020 budget.

Is there financial cost or other impacts of *not* implementing the legislation?

None.

4. OTHER IMPLICATIONS

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

Yes. The Department of Construction and Inspections evaluates the building development projects and determines the conditions that must be met pursuant to the City's Land Use Code and the Seattle Right of Way Manual with respect to the dedication of these deeds to the City.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

Yes.

f. 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?

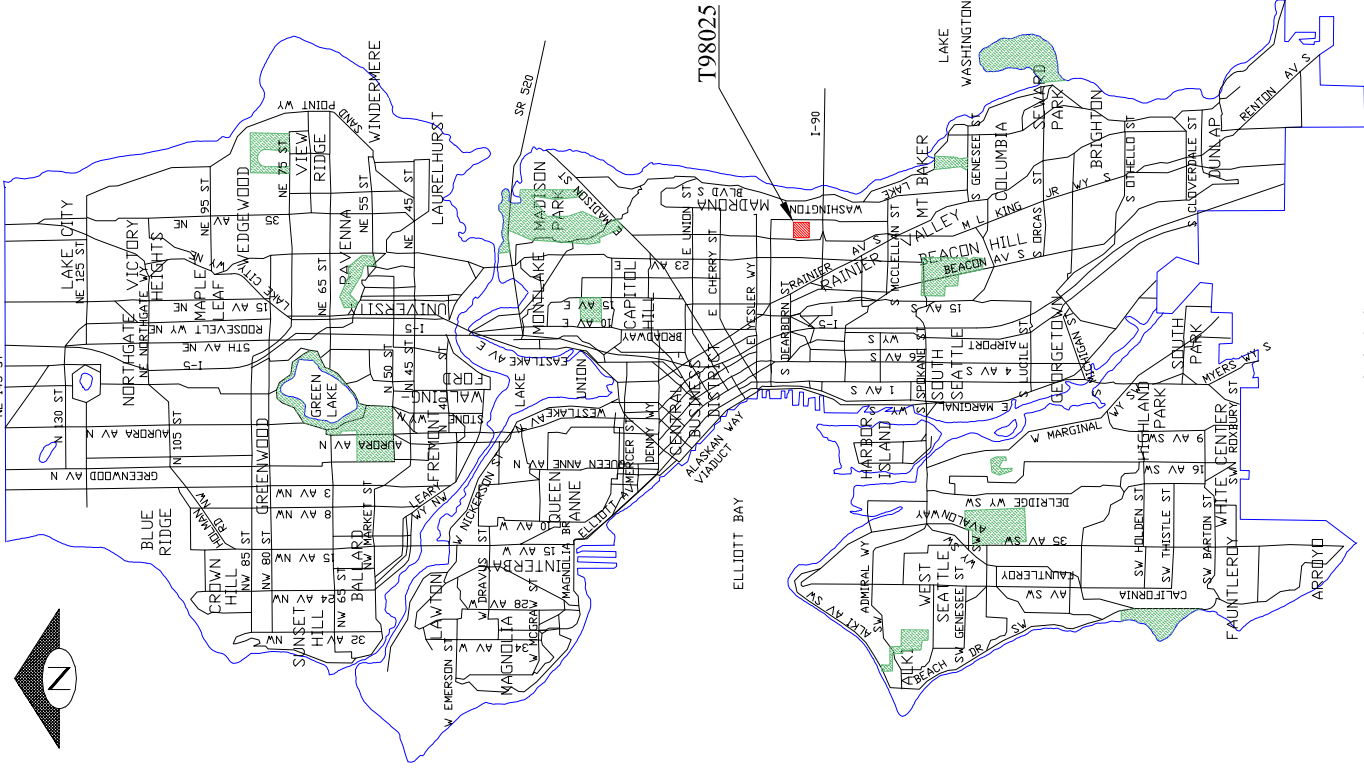
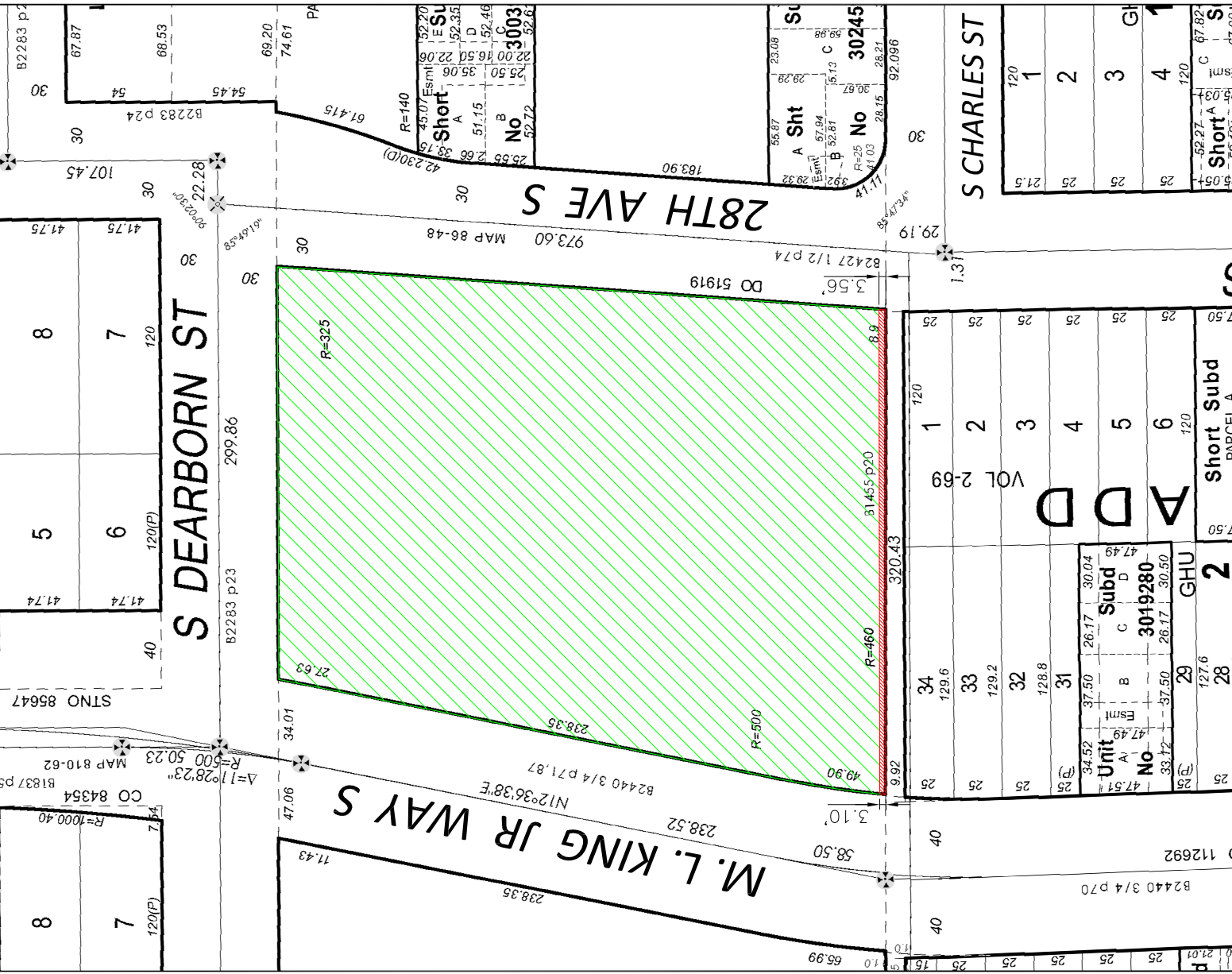
There are no known impacts to vulnerable or historically disadvantaged communities and a Language Access Plan is not required to be implemented to accept dedicated property.

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).

This legislation does not include a new initiative or a major programmatic expansion.

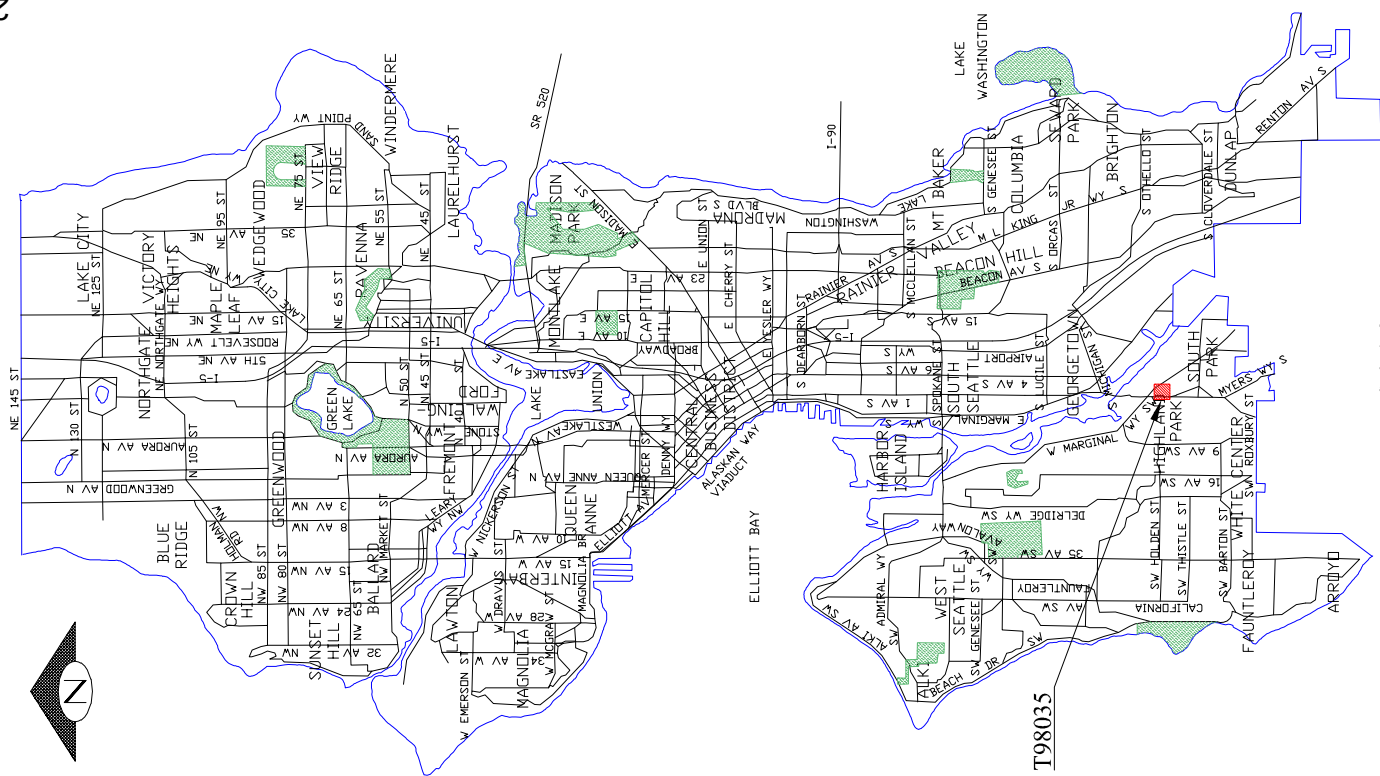
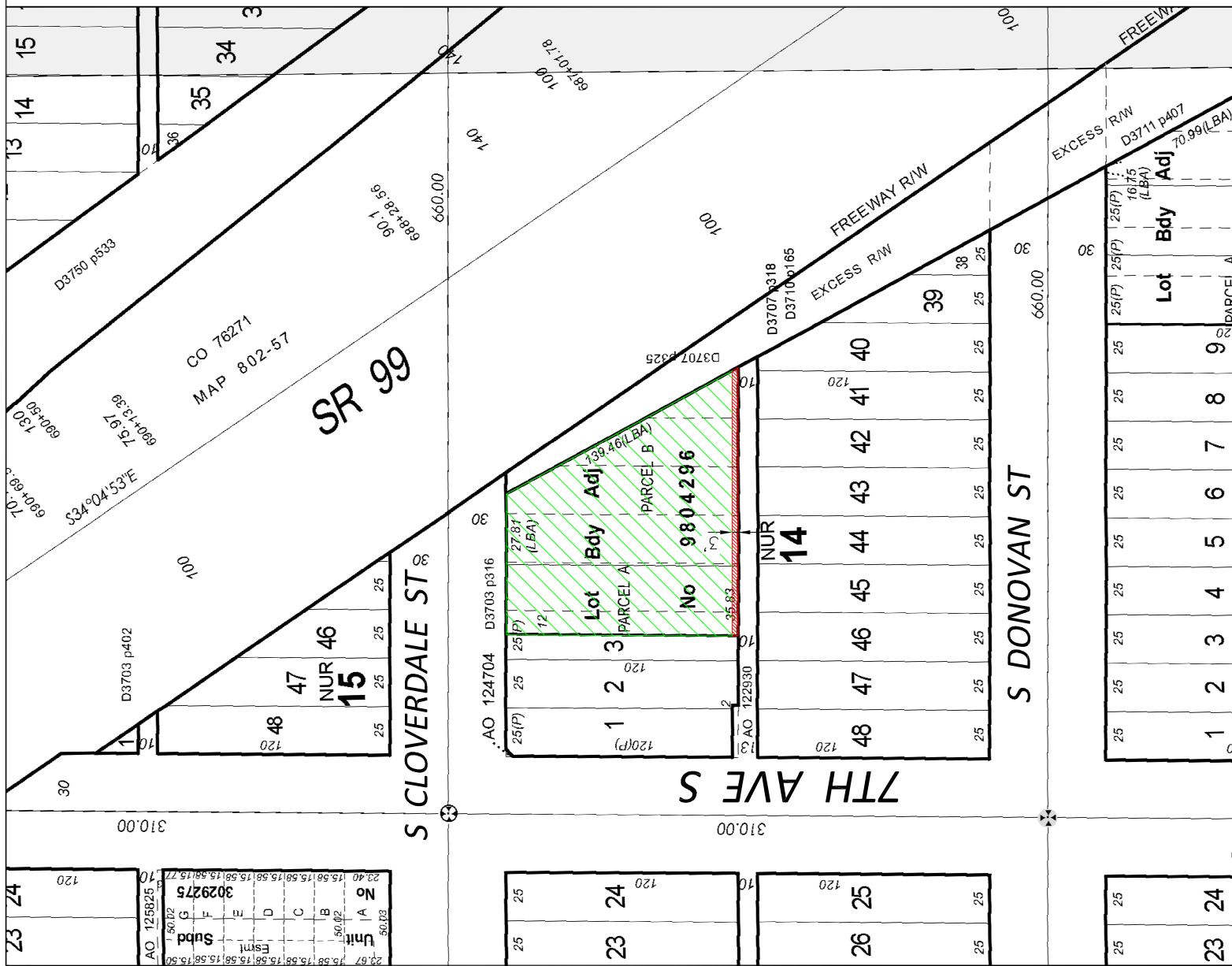
List attachments/exhibits below:

Summary Attachments 1-20 – Maps of properties being conveyed to The City of Seattle for street and alley purposes.



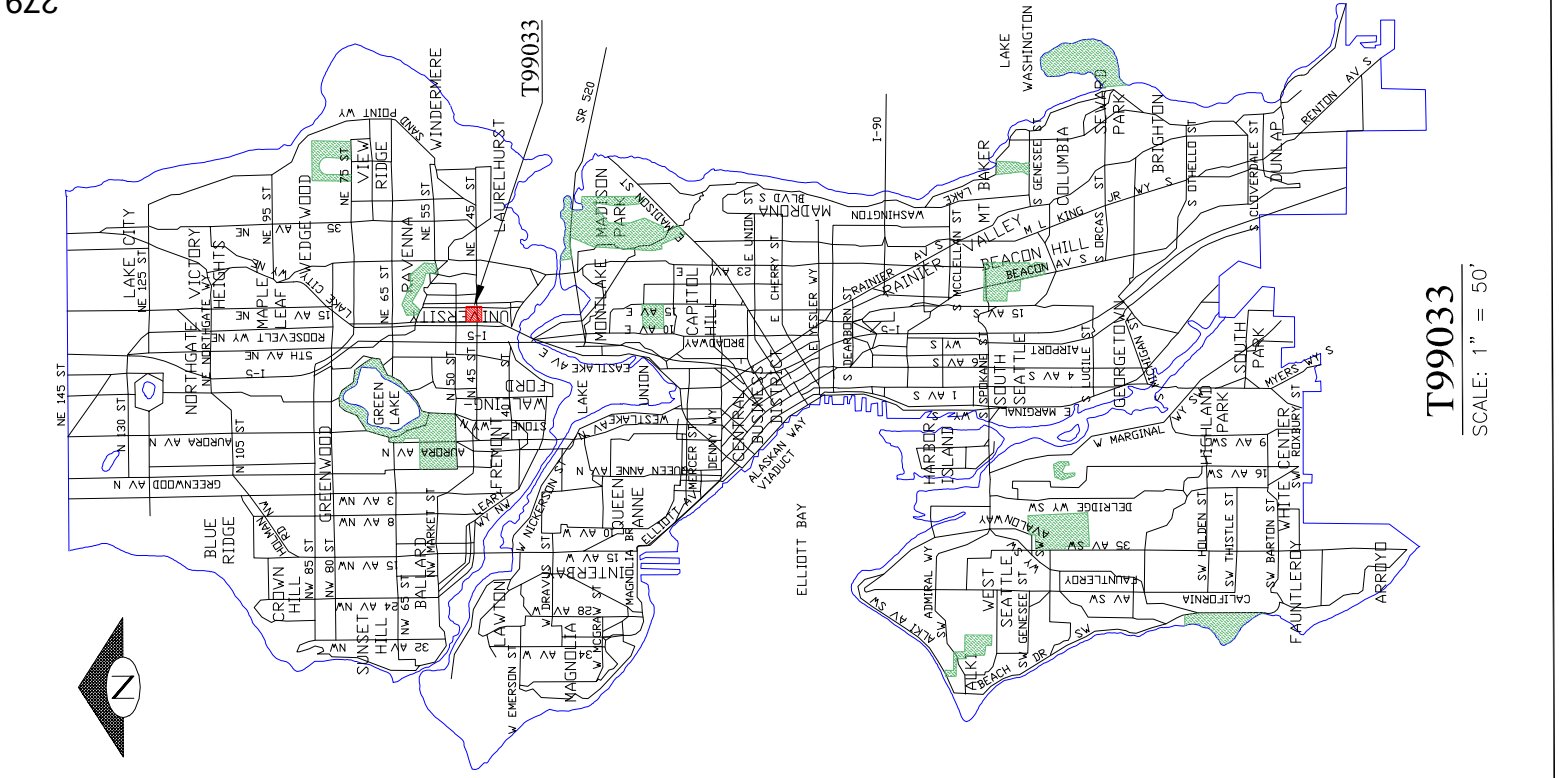
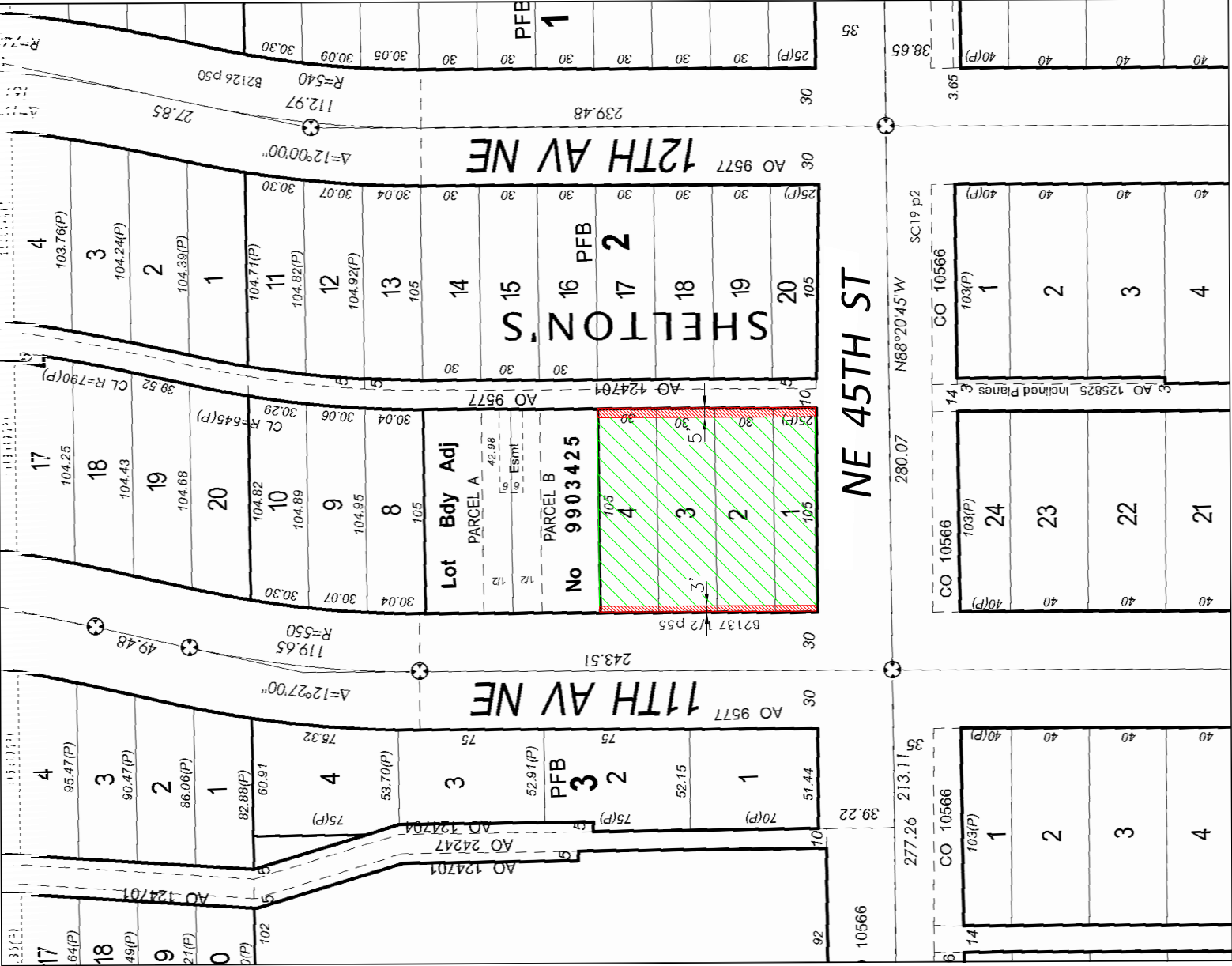
T98025

SCALE: 1" = 50'



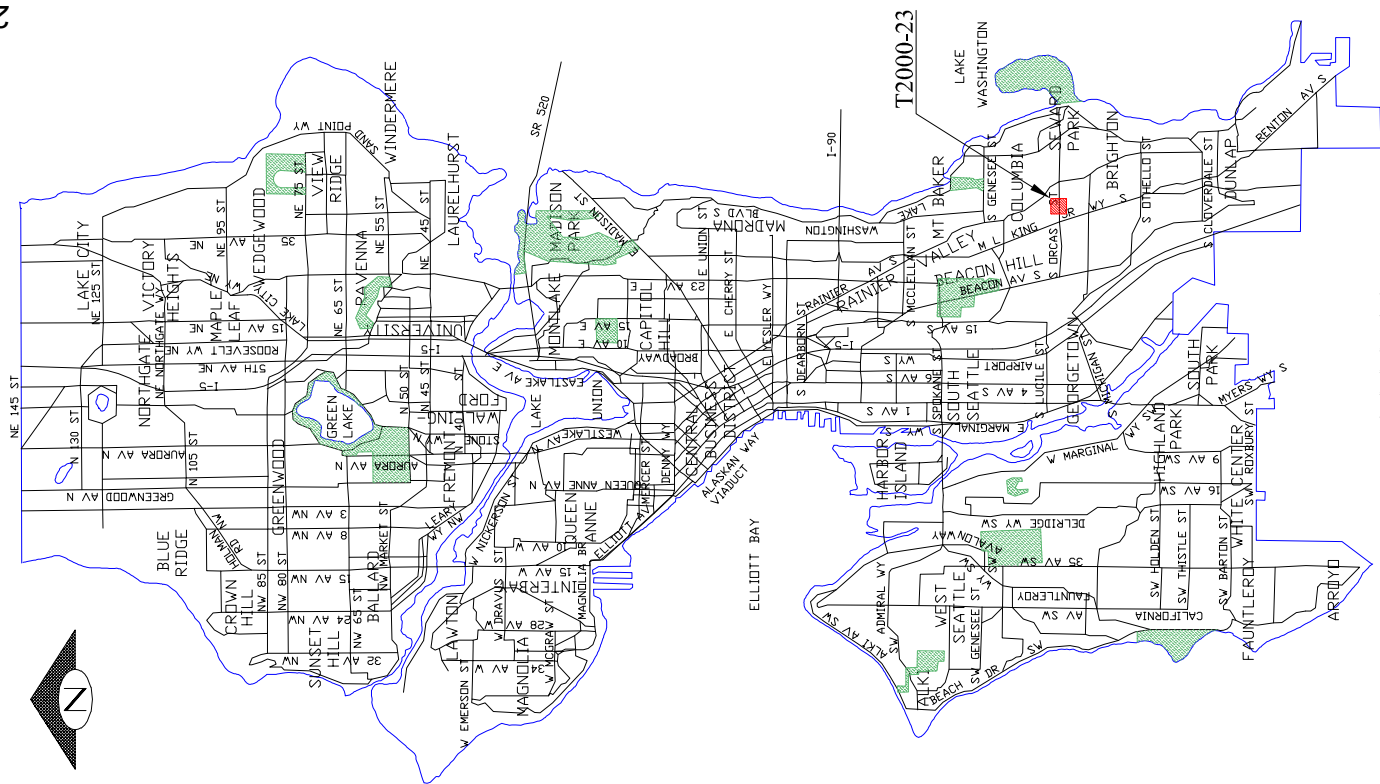
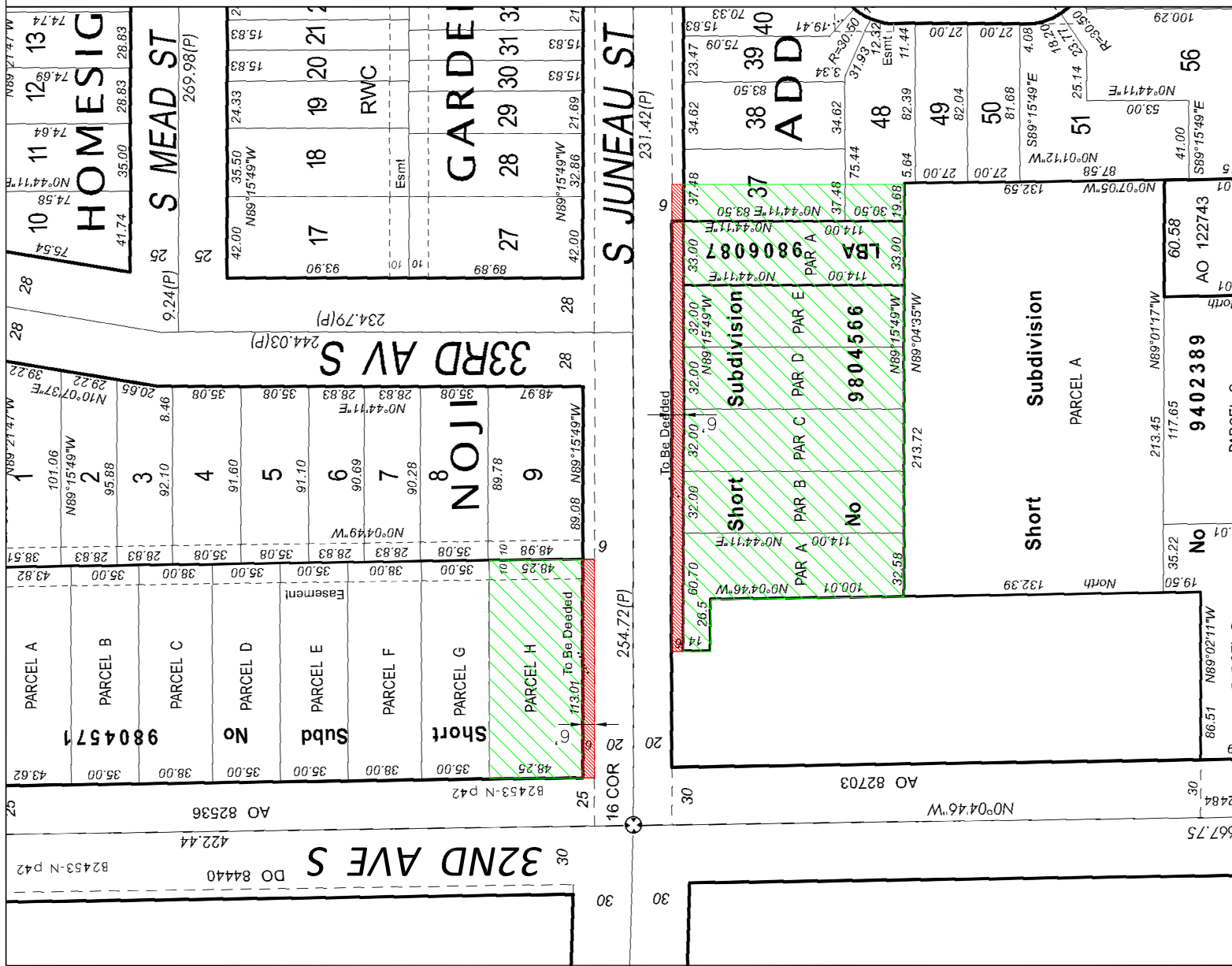
T98035

SCALE: 1" = 50'



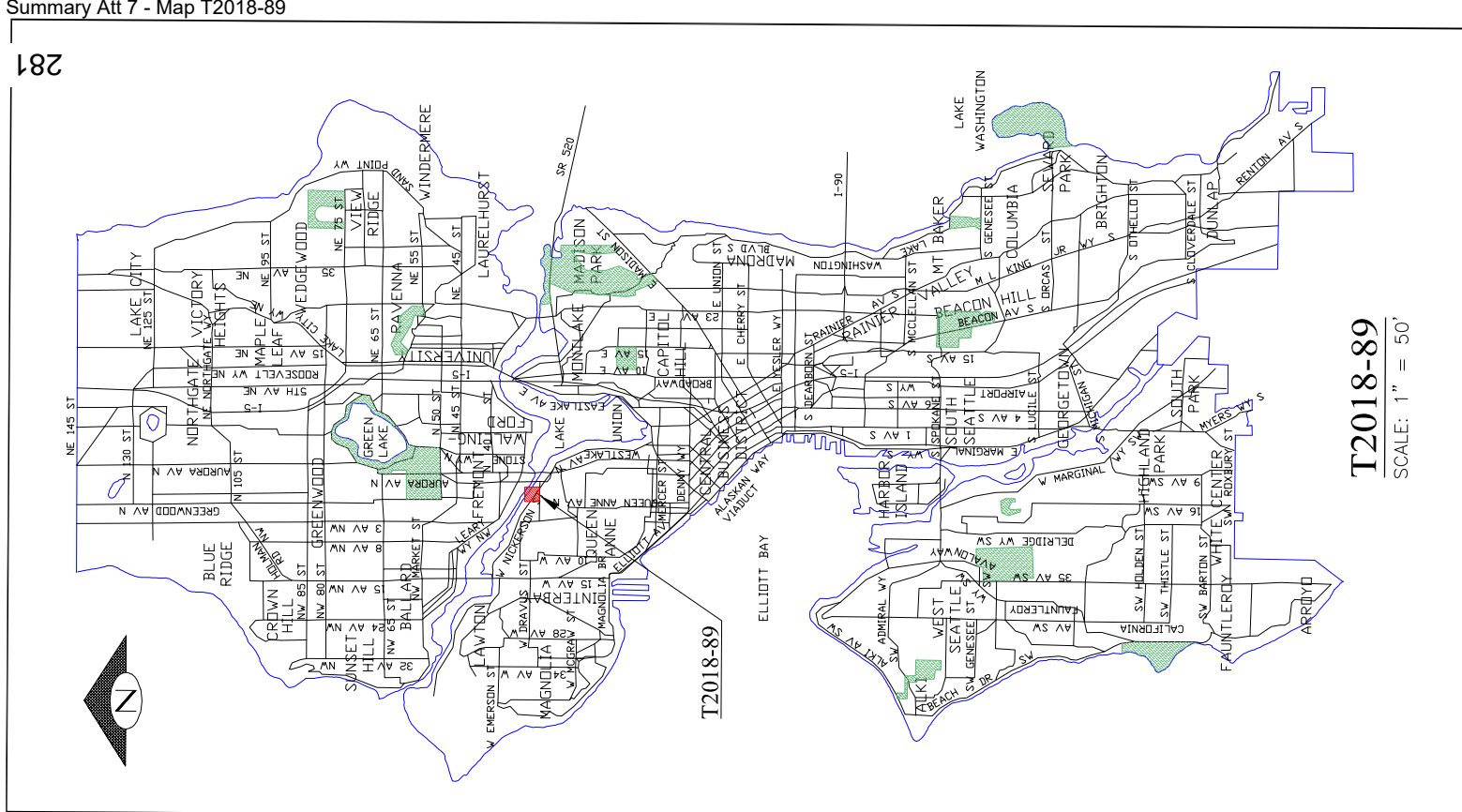
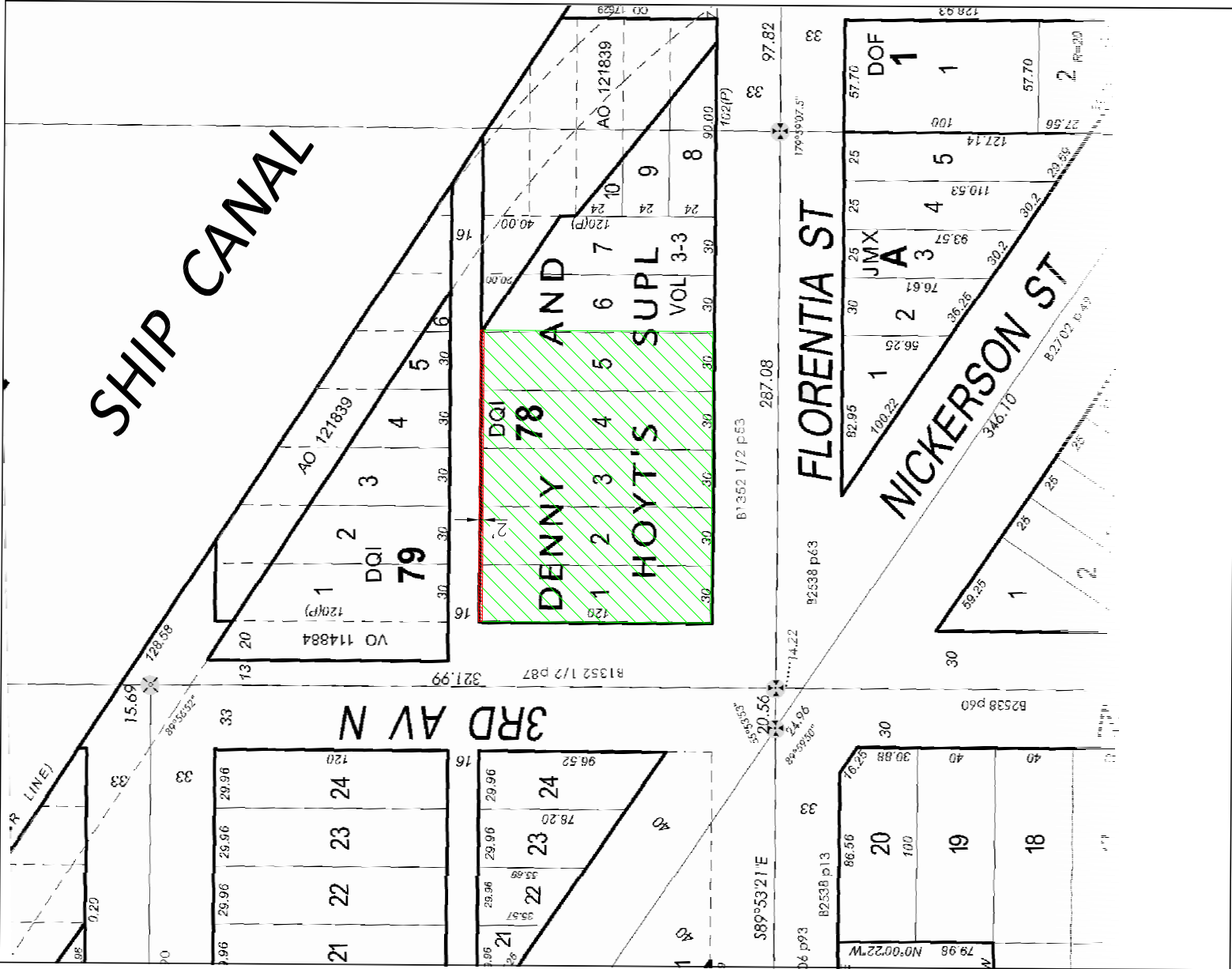
T99033

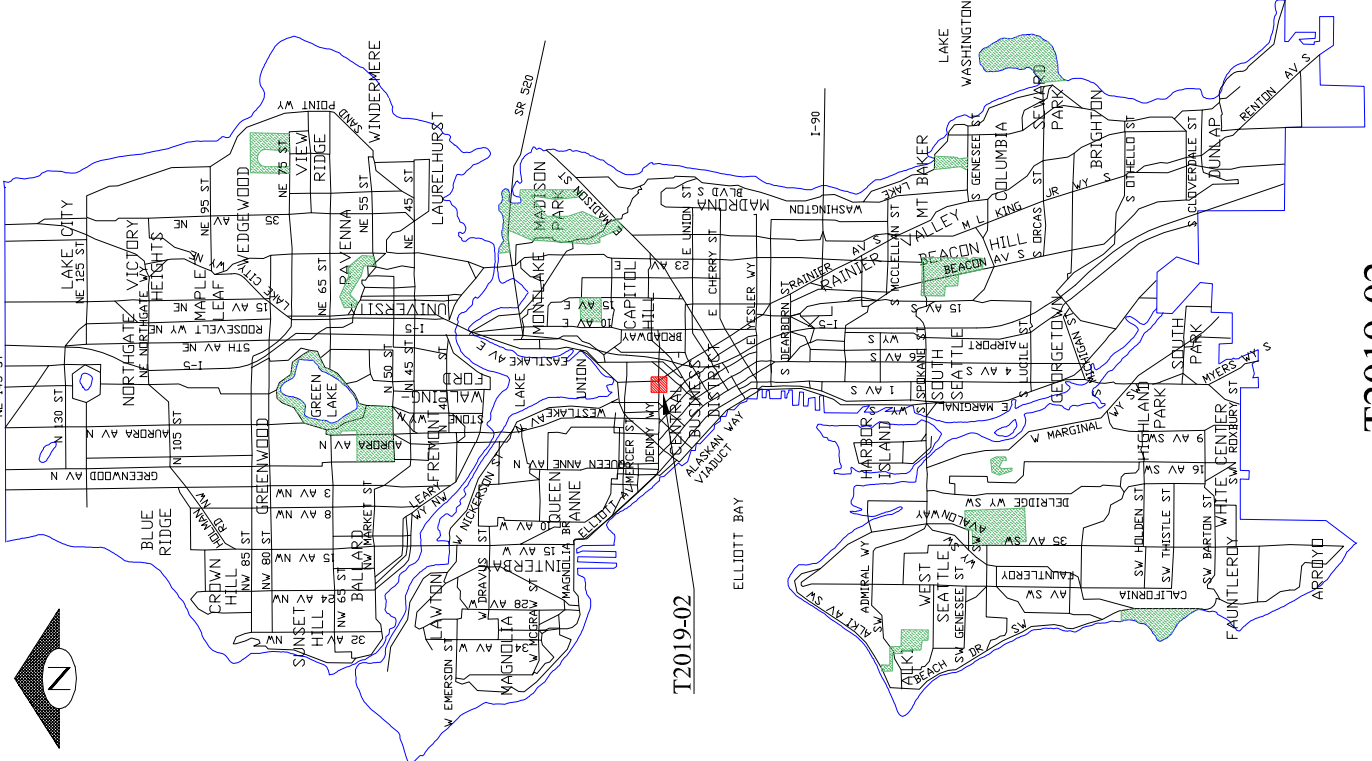
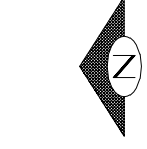
SCALE: 1" = 50'



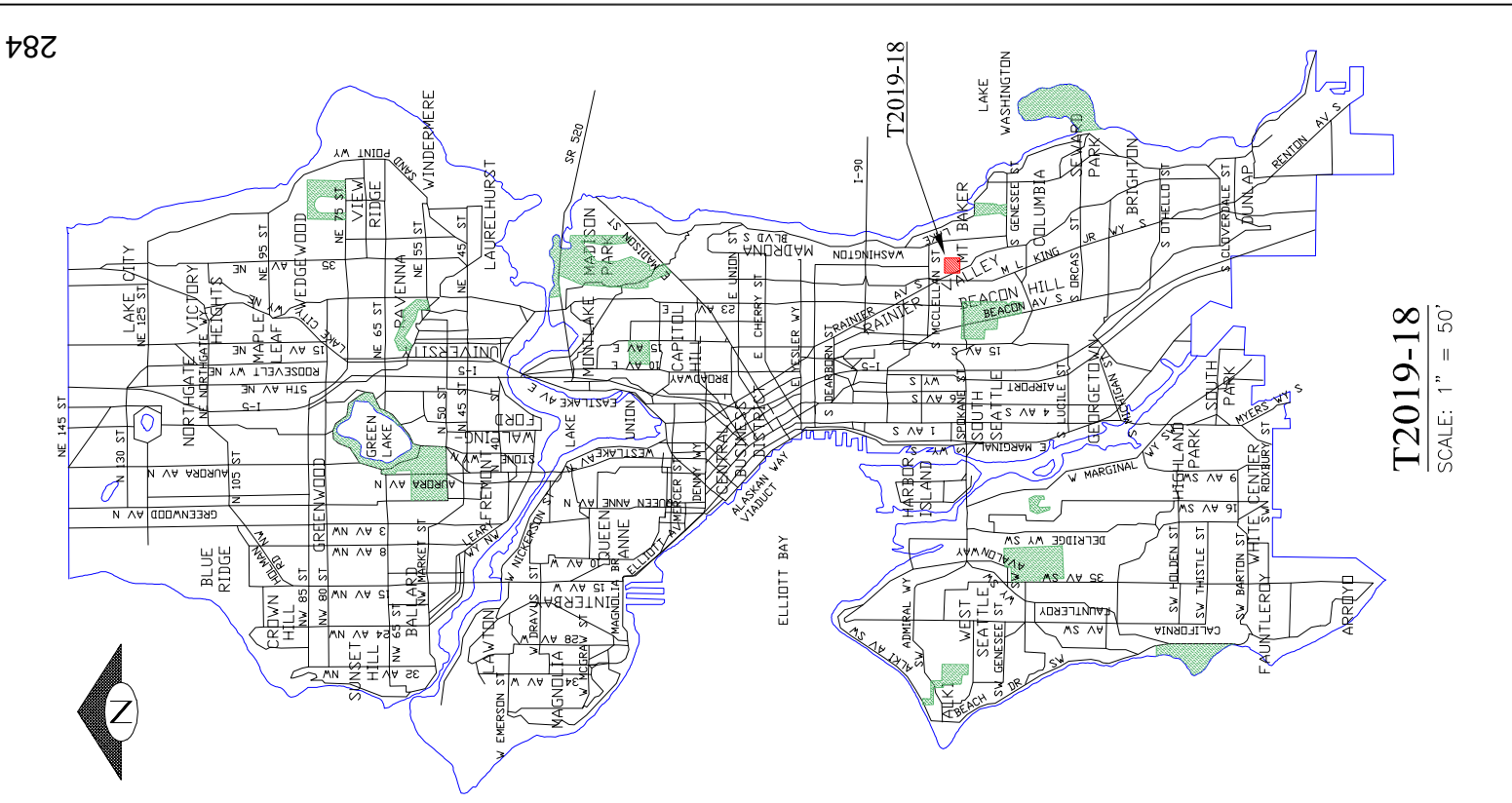
T2000-23

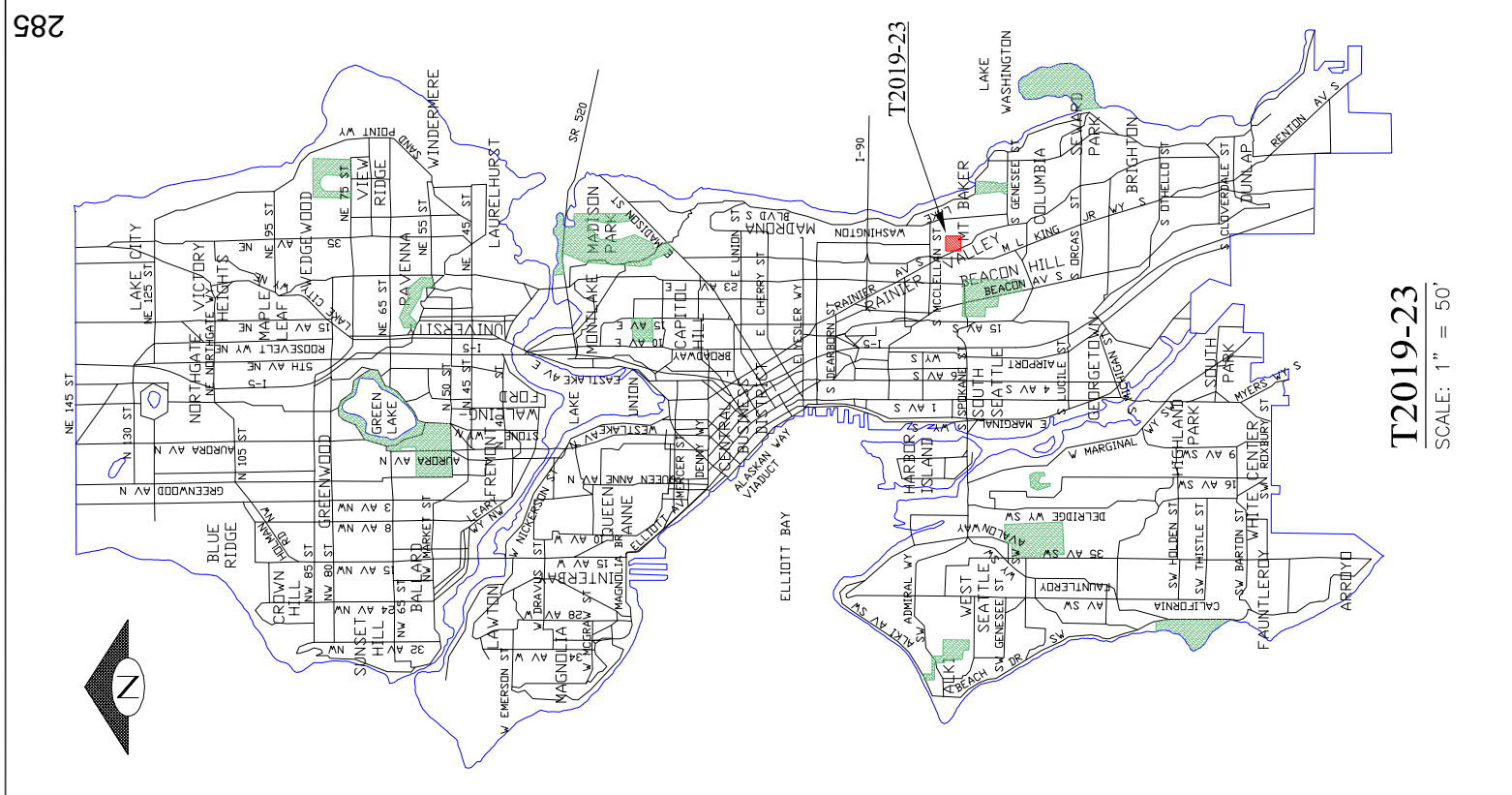
SCALE: 1" = 50'

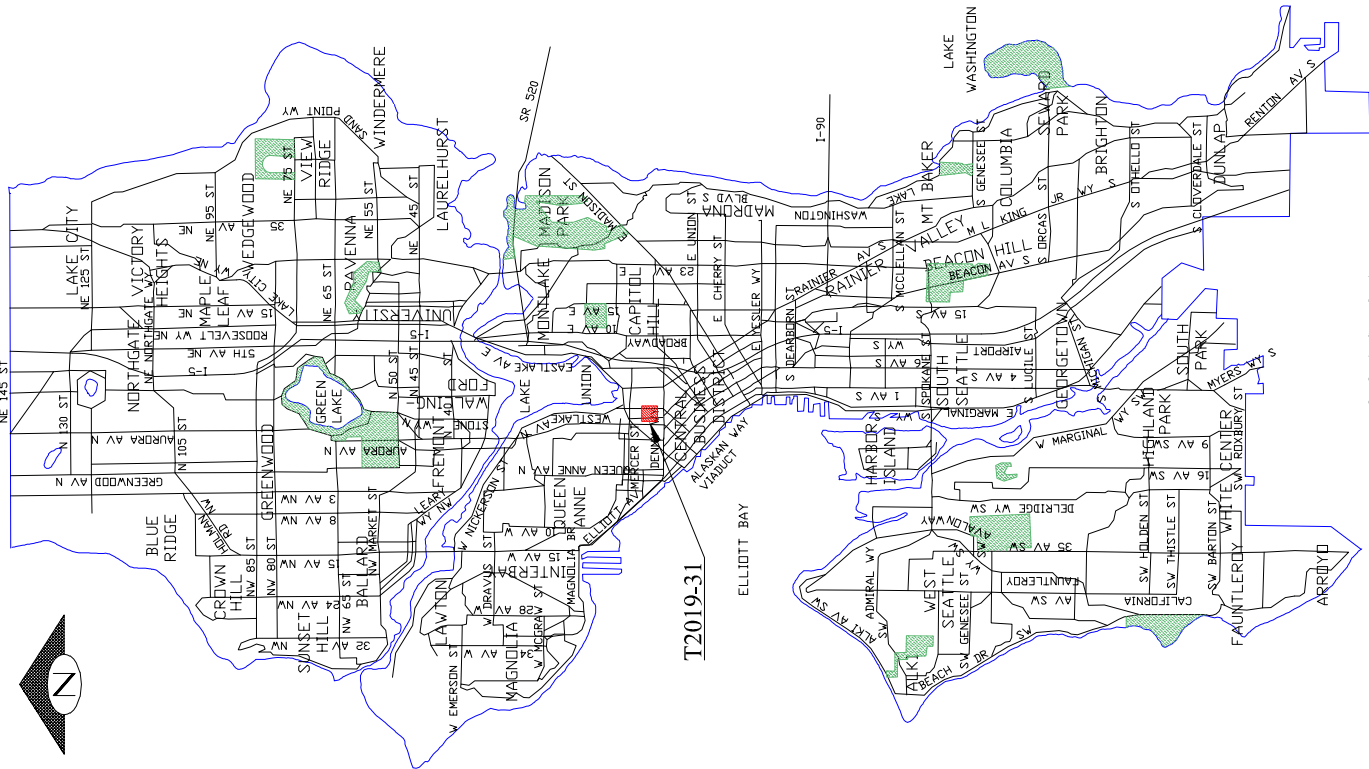
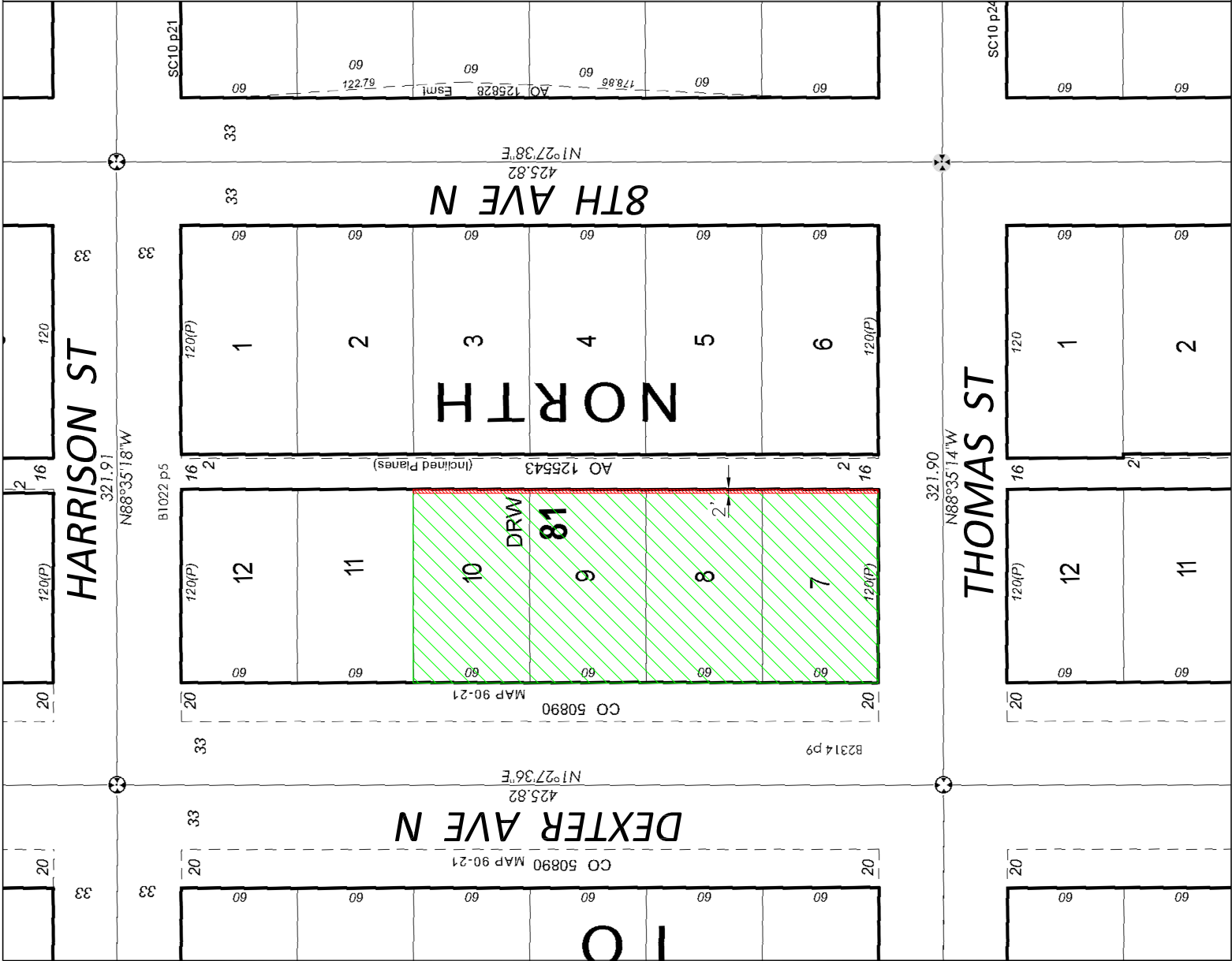




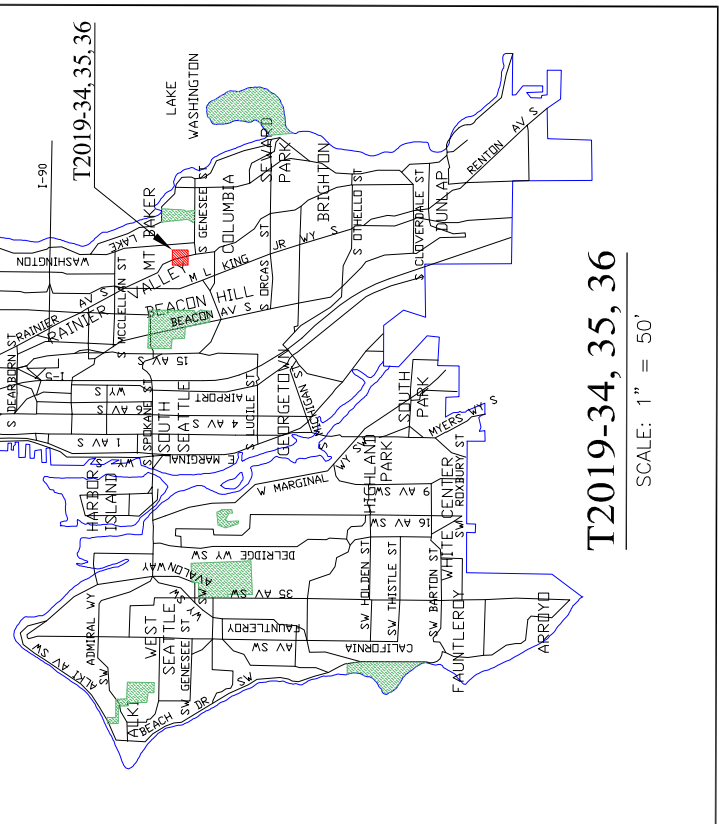
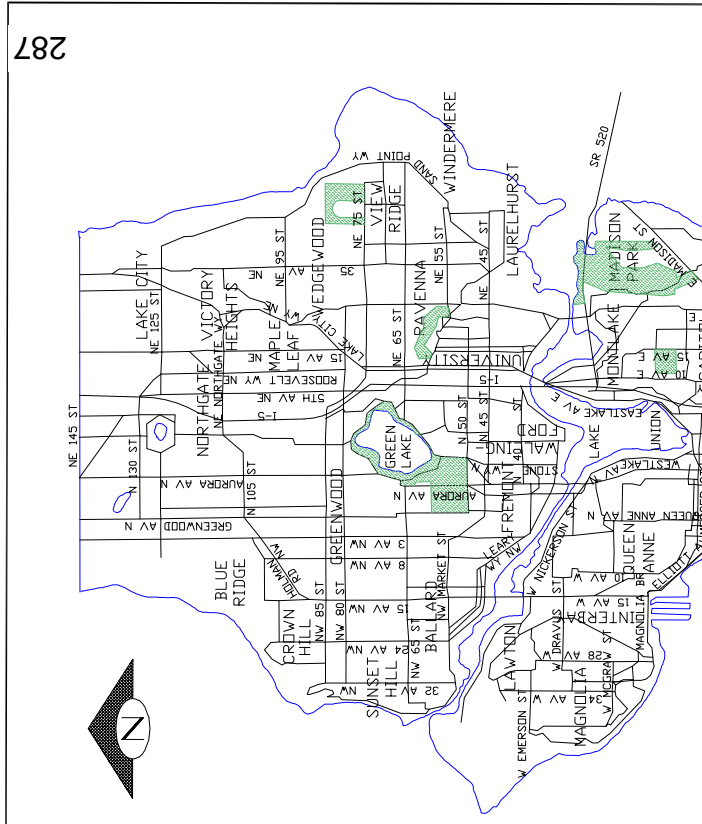
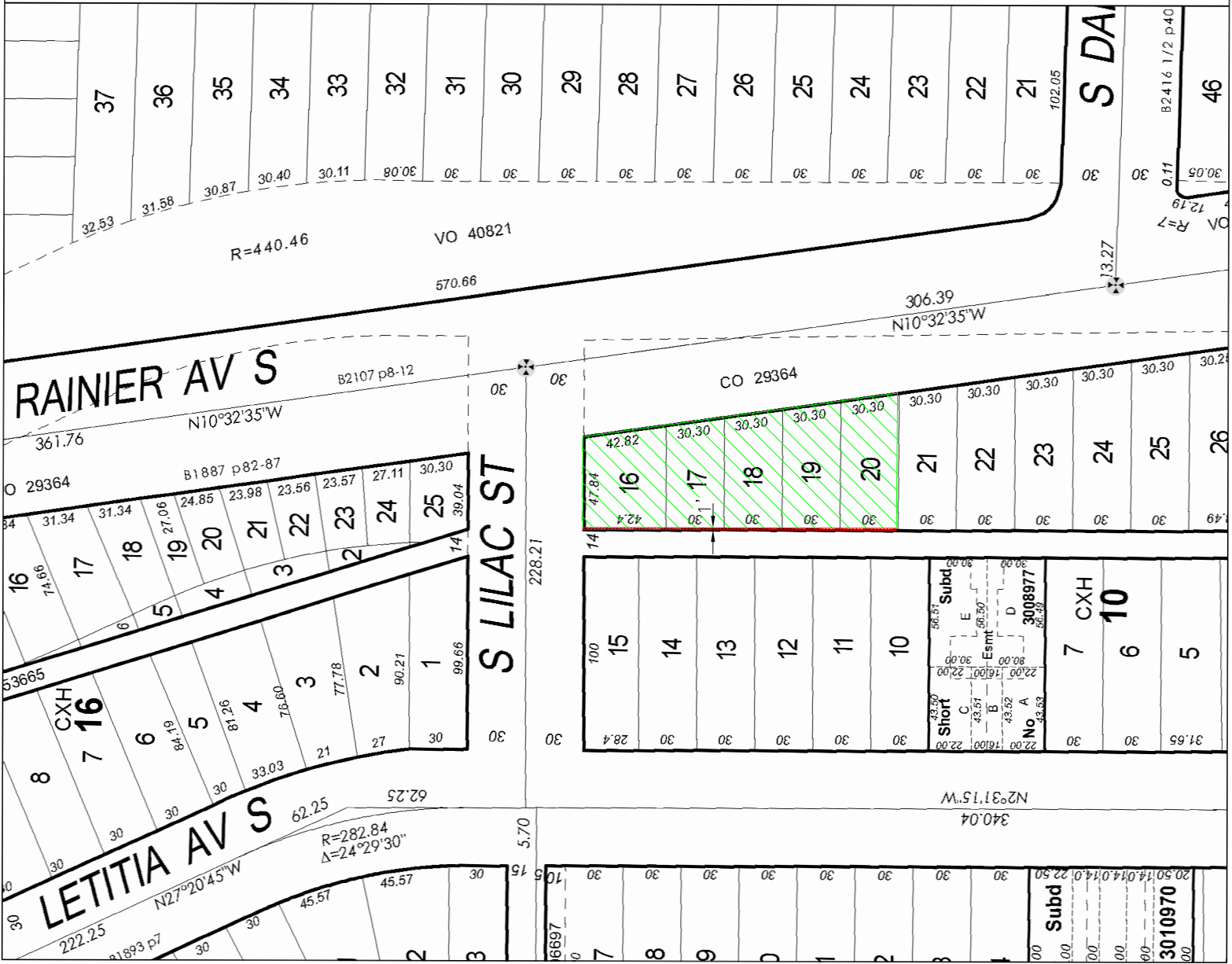
T2019-02
SCALE: 1" = 50'



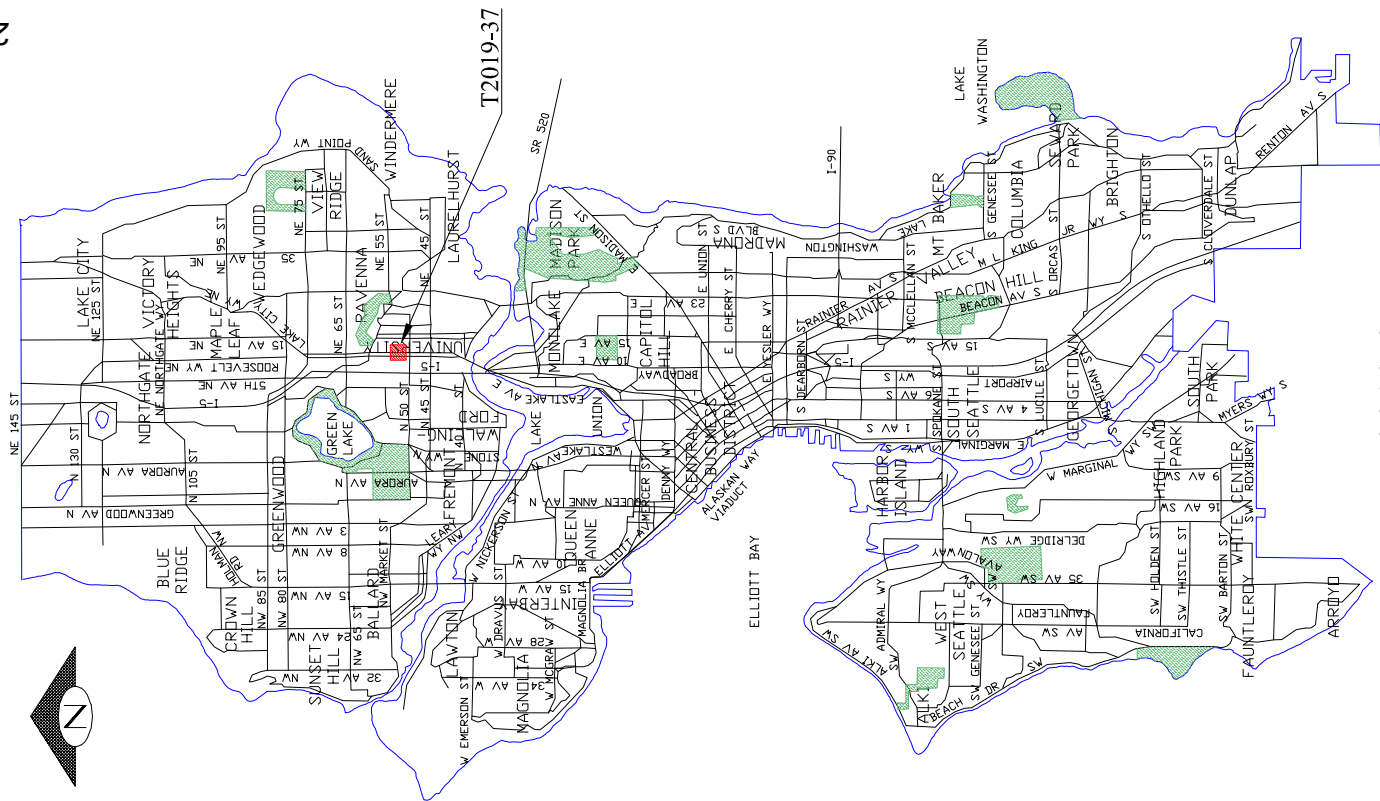




T2019-31
SCALE: 1" = 50'

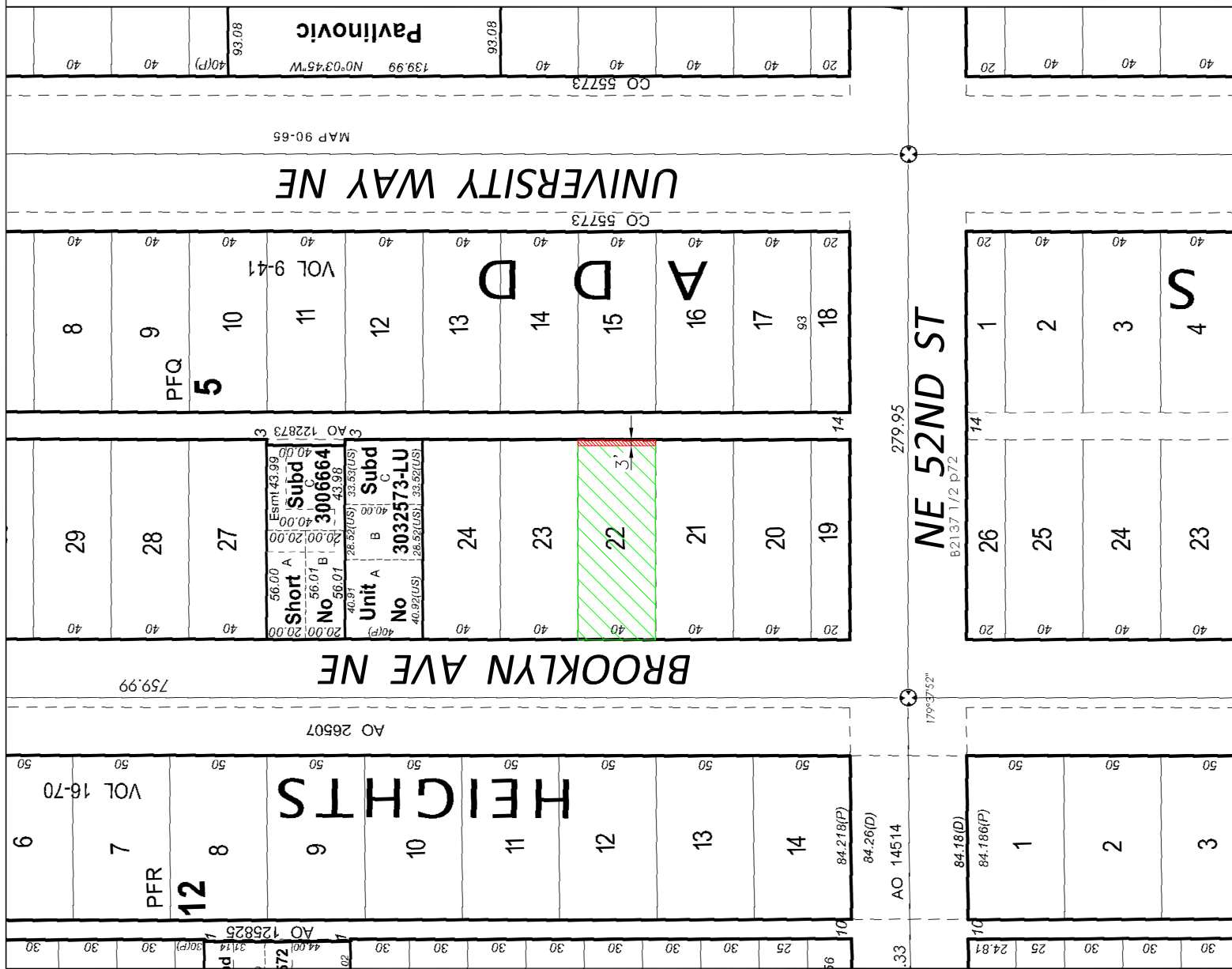


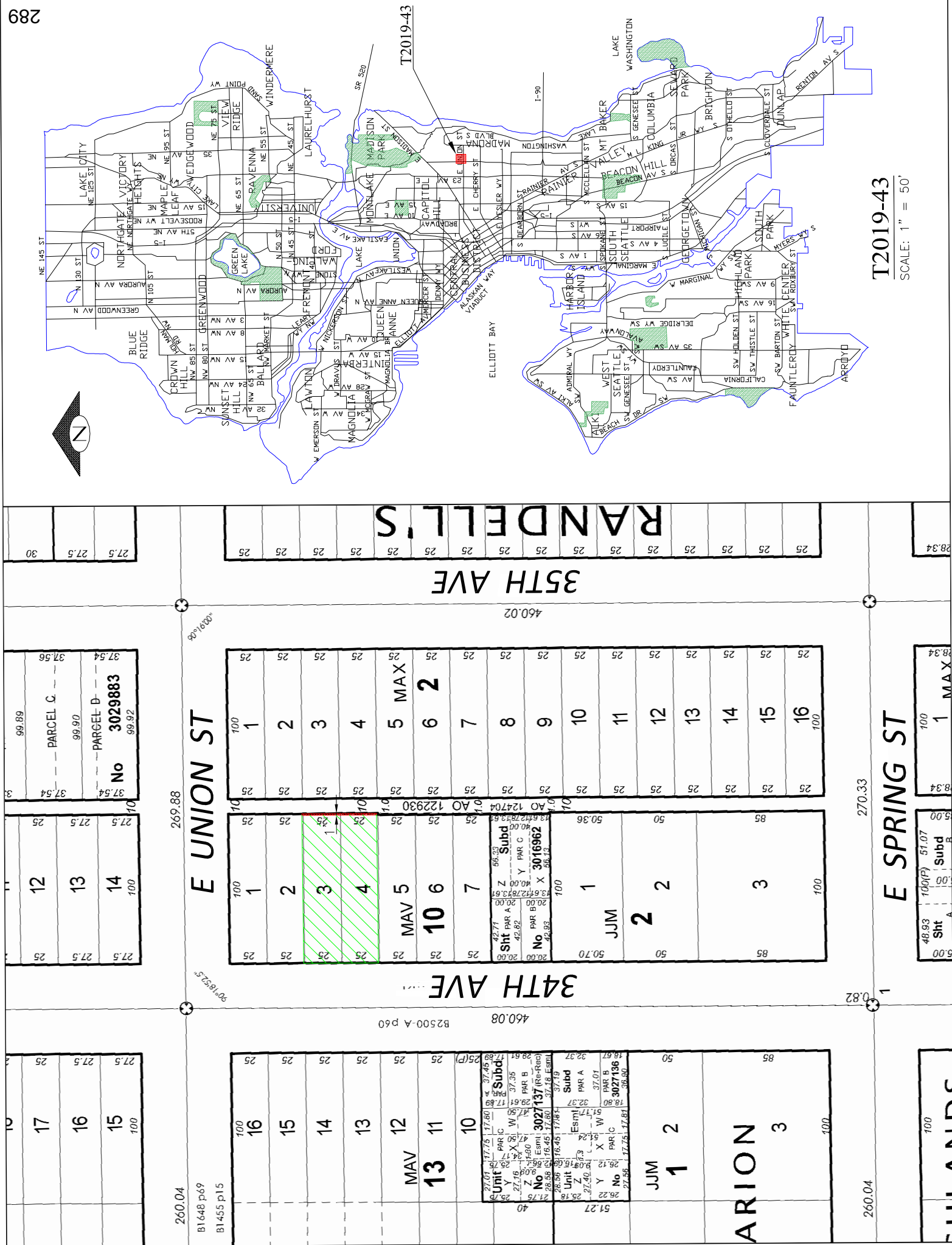
T2019-34, 35, 36
SCALE: 1" = 50'

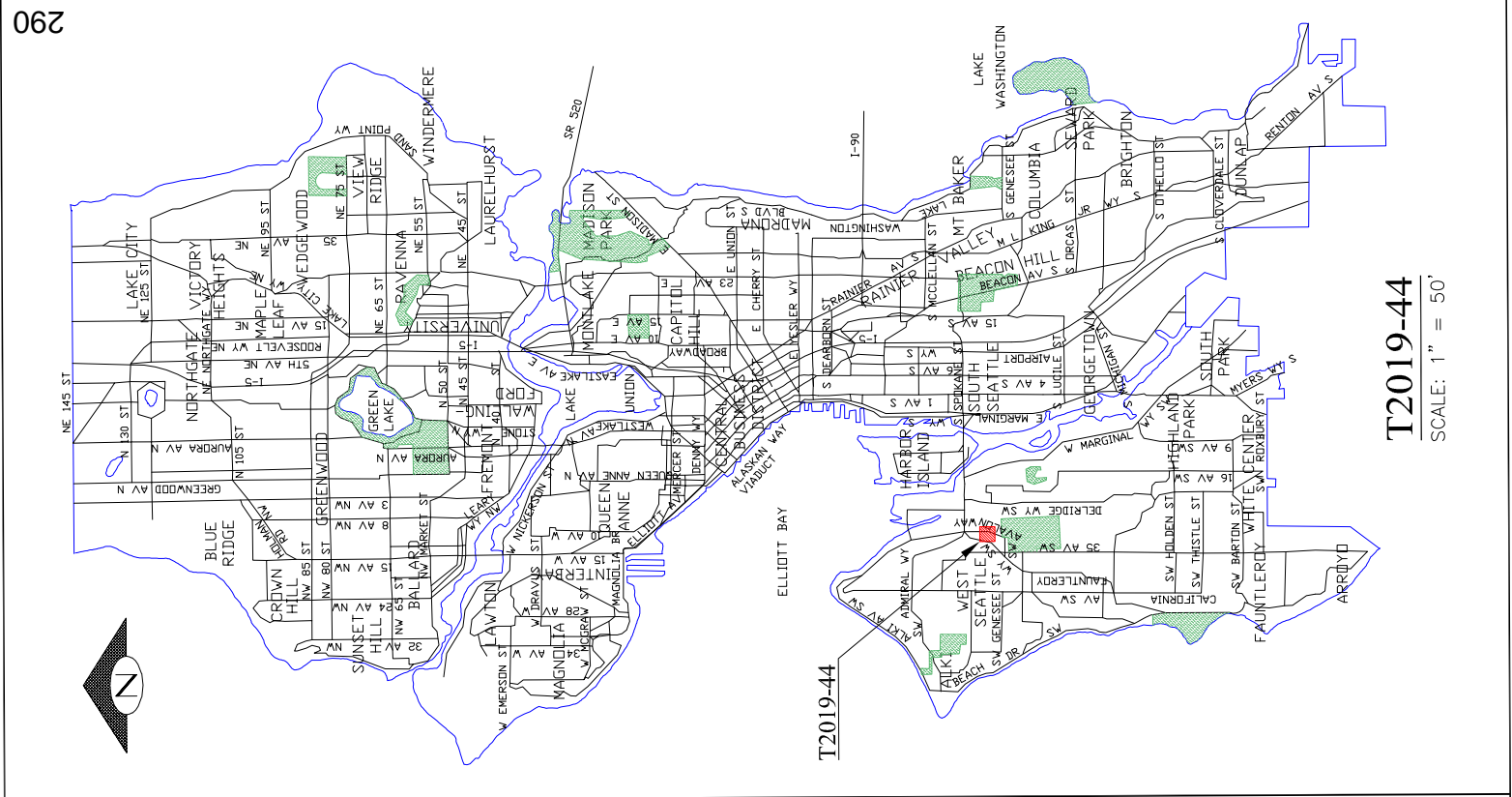
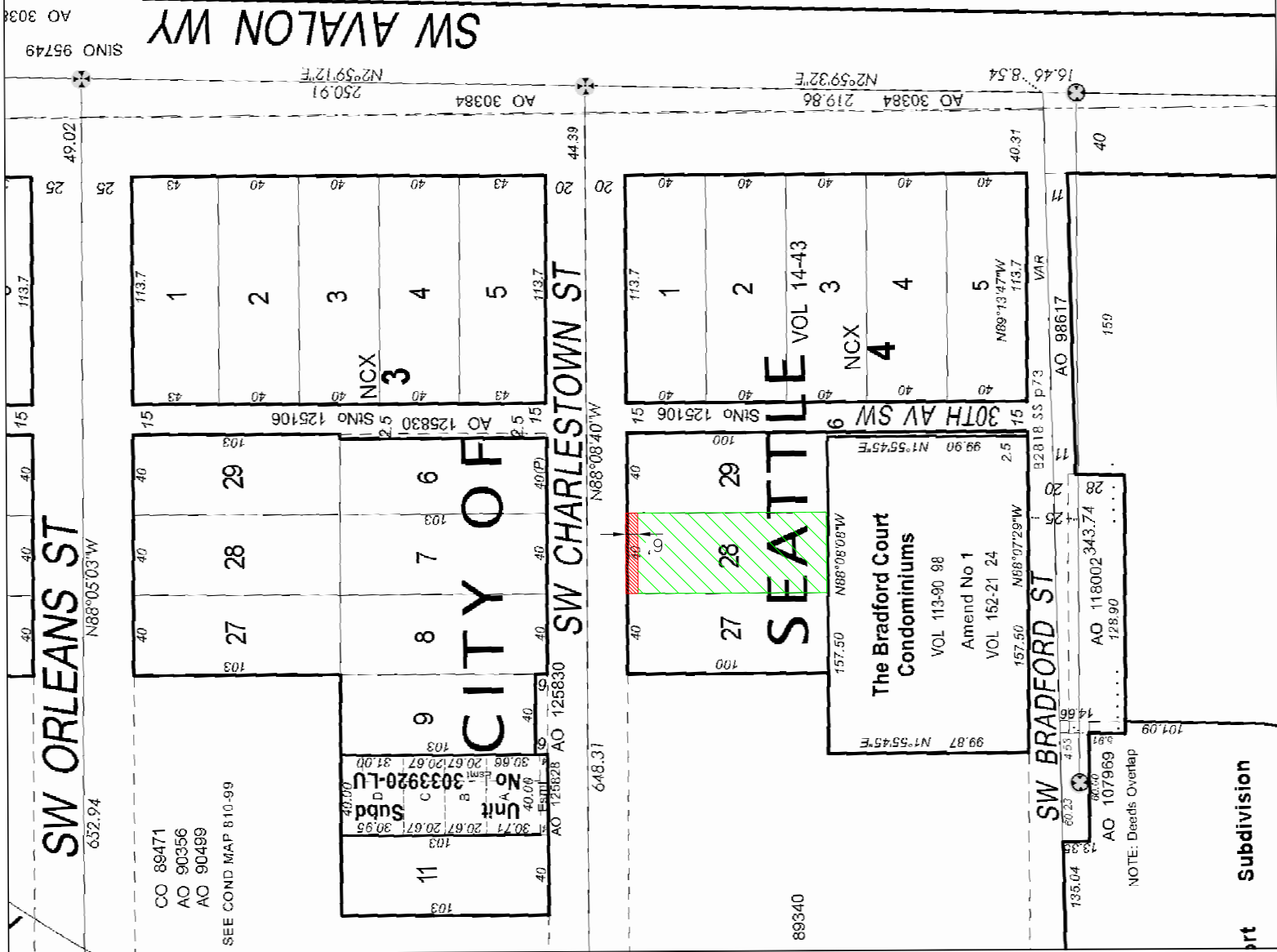


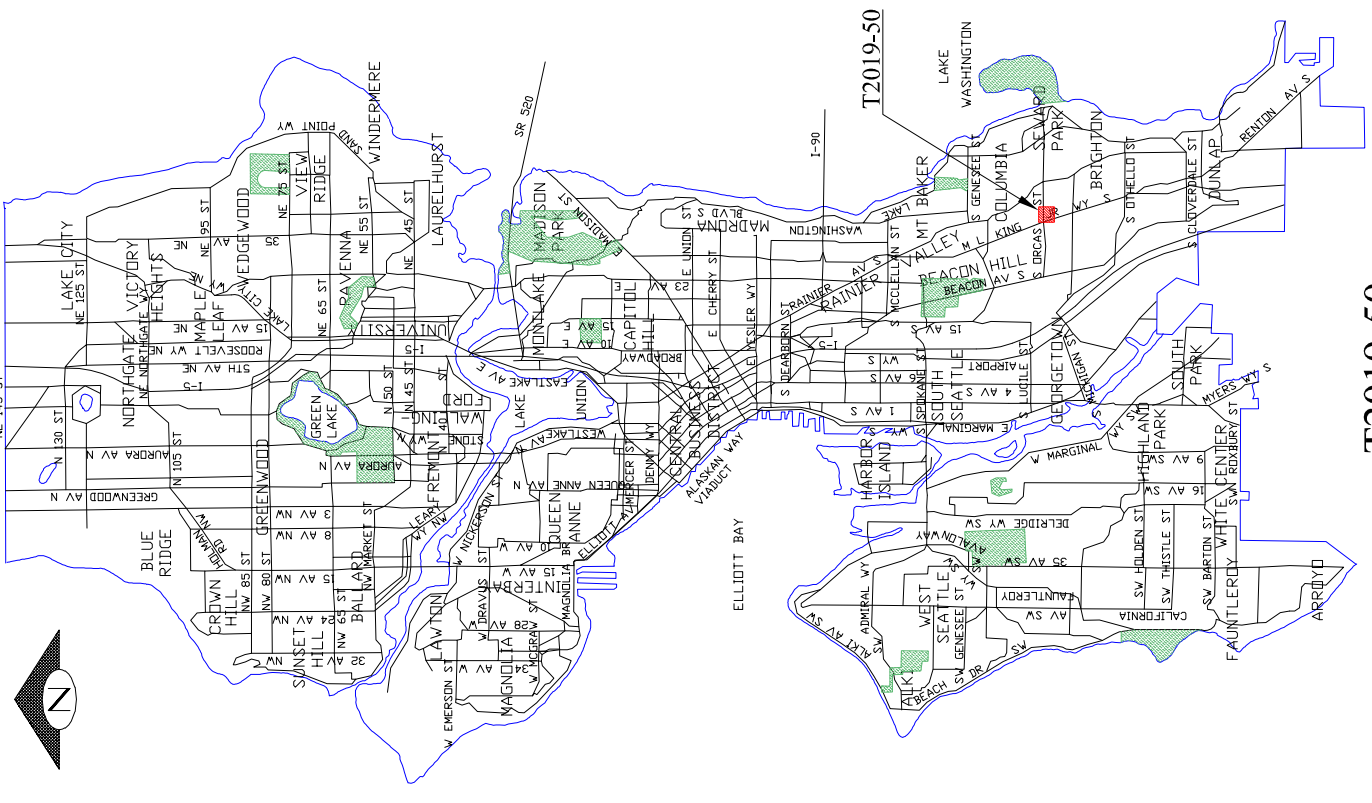
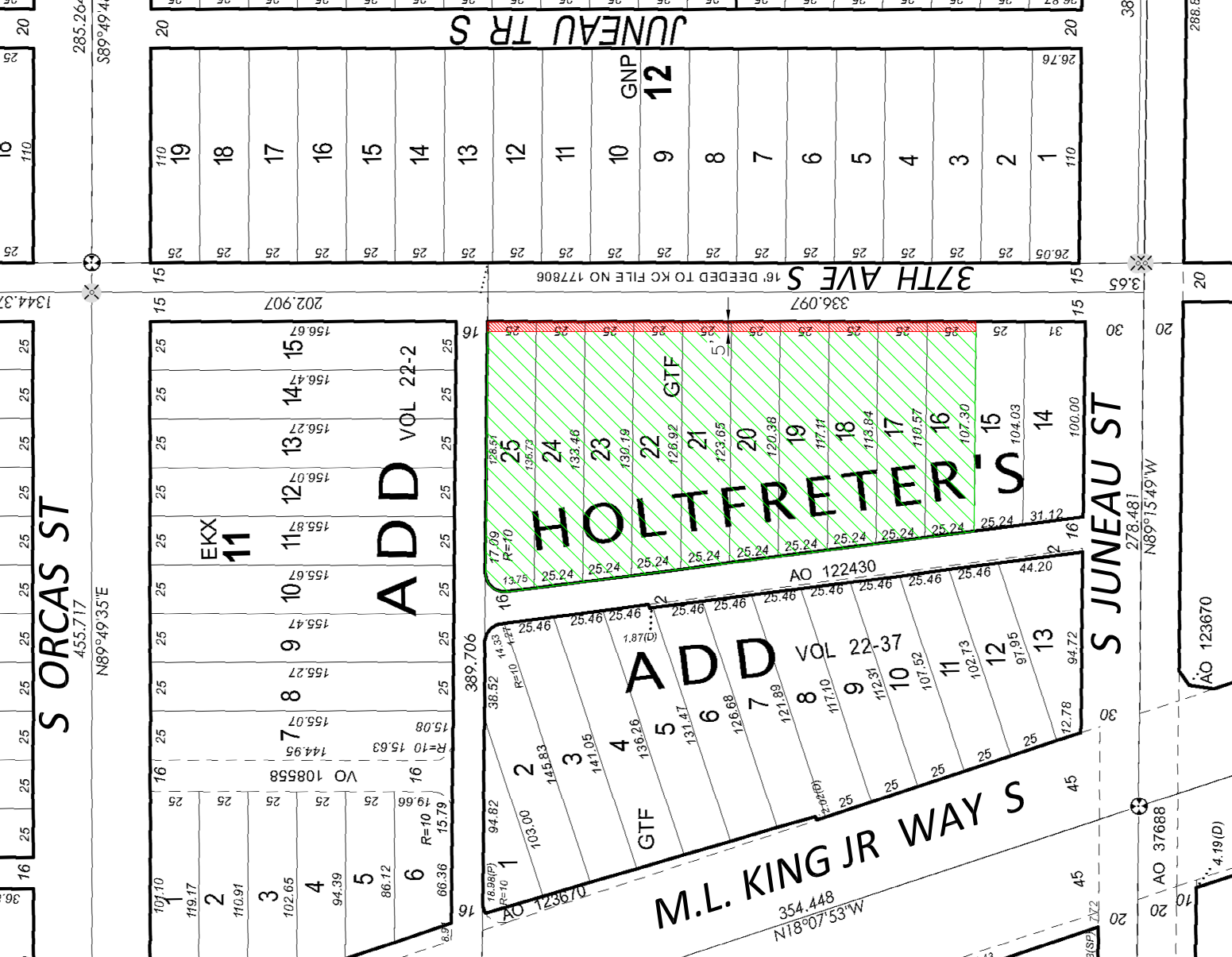
T2019-37

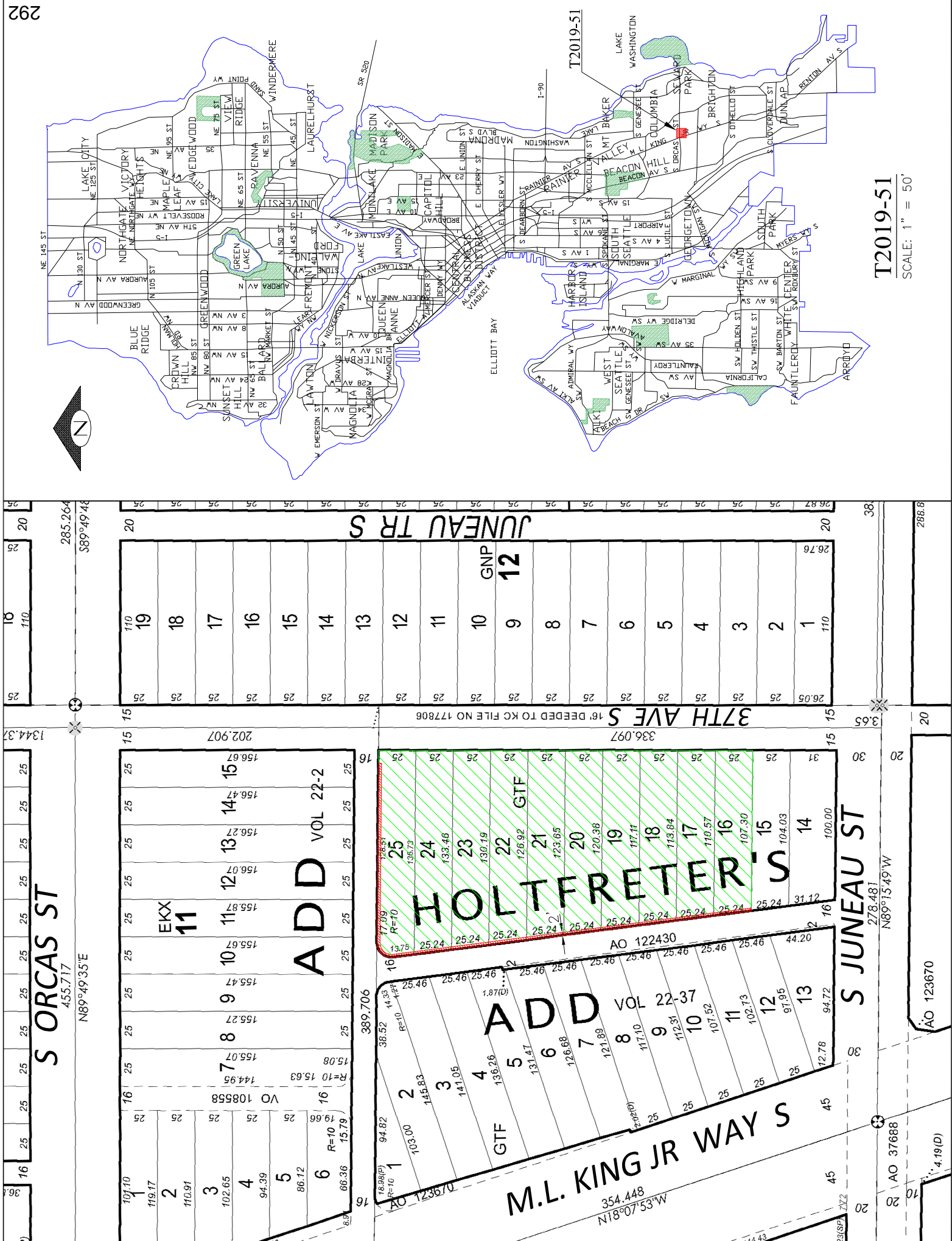
SCALE: 1" = 50'



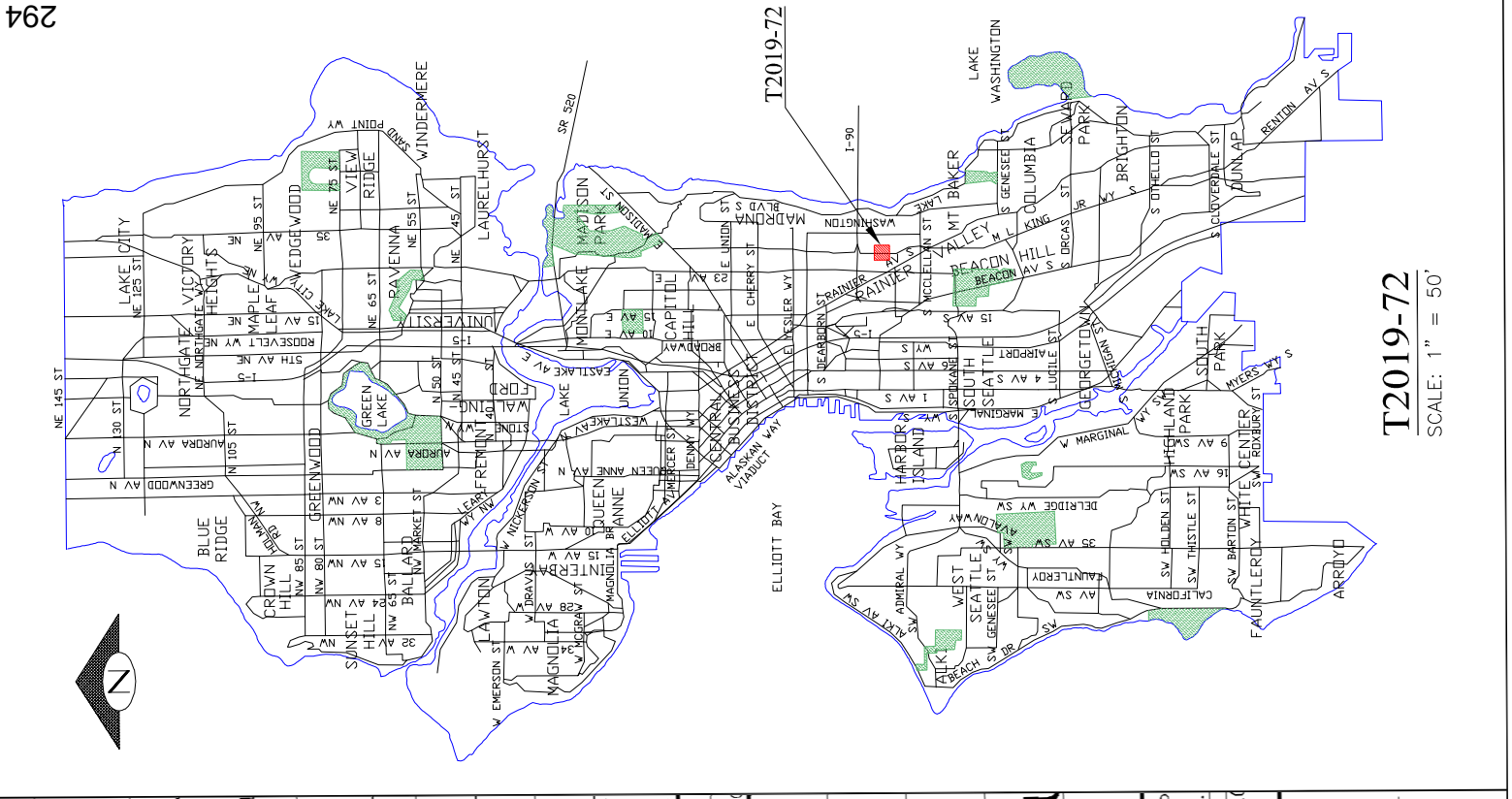
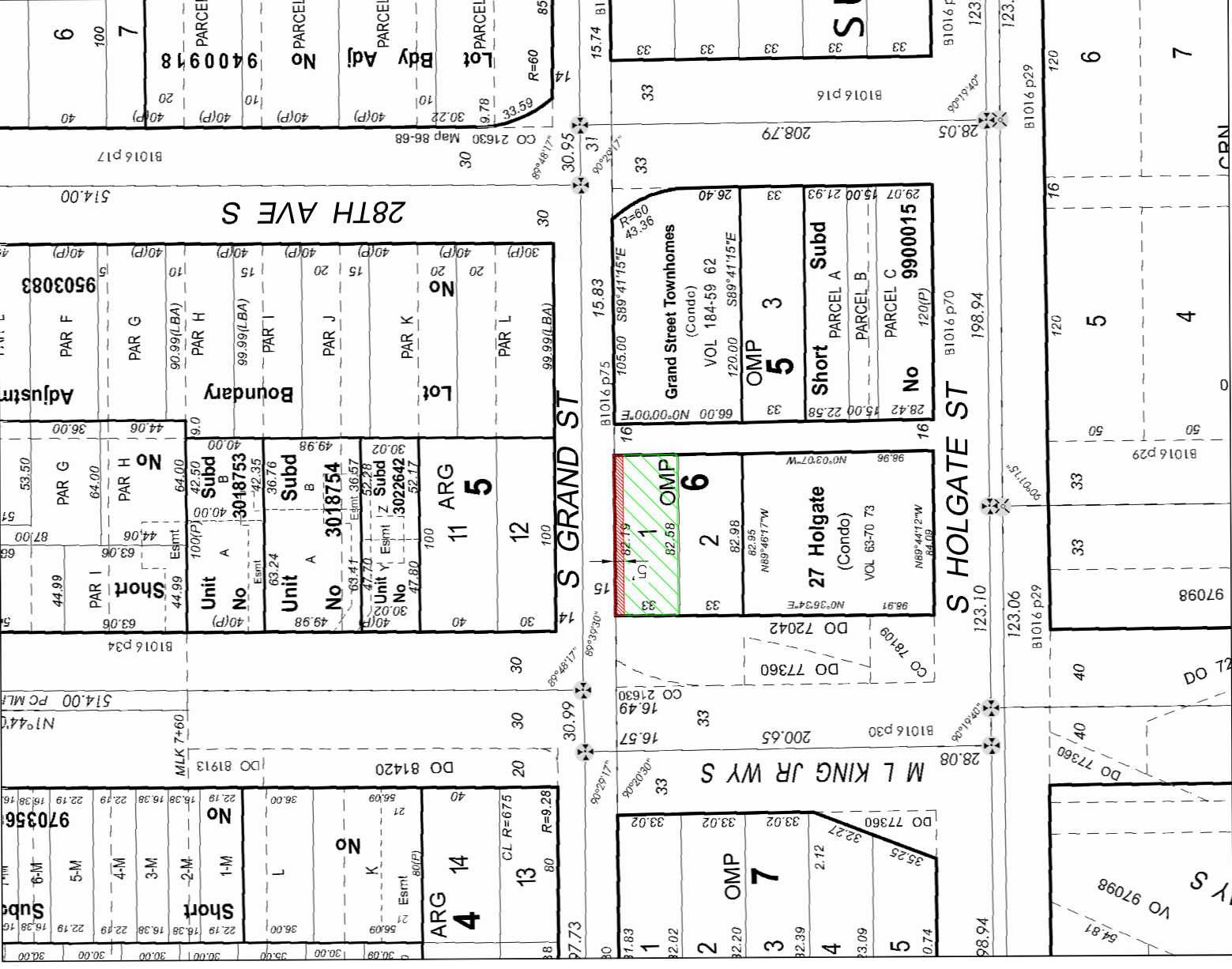












T2019-72
SCALE: 1" = 50'



Legislation Text

File #: CB 119857, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City Light Department; clarifying that residents living in the City Light Department owned housing in the Diablo and Newhalem communities are subject to the City Light Department's rates under Chapter 21.49 and 21.56 of the Seattle Municipal Code; amending Section 21.56.030 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

WHEREAS, the City Light Department ("City Light") operates the Skagit Hydroelectric Project in Whatcom County; and

WHEREAS, the Diablo and Newhalem communities both contain City Light owned housing as a result of City Light's historical and continuing operation of the Skagit Hydroelectric Project; and

WHEREAS, certain City Light employees receive housing and utilities as part of their applicable collective bargaining agreement, or pursuant to a specific condition set forth in their employment letter; and

WHEREAS, all other employees residing in City Light owned housing must pay for electric consumption pursuant to the terms of the applicable collective bargaining agreement and Seattle Municipal Code Chapter 21.49 and Section 21.56.030; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.56.030 of the Seattle Municipal Code, last amended by Ordinance 124167, is amended as follows:

21.56.030 Charges for electricity in Newhalem ((community)) and Diablo communities

((As requested by the General Manager and Chief Executive Officer of City Light in C.F. 274449 all consumers of)) All residents of City Light-owned housing receiving electric energy from ((the City's)) City Light's system

in the Newhalem ((community other than Lighting Department facilities or employees)) and Diablo communities shall be charged the rates set forth in Chapter 21.49, except those City Light employees who receive electric energy pursuant to an applicable collective bargaining agreement or employment offer letter.

Section 2. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 3. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle City Light	Mike Haynes / (206) 684-3618	Greg Shiring / (206) 386-4085

** 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 the City Light Department; clarifying that residents living in the City Light Department owned housing in the Diablo and Newhalem communities are subject to the City Light Department's rates under Chapter 21.49 and 21.56 of the Seattle Municipal Code; amending Section 21.56.030 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

Summary and background of the Legislation: This ordinance provides clarification of the Seattle Municipal Code provision related to Seattle City Light's collection of electric service rates from employees living in the utility-owned rental housing, homes of which are situated in Whatcom County's Newhalem and Diablo towns near the utility's Skagit Hydroelectric Project ("Project").

Seattle City Light ("City Light") owns housing in Whatcom County as a result of its historical and continued operations of the Project. Some City Light employees receive housing and utilities as part of their applicable collective bargaining agreement, or pursuant to a specific condition set forth in their employment letter. Other Department-owned housing is offered for rent to employees who work at the Project. Such employees must pay for electric consumption pursuant to the terms of the applicable collective bargaining agreements, rental contracts, and Seattle Municipal Code Chapter 21.49 and Section 21.56.030. SMC 21.56.030 is clarified to explain the aforementioned circumstances of when City Light employees living in City Light owned housing located in Whatcom County are or are not required to pay for electricity.

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?
No

Is there financial cost or other impacts of *not* implementing the legislation?

Continued legal and administrative resources would be spent in responding to inquiries and challenges to the current provision, Seattle Municipal Code 21.56.030.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No additional disclosures will be required.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. Does this legislation affect a piece of property?**
No.
- f. 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?**
N/A.
- 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.

List attachments/exhibits below:

None

August 12, 2020

MEMORANDUM

To: City Council
From: Eric McConaghy, Analyst
Subject: Council Bill 119857 - Residents living in the City Light-owned housing in the Diablo and Newhalem communities are subject to the City Light rates

On August 17, 2020, the Council will discuss and possibly vote on [Council Bill \(CB\) 119857](#), proposed legislation that would clarify the Seattle Municipal Code (SMC) 21.56.030 to specify under what circumstances residents living in City Light-owned housing located in Whatcom County are or are not required to pay for electricity.

This memo provides background information on the proposed clarification.

Background

City Light owns rental housing in the towns of Newhalem and Diablo, near City Light's Skagit Hydroelectric Project (Project) in Whatcom County, Washington. The Project consists of three power generating developments on the Skagit River – Ross Dam, Diablo Dam, and Gorge Dam. City Light coordinates the functioning of the three dams as a single hydroelectric project. Together the three dams supply about 20 percent of Seattle City Light's power requirements.¹

Some City Light employees working at the Project receive housing and utilities according to the applicable collective bargaining agreement or pursuant to a specific condition set forth in an employment offer letter.

The proposed changes to SMC 21.56.030 would clarify that all residents living in the City Light-owned housing situated in Newhalem and Diablo must pay the City Light's rates for electricity, except those City Light employees who receive electric energy pursuant to an applicable collective bargaining agreement or employment offer letter. City Light has proposed the change to SMC 21.56.030 in order to minimize legal and administrative expenses necessary to respond to inquiries and challenges to the current provision in the SMC.

Amendment to SMC 21.56.030

The complete text if the proposed amendment, with deletions shown in ~~((strike-out))~~ and additions shown in underline reads:

Section 1. Section 21.56.030 of the Seattle Municipal Code, last amended by Ordinance 124167, is amended as follows:

21.56.030 Charges for electricity in Newhalem ~~((community.))~~ and Diablo communities

¹ SKAGIT RIVER HYDROELECTRIC PROJECT, <http://www.seattle.gov/light/skagit/>. Last accessed 08/03/2020

~~((As requested by the General Manager and Chief Executive Officer of City Light in C.F. 274449 all consumers of))~~ All residents of City Light-owned housing receiving electric energy from ((the City's)) City Light's system in the Newhalem ((community other than Lighting Department facilities or employees)) and Diablo communities shall be charged the rates set forth in Chapter 21.49, except those City Light employees who receive electric energy pursuant to an applicable collective bargaining agreement or employment offer letter.

cc: Kirstan Arestad, Executive Director
Dan Eder, Deputy Director



Legislation Text

File #: CB 119859, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to taxation; delaying the effective date of the heating oil tax on heating oil service providers under Chapter 5.47 of the Seattle Municipal Code; and delaying the date of the Office of Sustainability and Environment's first annual heating oil tax program status report.

WHEREAS, on September 23, 2019, the Seattle City Council passed Ordinance 125934 to add a new Chapter

5.47 to the Seattle Municipal Code to impose a tax on heating oil service providers; and

WHEREAS, under Section 16 of Ordinance 125934, the provisions of the ordinance imposing the heating oil tax take effect on September 1, 2020; and

WHEREAS, it is expected that many heating oil service providers will pass on the cost of the heating oil tax to their customers; and

WHEREAS, on March 11, 2020, the World Health Organization announced that the novel coronavirus (COVID-19) is officially a global pandemic; and

WHEREAS, on February 29, 2020, the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19; and

WHEREAS, on March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and the resulting deaths and illness; and

WHEREAS, the COVID-19 crisis and the state of emergency continue and are causing severe harm to the economy; and

WHEREAS, imposing the heating oil tax on September 1, 2020, during the COVID-19 crisis may cause undue hardship to certain households that purchase heating oil; and

WHEREAS, the Seattle City Council intends therefore to delay the effective date of the heating oil tax by one year to September 1, 2021; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15 of Ordinance 125934 is amended as follows:

Section 15. The Council requests that the Office of Sustainability and Environment (OSE):

A. Provide a status update on outreach efforts to date regarding the new heating oil tax by July 1, 2020. The update should include the number of households contacted; any changes in the number of low-income households with oil heat enrolled in the City's Utility Discount Program following outreach efforts; a summary of feedback from residents, labor unions, and heating oil service providers, received during outreach efforts, including a description of challenges encountered during the outreach process; and proposed strategies for overcoming these challenges, if applicable; and

B. Report annually on Heating Oil Tax program status, including the number of homes the City has helped convert from oil heat to electricity and outcomes of workforce development support, and collaborate with the Office of Economic Development, Seattle Department of Construction and Inspections, and the Office of Housing to determine a methodology to assess the following potential impacts of the Heating Oil Tax:

1. Job losses, gains, and retention in the Seattle area's home heating, ventilation, and air conditioning industry, with a focus on workers represented by labor unions and family-wage jobs, and what additional investments are necessary to support workers in the event of net job losses; and

2. Rates of conversion from oil heating systems to electric systems in homes occupied by renters enrolled in the Utility Discount Program, including identifying who is paying the costs of conversion and whether additional measures are necessary to alleviate the costs if renters are overly

burdened.

3. Analysis of the viability to extend the heating oil tax reimbursement to households whose income is between 70 percent state median income and 80 percent area median income. OSE is requested to report to Council by July 1, ~~((2021))~~ 2022, and every year thereafter up to 2028.

Section 2. Section 16 of Ordinance 125934 is amended as follows:

Section 16. Sections 1 through 13 of this ordinance shall take effect on September 1, ~~((2020))~~ 2021, and no tax under Chapter 5.47 of the Seattle Municipal Code shall be imposed prior to September 1, 2021.

Section 3. The Council requests that the Office of Sustainability and Environment provide a status report by June 1, 2021, regarding the Pollution Liability Insurance Agency's rulemaking for the new Heating Oil Loan and Grant Program, with a focus on how the program will avoid creating a undue economic hardship on low- and middle-income homeowners with oil heating systems, or how the City will implement the Heating Oil Tax and home conversion program to protect low- and middle-income homeowners from undue economic hardship. Additionally, the report should provide a summary of feedback from stakeholders, including but not limited to residents, labor unions, community organizations, the Environmental Justice Committee, and/or the Green New Deal Oversight Board, about whether the effective date of the Heating Oil Tax should be September 1, 2021, or if economic conditions, the status of the COVID-19 pandemic, and other related factors are such that an additional delay is recommended.

Section 4. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Office of Sustainability & Environment	Christine Bunch/ 206-615-1633	Akshay Iyengar/ 206-684-0716

** 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 taxation; delaying the effective date of the heating oil tax on heating oil service providers under Chapter 5.47 of the Seattle Municipal Code; and delaying the date of the Office of Sustainability and Environment's first annual heating oil tax program status report.

Summary and background of the Legislation:

Ordinance 125934 was passed in 2019, imposing a heating oil tax to take effect on September 1, 2020. Because of economic concerns as a result of the COVID-19 crisis and based on feedback from community organizations, the Office of Sustainability and Environment (OSE) is proposing to delay the effective date of the tax to September 1, 2021.

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

Appropriation change (\$):	General Fund \$		Other \$	
	2020	2021	2020	2021
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021
	(595,357)	788,175		
Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021
	0	0		

3.b. Revenues/Reimbursements

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

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2020 Revenue	2021 Estimated Revenue
General Fund 00100	OSE	Tax on sale of home heating oil	(595,537)	788,175
TOTAL			(595,537)	788,175

Is this change one-time or ongoing?

One-time, with annual updates to projected revenues & expenditures.

4. OTHER IMPLICATIONS

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

Office of Housing (OH) will be implementing the low-income conversions and tax revenue will be funding these conversions. OSE will have an MOU with OH for this work.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

No.

f. 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?

Delaying this tax is responsive to community concerns about adding additional financial burden to low- to middle-income households already impacted by the economic downturn caused by COVID-19. OSE will communicate the program changes via a postcard to all Seattle residents with oil-heated homes. The card will include an in-language statement providing a phone number to call for help getting the information translated.

- 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

List attachments/exhibits below:

August 13, 2020

MEMORANDUM

To: City Council
From: Yolanda Ho, Analyst
Subject: Heating Oil Tax Delay (Council Bill 119859)

On August 17, 2020, the City Council (Council) will consider and may vote on [Council Bill \(CB\) 119859](#) that would delay the effective date of the [Heating Oil Tax](#) from September 1, 2020, to September 1, 2021.

This memorandum describes (1) the background of the Heating Oil Tax; (2) CB 119859; (3) impacts of CB 119859; (4) related policy considerations; and (5) next steps.

Background

In September 2019, the Council adopted [Ordinance 125934](#), establishing a new tax on heating oil beginning on September 1, 2020. The tax rate is \$0.236 per gallon of heating oil sold by heating oil service providers in Seattle (excluding biodiesels). Revenues from the tax are anticipated to total approximately \$7.9 million from 2020 to 2029, with revenues diminishing over time as demand for heating oil decreases once households convert to more efficient systems.

The tax and associated programs are intended to accelerate the rate of conversion from oil heat to electric heat pump systems, with the ultimate goal of requiring that all existing steel tanks be either decommissioned (i.e. removed or filled with some material to prevent collapse) or replaced by a modern non-corroding tank by December 31, 2028. This will help to eliminate ground contamination caused by deteriorating underground steel oil tanks associated with oil heating systems, most of which were installed between the 1920s and 1950s, and reduce greenhouse gas (GHG) emissions. Phasing out oil heat by 2030 is estimated to decrease residential building GHG emissions by 16 to 18 percent, which equals a reduction of eight to nine percent of Seattle's total building GHG emissions.

Of the 16,000 to 18,000 households that use oil heat, the Office of Sustainability and Environment (OSE) estimates that about 1,100 of these households are enrolled in the City's Utility Discount Program (UDP) for income-qualified customers. The typical household pays about \$1,700 per year for heating oil, with no discounts available for low-income households. Assuming the tax will be passed directly on to customers, households who use oil heat will pay an average additional cost of \$120 per year.

Recognizing that this tax will disproportionately burden low-income households, most of the tax proceeds (\$5.8 million) are to be used for the following:

- Fully covering the costs for low-income households of converting from an oil heating system to an electric heat pump (about 1,000 low-income households); and
- Reimbursing low-income households up to \$120 annually to offset the added cost of the tax, either as a credit on their City Light account or as a check.

Converting low-income households with oil heat to electric heat pumps will provide them greater benefit from the UDP, and is expected to reduce their overall utility costs.

Tax revenues will also be used to:

- Expand the existing rebate program available to all households, supporting the conversion of about 1,700 homes to electric heat pumps;
- Provide education and outreach regarding the new tax;
- Support overall program administration in OSE and the Office of Housing, which administers the heating system conversions; and
- Provide workforce development for four to five oil service providers and their employees with the goal of transitioning them to clean heating sales and installation.

On June 30, 2020, OSE, the Seattle Fire Department (SFD), and the Seattle Department of Construction and Inspections submitted a [report](#) to the Council evaluating the possibility of enforcing the tank mandate. The report notes that the [Seattle Fire Code](#) would need to be amended to provide the City with the authority to enforce this mandate. However, it does not recommend moving forward with this amendment and proposes using an education and outreach strategy to encourage residents with oil heat to either replace or decommission their steel tanks. The 2018 Fire Code will include an informational note¹ as a preview for the potential requirement and SFD's [Client Assistance Memo](#) will be updated as well. The City will monitor progress towards the 2028 goal to determine if enforcement is needed.

CB 119859

In response to community feedback about the impacts of the Heating Oil Tax on low- and middle-income households during the COVID-19 crisis, OSE is proposing to delay implementation of the tax and related program activities. Additionally, OSE reports that Washington's Pollution Liability Insurance Agency (PLIA) has developed interim rules for their new [Heating Oil Loan and Grant Program](#)² that could result in creating substantial financial

¹ This note will be added to Seattle Fire Code Section 603.3, "Due to the high prevalence of leaking oil storage tanks in Seattle and that because many may be beyond their useful life, posing a hazard to people, property, and the environment, Seattle Fire may propose a retroactive code change applying storage tank design standards to storage tanks that are of a specific vintage (e.g. 20 years of age or older)".

² The 2020 Washington State Legislature passed and the Governor signed [Substitute Senate Bill 6256](#) that transitions PLIA's Heating Oil Insurance Program to a Loan and Grant Program.

liability for homeowners with oil heating systems. Rather than continuing their grant program that helps cover up to \$60,000 of the costs of cleaning up oil tank leaks, PLIA is proposing to change this to a loan program for new registrants (with a small grant component to provide technical assistance and develop clean-up plans), which would disproportionately burden low- and middle-income households.

CB 119859 would delay the effective date of the tax from September 1, 2020, to September 1, 2021. An associated reporting request on the impacts of the tax and program activities would also be delayed from July 1, 2021, to July 1, 2022.

Impacts of CB 119859

Delaying the effective date of the Heating Oil Tax by a year will avoid imposing an additional financial burden on households with oil heating systems during the current economic crisis caused by the COVID-19 pandemic. The delay will also allow the City to continue working with PLIA on rulemaking for its Heating Oil Loan and Grant Program to avoid adverse impacts on low- and middle-income households.

The 2020 Adopted Budget anticipated tax revenues of \$592,950. This revenue would fund conversions from oil heating systems to more efficient electric heat pump systems for 25 low-income households, and expand the City's existing electric heat pump rebate program³ to 100 additional households. Revenues would also be used to launch workforce development programs for oil service providers, education and outreach efforts, and other program activities described previously.

CB 119859 would delay these activities and may prevent the City from achieving its near-term goals to reduce GHG emissions. Assuming the tax goes into effect on September 1, 2021, as proposed, the City would fund these programs and activities next year, which will advance Seattle's climate goals and ensure a just transition for people whose jobs rely on fossil fuels.

Related Policy Considerations

Beginning in 2022, there will be an additional source of funding for these program activities as a result of the Council's recent adoption of [CB 119810](#), establishing a payroll expense tax, and [Resolution \(RES\) 31957](#), identifying spending priorities for payroll expense tax revenues. RES 31957 allocates nine percent (estimated to be about \$20 million) of the tax proceeds for investments to advance the Green New Deal for Seattle. Strategies include transitioning housing from fossil fuel heating systems to electric systems, and providing job training programs to workers who would be adversely impacted as Seattle shifts away from an economy reliant on fossil fuels.

³ Since 2014, the City has allocated \$200,000 General Fund to fund conversions of about 200 homes per year, providing up to \$1,500 to any household choosing to convert from oil heat to a high-efficiency electric heat pump system. Converting to an electric heat pump system typically costs between \$10,000 to \$15,000.

The Council may want to consider whether to implement the tax next year, given that the new payroll expense tax revenues can fund the Heating Oil Tax program activities starting in 2022.

Next Steps

The Council is scheduled to consider this legislation and act on August 17, 2020. If the Council does not adopt CB 119859 on that day, the Heating Oil Tax will go into effect on September 1.

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst

Amendment 1
to
CB 119859 – Heating Oil Tax Amendment Ordinance
Sponsor: CM Morales
Status Report Request

Effect:

This amendment would request that the Office of Sustainability and Environment provide a status report to the Council by June 1, 2021, regarding rulemaking for the Pollution Liability Insurance Agency's new Heating Oil Loan and Grant Program, specifically how the program will avoid creating an undue economic hardship on low- and middle-income homeowners with oil heat, or how the City will implement the Heating Oil Tax and home conversion program to protect low- and middle-income homeowners from undue economic hardship. Additionally, the report should include a summary of feedback from key stakeholders about whether the effective date of the Heating Oil Tax should be September 1, 2021, or if an additional delay is recommended due to economic conditions, the status of the COVID-19 pandemic, and other related factors at that time.

Amend Council Bill 119859 to add a new Section 3, as follows:

Section 3. The Council requests that the Office of Sustainability and Environment provide a status report by June 1, 2021, regarding the Pollution Liability Insurance Agency's rulemaking for the new Heating Oil Loan and Grant Program, with a focus on how the program will avoid creating a undue economic hardship on low- and middle-income homeowners with oil heating systems, or how the City will implement the Heating Oil Tax and home conversion program to protect low- and middle-income homeowners from undue economic hardship. Additionally, the report should provide a summary of feedback from stakeholders, including but not limited to residents, labor unions, community organizations, the Environmental Justice Committee, and/or the Green New Deal Oversight Board, about whether the effective date of the Heating Oil Tax should be September 1, 2021, or if economic conditions, the status of the

Yolanda Ho
City Council
Date: August 17, 2020
Version: 1

COVID-19 pandemic, and other related factors are such that an additional delay is recommended.

Section ~~3~~ 4. 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.



Legislation Text

File #: CB 119847, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to historic preservation; imposing controls upon the Canterbury Court, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Preservation Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (“Board”), after a public meeting on November 20, 2019, voted to approve the nomination of the improvement located at 4225 Brooklyn Avenue NE and the site on which the improvement is located (which are collectively referred to as the “Canterbury Court”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on January 15, 2020, the Board voted to approve the designation of the Canterbury Court under SMC Chapter 25.12; and

WHEREAS, on March 5, 2020, the Canterbury Court’s owner agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; and

WHEREAS, the City Historic Preservation Officer recommends that the City Council enact a designating ordinance approving the controls and incentives, pursuant to Ordinance No. 126072; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board (“Board”) of the improvement located at 4225 Brooklyn Avenue NE and the site on which the improvement is located (which are collectively referred to as the “Canterbury Court”) is acknowledged.

A. Legal Description. The Canterbury Court is located on the property legally described as:

Lots 6, 7, and 8, Block 10, Brooklyn Addition to Seattle, according to the plat thereof recorded in Volume 7 of Plats, Page 32, in King County, Washington.

B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of the Canterbury Court:

1. The site.
2. The exterior of the building.

C. Basis of Designation. The designation was made because the Canterbury Court is more than 25 years old; has significant character, interest, or value as a part of the development, heritage, or cultural characteristics of the City, state, or nation; has integrity or the ability to convey its significance; and satisfies the following SMC 25.12.350 provisions:

1. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).

Section 2. Controls. The following controls are imposed on the features or characteristics of the Canterbury Court that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the features or characteristics of the Canterbury Court that were designated by the Board for preservation.

2. No Certificate of Approval is required for the following:

- a. Any in-kind maintenance or repairs of the features or characteristics of the Canterbury Court that were designated by the Board for preservation.
- b. Removal of trees less than 6 inches in diameter measured 4-1/2 feet above ground.
- c. Removal and/or replacement of shrubs, perennials, and annuals in existing locations.
- d. Installation, removal, or alteration of the following site furnishings: benches, chairs, tables, swings, movable planters, and trash/recycling receptacles.
- e. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.
- f. Installation or removal of interior, temporary window shading devices that are operable and therefore do not obscure the glazing when in the open position.
- g. Removal of security bars at windows.
- h. Removal of existing chain link fencing.
- i. Removal and/or replacement of property entry gate.
- j. Removal of the non-historic exterior stair on the west end of the south facade.

B. City Historic Preservation Officer (CHPO) Approval Process.

- 1. The CHPO may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 of this ordinance according to the following procedure:
 - a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.
 - b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.
- 2. If the CHPO does not approve the alterations or significant changes, the owner may submit

revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12.

The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics of the Canterbury Court that were designated by the Board for preservation is available for the following:

a. The installation, removal, or alteration of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, and telecommunication elements necessary for the normal operation of the building or site.

b. Installation, removal, or alteration of exterior light fixtures, light mounting plates, exterior security lighting, and security system equipment.

c. Removal of trees more than 6 inches in diameter measured 4-1/2 feet above ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

d. Installation, removal, or alteration of exterior building and site signage.

e. Installation of improvements for security, safety, or accessibility compliance.

f. Installation, removal, or alteration of fire and life safety equipment.

g. Changes to exterior paint colors when painting a previously painted material.

h. Alterations to the existing parking hardscape and garages on the west side of the building.

i. Replacement of non-original windows and doors when located in original openings.

j. Replacement of the non-historic exterior stair on the west end of the south facade in the same location.

k. Removal, replacement, or alteration of the historic exterior stair on the east end of the south facade.

l. Landscape alterations other than those excluded in subsections 2.A.2.b, 2.A.2.c, and

2.B.3.c of this ordinance.

Section 3. Incentives. The following incentives are granted on the features or characteristics of the Canterbury Court that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued under SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, adopted by SMC Chapter 22.100, and the Seattle Energy Code, adopted by SMC Chapter 22.700, may be authorized according to the applicable provisions.

C. Special tax valuation for historic preservation may be available under chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated landmark structure may be permitted under SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. The Canterbury Court is added alphabetically to Section II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed to provide a certified copy of this ordinance to the Canterbury Court's owner.

Section 7. 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 _____, 2020, and signed by

me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Neighborhoods	Erin/Doherty/206-684-0380	Miguel Jimenez/206-684-5805

** 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 historic preservation; imposing controls upon the Canterbury Court, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Summary and background of the Legislation:

The attached legislation acknowledges the designation of the Canterbury Court as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Canterbury Court to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

The Canterbury Court was built in 1929. The property is located in the University District neighborhood. A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the site and exterior of the building, but do not apply to any in-kind maintenance or repairs of the designated features.

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.

Is there financial cost or other impacts of *not* implementing the legislation?
No.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

Yes. There is a city review process for changes to a landmark. Landmark controls are in perpetuity. The designating landmark ordinance is recorded with King County and associated with the parcel number in the County's records.

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

No.

e. Does this legislation affect a piece of property?

Yes, see attached map.

f. 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?

No. A language access plan is not anticipated.

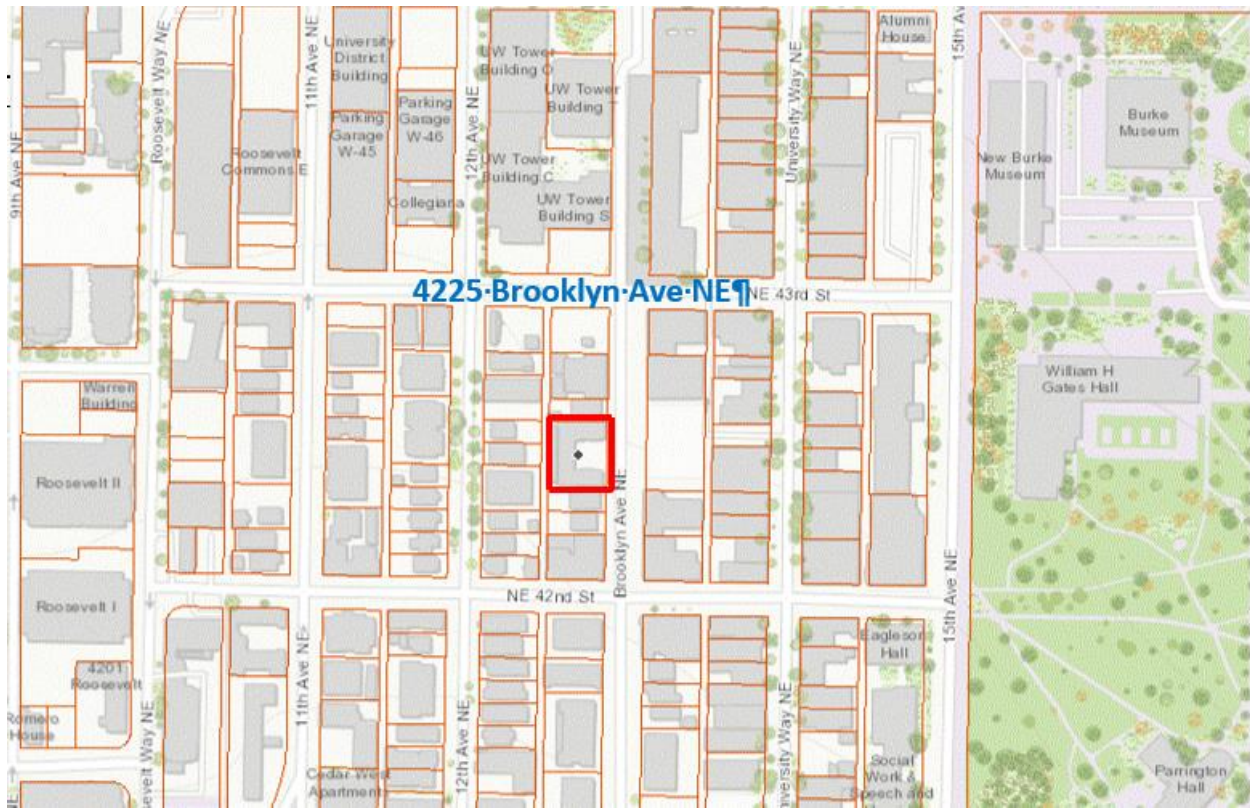
g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

No new initiative or programmatic expansion.

List attachments/exhibits below:

Summary Exhibit A – Vicinity Map of Canterbury Court

Summary Ex A – Vicinity Map of Canterbury Court
V1a



Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.



Legislation Text

File #: CB 119848, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to historic preservation; imposing controls upon the University of Washington Engineering Annex, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Preservation Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),

establishes a procedure for the designation and preservation of sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (“Board”), after a public meeting on August 21, 2019, voted to

approve the nomination of the improvement located at 3902 East Stevens Way NE and a portion of the site on which the improvement is located (which are collectively referred to as the “University of

Washington Engineering Annex”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 2, 2019, the Board voted to approve the designation of the

University of Washington Engineering Annex under SMC Chapter 25.12; and

WHEREAS, on December 18, 2019, the Board and the University of Washington Engineering Annex’s owner

agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls

and incentives; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board (“Board”) of the improvement located at 3902 East Stevens Way NE and a portion of the site on which the improvement is located (which are collectively referred to as the “University of Washington Engineering Annex”) is acknowledged.

A. Legal Description. The University of Washington Engineering Annex is located on the property legally described as:

Those portions of Government Lots 2, 3 and 4, lying west of Montlake Blvd NE, north of NE Pacific Street and north of NE Pacific Place; the west ½ of the northwest ¼, and the northwest ¼ of the southwest ¼, lying east of 15th Avenue NE and south of NE 45th Street and north of NE Pacific Street; all in Section 16, T25N, R4E, W.M.

B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of the University of Washington Engineering Annex:

1. A portion of the site around the building perimeter measured 30 feet out from the base of the building, excluding the adjacent Mechanical Engineering Building and Jefferson Road NE.
2. The exterior of the building.
3. A portion of the building interior that includes the high-bay shop space’s volume and heavy timber framing, as illustrated in Attachment A to this ordinance.

C. Basis of Designation. The designation was made because the University of Washington Engineering Annex is more than 25 years old; has significant character, interest, or value as a part of the development, heritage, or cultural characteristics of the City, state, or nation; has integrity or the ability to convey its significance; and satisfies the following SMC 25.12.350 provisions:

1. It is the location of, or is associated in a significant way with, an historic event with a significant effect upon the community, City, state, or nation (SMC 25.12.350.A).
2. It embodies the distinctive visible characteristics of an architectural style, or period, or of

a method of construction (SMC 25.12.350.D).

Section 2. Controls. The following controls are imposed on the features or characteristics of the University of Washington Engineering Annex that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the features or characteristics of the University of Washington Engineering Annex that were designated by the Board for preservation.

2. No Certificate of Approval is required for the following:

- a. Any in-kind maintenance or repairs of the features or characteristics of the University of Washington Engineering Annex that were designated by the Board for preservation.
- b. Removal of the following landscape elements: trees less than 6 inches in diameter measured 4 ½ feet above ground; shrubs; perennials; and annuals.
- c. Removal of non-native plants of any size. This does not apply to trees.
- d. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.
- e. Installation, removal, or alteration of the following site furnishings: benches, movable planters, trash/recycling receptacles, and bike racks.
- f. Installation and removal of temporary signage, consistent with a signage plan that has been approved by the Landmarks Board Coordinator, and when the signage remains in place for no more than 60 days.
- g. Installation, removal, or alteration of signage for accessibility compliance or other signage required by City law. Signage may not obscure architectural features and must be attached in a

manner that is easily repairable. Fasteners must be located within joints when mounted on masonry.

h. Installation, removal, or alteration of the following University of Washington signage:

1) One free-standing, single- or double-sided building identification sign defined by the following criteria:

- a) The sign shall consist of painted aluminum panels mounted between end posts using black bolts.
- b) The sign's panel size shall be no more than 48 inches wide by 24 inches high, with the top of the sign panel and posts no more than 44 inches above grade.
- c) The sign's content may include only the University's logo, building name(s), and building use.
- d) The sign shall use approved University of Washington wayfinding paint colors.

2) One building identification sign defined by the following criteria:

- a) The sign shall consist of a painted aluminum panel no more than 30 inches wide by 14 inches high.
- b) The sign shall be attached in a manner that is easily repairable. Fasteners must be located within joints when mounted on masonry.

c) The sign's location may not obscure architectural features and must be approved by the Landmarks Board Coordinator.

3) One sign to display the building identification number or street address number, as required by the City of Seattle Fire Department, and defined by the following criteria:

- a) The sign shall consist of a painted aluminum panel no more than

12 inches wide by 6 inches high.

- b) The sign shall be attached in a manner that is easily repairable.

Fasteners must be located within joints when mounted on masonry.

- c) The sign's location may not obscure architectural features and must be approved by the Landmarks Board Coordinator.

- i. Installation or removal of interior, temporary window shading devices that are operable and therefore do not obscure the glazing when in the open position.

- j. Addition of cement wash to the top surface of the masonry window sills.

- k. Alteration of interior lighting, equipment, and related appurtenances, provided that the high-bay shop space's volume remains open and visible and its heavy timber framing remains intact and visible.

B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 of this ordinance according to the following procedure:

- a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.

- b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.

2. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics of the University of Washington Engineering Annex that were designated by the Board for preservation is available for the following:
- a. The installation, removal, or alteration of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring and other similar mechanical, electrical, and telecommunication elements necessary for the normal operation of the building or site.
 - b. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.
 - c. Removal of trees more than 6 inches in diameter measured 4 ½ feet above ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.
 - d. Signage other than signage excluded in subsections 2.A.2.f, 2.A.2.g, or 2.A.2.h of this ordinance.
 - e. Installation, removal, or alteration of improvements for security, safety, or accessibility compliance.
 - f. Installation, removal, or alteration of fire and life safety equipment.
 - g. Installation, removal, or alteration of artwork on the building exterior or site.
 - h. Changes to paint colors for any of the features or characteristics of the University of Washington Engineering Annex that were designated by the Board for preservation.
 - i. Replacement of non-original windows or doors within original openings.
 - j. Interior alterations that are not otherwise excluded in subsection 2.A.2.k of this ordinance.
 - k. Alteration of exterior stairs, handrails, and guardrails.

Section 3. Incentives. The following incentives are granted on the features or characteristics of the University of Washington Engineering Annex that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued under SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, adopted by SMC Chapter 22.100, and the Seattle Energy Code, adopted by SMC Chapter 22.700, may be authorized according to the applicable provisions.

C. Special tax valuation for historic preservation may be available under chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated landmark structure may be permitted under SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. The University of Washington Engineering Annex is added alphabetically to Section II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed to provide a certified copy of this ordinance to the University of Washington Engineering Annex's owner.

Section 7. 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 _____, 2020, and signed by
me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A - Building Plans and Section

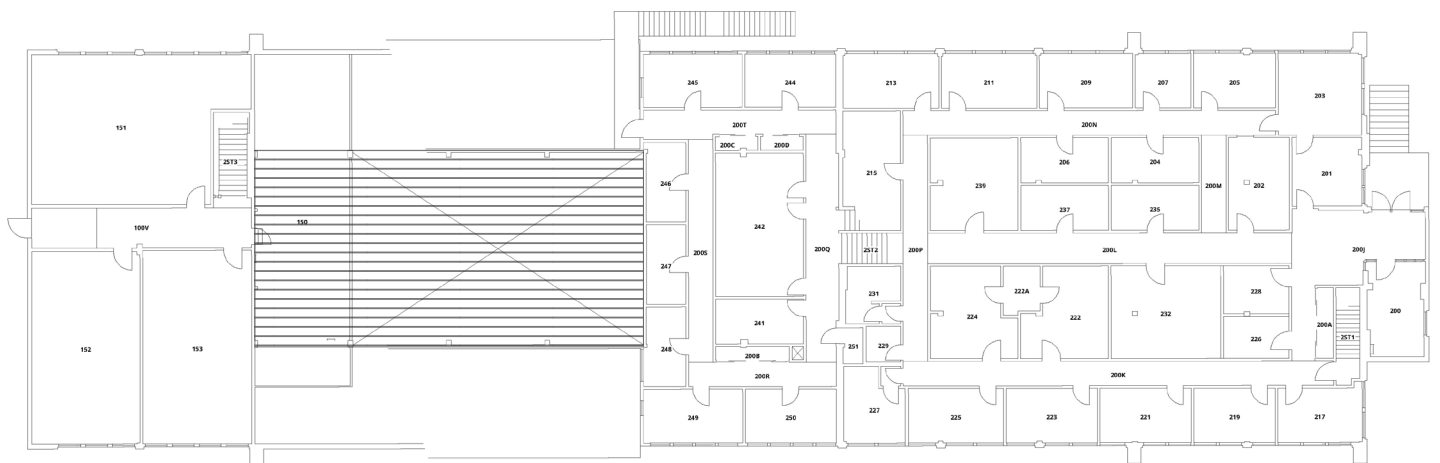
University of Washington Engineering Annex / Alaska-Yukon-Pacific Exposition Foundry
3902 East Stevens Way NE

Attachment A



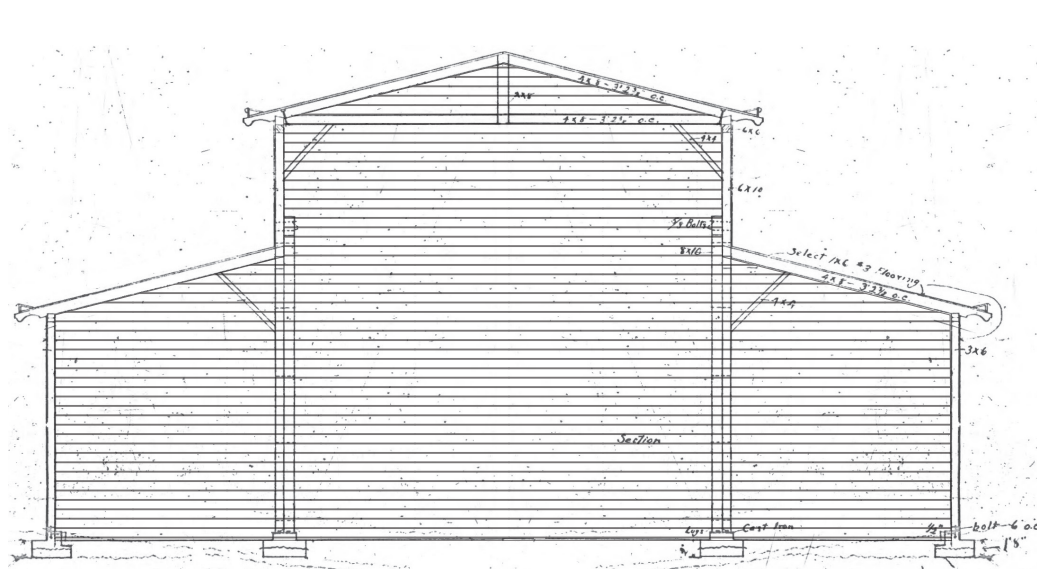
Map Scale: NTS

First Floor. Base map Floor ID 1182_01 printed on 8/14/2018, source University of Washington Facility Library.



Second Floor. Base map Floor ID 1182_02 printed on 12/14/2017, source University of Washington Facility Library.

Map Scale: NTS



Indicates the portion of the building interior including the high-bay shop space volume and heavy timber framing.

Transverse Section. Base 1909 section prepared by W. N. G. Place, building architect. Original drawing had north and south half sections, NWV deleted the north half and duplicated and flipped horizontally the south half to provide a single section for the high-bay shop space volume. Source University of Washington Facility Library.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Neighborhoods	Erin Doherty/206-684-0380	Miguel Jimenez/206-684-5805

** 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 historic preservation; imposing controls upon the University of Washington Engineering Annex, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Summary and background of the Legislation:

The attached legislation acknowledges the designation of the University of Washington Engineering Annex as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the University of Washington Engineering Annex to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

The University of Washington Engineering Annex was built in 1909. The property is located in the University District neighborhood on the Central Campus. A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the site and exterior of the building, but do not apply to any in-kind maintenance or repairs of the designated features.

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?
No.

Is there financial cost or other impacts of *not* implementing the legislation?
No.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

Yes. There is a city review process for changes to a landmark. Landmark controls are in perpetuity. The designating landmark ordinance is recorded with King County and associated with the parcel number in the County's records.

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

No.

e. Does this legislation affect a piece of property?

Yes, see attached map.

f. 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?

No. A language access plan is not anticipated.

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).

No new initiative or programmatic expansion.

List attachments/exhibits below:

Summary Exhibit A – Vicinity Map of University of Washington Engineering Annex

Summary Ex A – Vicinity Map of UW Engineering Annex
V1a



Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.



Legislation Text

File #: CB 119849, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to historic preservation; imposing controls upon the Roy Vue Apartments, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Preservation Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (“Board”), after a public meeting on October 17, 2018, voted to approve the nomination of the improvement located at 615 Bellevue Avenue E and the site on which the improvement is located (which are collectively referred to as the “Roy Vue Apartments”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on November 21, 2018, the Board voted to approve the designation of the Roy Vue Apartments under SMC Chapter 25.12; and

WHEREAS, on May 26, 2020, the Roy Vue Apartments’ owner agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; and

WHEREAS, the City Historic Preservation Officer recommends that the City Council enact a designating ordinance approving the controls and incentives, pursuant to Ordinance 126072; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation by the

Landmarks Preservation Board (“Board”) of the improvement located at 615 Bellevue Avenue E and the site on which the improvement is located (which are collectively referred to as the “Roy Vue Apartments”) is acknowledged.

A. Legal Description. The Roy Vue Apartments are located on the property legally described as:

Lots 6, 7, 8 of Block 31, Supplementary Plat of Pontius Second Addition to the city of Seattle, according to the Plat thereof recorded in Volume 5 of Plats, page 76, in King County, Washington.

B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of the Roy Vue Apartments:

1. The site.
2. The exterior of the apartment building including the central arcade.
3. The courtyard and elevated garden spaces.

C. Basis of Designation. The designation was made because the Roy Vue Apartments are more than 25 years old; have significant character, interest, or value as a part of the development, heritage, or cultural characteristics of the City, state, or nation; have integrity or the ability to convey their significance; and satisfy the following SMC 25.12.350 provisions:

1. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

Section 2. Controls. The following controls are imposed on the features or characteristics of the Roy Vue Apartments that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the features or characteristics of the Roy Vue Apartments that were designated by the Board for preservation.

2. No Certificate of Approval is required for the following:

- a. Any in-kind maintenance or repairs of the features or characteristics of the Roy Vue Apartments that were designated by the Board for preservation.
- b. Removal of trees less than 6 inches in diameter measured 4-1/2 feet above ground.
- c. Removal and replacement of shrubs, perennials, and annuals.
- d. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.
- e. Installation, removal, or alteration of the following site furnishings: benches, chairs, tables, swings, movable planters, and trash/recycling receptacles.
- f. Installation or removal of interior, temporary window shading devices that are operable and do not obscure the glazing when in the open position.

B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 of this ordinance according to the following procedure:

- a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.
- b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.

2. If the CHPO does not approve the alterations or significant changes, the owner may submit

revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12.

The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics of the Roy Vue Apartments that were designated by the Board for preservation is available for the following:

- a. The installation, removal, or alteration of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, and telecommunication elements necessary for the normal operation of the building or site.
- b. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.
- c. Removal of trees more than 6 inches in diameter measured 4-1/2 feet above ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.
- d. Installation, removal, or alteration of exterior building and site signage.
- e. Installation of improvements for safety or accessibility compliance.
- f. Installation, removal, or alteration of fire and life safety equipment.
- g. Changes to exterior paint colors when painting a previously painted material.
- h. Replacement of non-original windows and doors when located in original openings.
- i. Alterations to the building foundations or garages for improved structural performance and waterproofing.

Section 3. Incentives. The following incentives are granted on the features or characteristics of the Roy Vue Apartments that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued under SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, adopted by SMC Chapter

22.100, and the Seattle Energy Code, adopted by SMC Chapter 22.700, may be authorized according to the applicable provisions.

C. Special tax valuation for historic preservation may be available under chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated landmark structure may be permitted under SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. The Roy Vue Apartments are added alphabetically to Section II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed to provide a certified copy of this ordinance to the Roy Vue Apartments' owner.

Section 7. 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 _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Neighborhoods	Erin/Doherty/206-684-0380	Miguel Jimenez/206-684-5805

** 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 historic preservation; imposing controls upon the Roy Vue Apartments, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Summary and background of the Legislation:

The attached legislation acknowledges the designation of the Roy Vue Apartments as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Roy Vue Apartments to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

The Roy Vue Apartments was built in 1924. The property is located in the Capitol Hill neighborhood. A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the site and exterior of the building, but do not apply to any in-kind maintenance or repairs of the designated features.

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.

Is there financial cost or other impacts of *not* implementing the legislation?
No.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

Yes. There is a city review process for changes to a landmark. Landmark controls are in perpetuity. The designating landmark ordinance is recorded with King County and associated with the parcel number in the County's records.

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

No.

e. Does this legislation affect a piece of property?

Yes, see attached map.

f. 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?

No. A language access plan is not anticipated.

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)?

No new initiative or programmatic expansion.

List attachments/exhibits below:

Summary Exhibit A – Vicinity Map of Roy Vue

Summary Ex A – Vicinity Map of Roy Vue
V1a



Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.



Legislation Text

File #: Res 31964, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION sponsoring and requesting the entrance of the King County Regional Homelessness Authority into the Association of Washington Cities Employee Benefit Trust.

WHEREAS, The City of Seattle funds the King County Regional Homelessness Authority (KCRHA), created under the interlocal cooperation act (chapter 39.34 RCW) and through an interlocal agreement authorized by Ordinance 126021; and

WHEREAS, the KCRHA will provide consolidated services for individuals and families who are experiencing homelessness or who are at imminent risk of experiencing homelessness in the jurisdictional boundaries of King County, services that have previously been provided by The City of Seattle with its own staff in the Seattle Human Services Department; and

WHEREAS, the KCRHA would like to participate in the Association of Washington Cities (AWC) Employee Benefit Trust as a quasi-municipal entity; and

WHEREAS, the AWC Employee Benefit Trust requires that a city member of the AWC sponsor a non-city entity's request before the non-city entity can participate in the AWC Employee Benefit Trust; NOW, THEREFORE,

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

CONCURRING, THAT:

Section 1. The City of Seattle, as a member of the Association of Washington Cities with the ability to sponsor a non-city entity to join the Employee Benefit Trust, requests that the King County Regional Homelessness Authority be allowed membership into the Association of Washington Cities Employee Benefit

Trust.

Adopted by the City Council the _____ day of _____, 2020, and signed by
me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Jeff Simms 206-684-3580	

** 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 sponsoring and requesting the entrance of the King County Regional Homelessness Authority into the Association of Washington Cities Employee Benefit Trust

Summary and background of the Legislation: This resolution expresses support for the entrance of the King County Regional Homelessness Authority (KCRHA) into the Association of Washington Cities (AWC) Employee Benefit Trust. A resolution from an AWC member city supporting entrance of a non-city entity is required for any non-city entity to enter the Employee Benefit Trust. The AWC Employee Benefit Trust has been identified as a strong option for providing benefits (e.g., health, vision, dental, etc.) to KCRHA employees. An application, including this resolution, does not bind the KCRHA to enter the AWC Employee Benefit Trust, but such entrance is not an option in 2020 if the application is not completed prior to September 1, 2020.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2025:

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? No.

Is there financial cost or other impacts of *not* implementing the legislation? Not adopting the resolution before September 1, 2020 would mean that the KCRHA cannot apply to be a member of the Employee Benefit Trust and would need to explore different options for providing benefits to employees.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?** This resolution has implications for the KCRHA, which is a separate governmental administrative agency that is supported by the City of Seattle.
- b. **Is a public hearing required for this legislation?** No
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?** No
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No
- e. **Does this legislation affect a piece of property?** No
- f. **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?** None
- 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).** Not applicable

List attachments/exhibits below:



Legislation Text

File #: Res 31965, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION delegating temporary authority to the City Clerk to set the time and place for a hearing on any appeals from the report, findings, recommendation, and decision of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751, and directing that the City Clerk provide any required notice of the hearing in the manner required by law.

WHEREAS, the Director of Transportation prepared the proposed final assessment roll for Local Improvement District (LID) No. 6751 and filed it with the City Clerk in November 2019; and

WHEREAS, on November 18, 2019, the City Council (“Council”) passed Resolution 31915, which initiated the process to confirm Waterfront LID assessments; and

WHEREAS, Revised Code of Washington (RCW) 35.44.070 requires the Council to hold a hearing on the final assessment roll where property owners subject to assessment may object to their assessments as described in the roll; and

WHEREAS, RCW 35.44.070 permits the Council to hold the hearing itself, or to designate an officer to conduct the hearing; and

WHEREAS, via Resolution 31915, the Council designated February 4, 2020, as the date for the hearing and designated the Hearing Examiner for The City of Seattle to conduct the required hearing on the LID final assessment roll; and

WHEREAS, in July 2020 the Hearing Examiner concluded the hearing and began preparing the Hearing Examiner’s report, findings, recommendation, and decision on the final assessment roll for LID No. 6751 (“Recommendation”); and

WHEREAS, Seattle Municipal Code (SMC) subsection 20.04.090.A.2 directs the Hearing Examiner to file said

Recommendation with the City Clerk; and

WHEREAS, the Hearing Examiner may file said Recommendation during the month of August 2020; and

WHEREAS, RCW 35.44.070 and SMC 20.04.090 require the Council to hear any appeals from the

recommendation of the Hearing Examiner on the final assessment roll for local improvement districts;

and

WHEREAS, SMC 20.04.090 and City Council Rules for Quasi-Judicial Proceedings (“Quasi-Judicial Rules”)

subsection V.A.2 require that an appellant must file a notice of appeal from said recommendation with

the City Clerk within 14 days of the Hearing Examiner’s filing of the recommendation with the City

Clerk; and

WHEREAS, SMC 20.04.090 requires the Council to set a time and place for a hearing on the appeal before the

City Council or a committee thereof and to give notice of the time and place to the appellant following

the filing of the notice of appeal; and

WHEREAS, Quasi-Judicial Rules subsection IV.A states that the Council may delegate the appeal review to a

committee, and the committee would then make a recommendation to the full Council; and

WHEREAS, Quasi-Judicial Rules subsection VI.A requires the delegated committee to set the time and place

for the hearing on the appeal within 15 days following the filing of the appeal with the City Clerk; and

WHEREAS, in accordance with the General Rules and Procedures of the Seattle City Council, no City Council

or committee meetings will occur between August 24 and September 4, 2020; and

WHEREAS, the City Clerk may receive one or more appeals from the Hearing Examiner’s recommendation on

a day in August such that the following 15 days will fall within the time that no City Council or

committee meetings will occur; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The City Council (“Council”) intends to refer appeals from the Hearing Examiner’s report, findings, recommendation, and decision on the final assessment roll for Local Improvement District No. 6751

(“Hearing Examiner’s recommendation”) to the Public Assets and Native Communities Committee.

Section 2. During the time period of August 24 through September 4, 2020, when no Council or committee meetings will occur, Council hereby delegates temporary authority to the City Clerk to set the time and place for the hearing of appeals from the Hearing Examiner’s recommendation by the Public Assets and Native Communities Committee to comply with the 15-day deadline established in City Council Rules for Quasi-Judicial Proceedings subsection VI.A.

Section 3. The City Clerk shall not set a time for a hearing sooner than December 1, 2020, due to the noticing requirements for hearings of appeals from the Hearing Examiner’s recommendations and Council’s suspension of committee meetings other than Select Budget Committee meetings during annual budget deliberations.

Section 4. During the time period of August 24 through September 4, 2020, the City Clerk is hereby directed to give notice of the time, place, and purpose of the hearing, in the form and manner required by law to any appellants.

Adopted by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Eric McConaghy/206 615 1071	n/a

** 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 delegating temporary authority to the City Clerk to set the time and place for a hearing on any appeals from the report, findings, recommendation, and decision of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751, and directing that the City Clerk provide any required notice of the hearing in the manner required by law.

Summary and background of the Legislation: Council designated the Hearing Examiner (HE), to conduct the hearing on the Waterfront Local Improvement District (LID) final assessment roll. He may file his recommendation with the City Clerk by mid-August or later. His filing of the recommendation will initiate the possibility of appeals of his recommendation to Council. This resolution delegates temporary authority to the City Clerk to meet the deadline to set the time and place for appeals in case the deadline occurs during Summer Recess, from August 24 through September 4.

The Council may not approve the final assessment roll for the Waterfront Local Improvement District (LID) without reviewing and deciding upon appeals of the HE's recommendation on the final assessment roll. The LID assessment would fund \$160 million of improvements plus approximating \$15.5 million on financing costs of the LID. This resolution would state Council's intention to refer the any appeal to the Public Assets and Native Communities Committee.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2025:

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?
 See below.

Is there financial cost or other impacts of *not* implementing the legislation?

The Council may not approve the final assessment roll for the Waterfront Local Improvement District (LID) without reviewing and deciding upon appeals of the Hearing Examiner's recommendation on the final assessment roll. The LID assessment would fund \$160 million of improvements plus any financing costs of the LID.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**
Approval of the LID final assessment roll would allow Finance and Administrative Services to collect the LID assessment funding improvements executed by the Department of Transportation and Parks and Recreation. The Office of the Waterfront and Civic Projects leads this effort to carry out the improvements.
- b. Is a public hearing required for this legislation?**
No.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. Does this legislation affect a piece of property?**
No.
- f. 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?**
No known impacts.
- 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)?**
None.



Legislation Text



File #: Appt 01591, **Version:** 1

Appointment of La Rond Baker as member, Community Police Commission, for a term to December 31, 2020.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>La Rond Baker</i>		
Board/Commission Name: <i>Community Police Commission</i>		Position Title: <i>Commissioner</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> City Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Community Police Commission</i>		Term of Position: * 1/1/2018 to 12/31/2020 <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: <i>Capitol Hill</i>	Zip Code: <i>98102</i>	Contact Phone No.: [REDACTED]
Background: La Rond Baker is Special Counsel for Affirmative Litigation and Policy at the King County Department of Public Defense. In her role she spearheads DPD's inquest program and represents families who have lost loved ones to police violence in inquest proceedings. Ms. Baker has 10 years of civil rights and civil liberties litigation and policy experience honed during her time at the ACLU of Washington, the Civil Rights Unit of the Washington State Attorney General's Office, and DPD. A significant amount of her work has involved the criminal legal system and policing issues including serving as counsel in <i>Trueblood v. DSHS</i> , a challenge to Pierce County Jail's failure to provide religious accommodations to Muslim inmates, a challenge to a private prison's practice of paying detainee workers \$1 per day for labor that kept a for-profit prison operational, a challenge to the placement of peaceful hunger strikers in solitary confinement at the Northwest Detention Center, and a challenge to warrant seeking NoDAPL protesters' Facebook page information. Ms. Baker also is deeply dedicated to collaborating and providing support to BIPOC communities and their advocacy regarding police reform and racial and economic justice.		
Authorizing Signature (original signature):   		Appointing Signatory: <i>Rev. Harriett Walden, Rev. Aaron Williams, Prachi Dave</i>

*Term begin and end date is fixed and tied to the position and not the appointment date.

EXPERIENCE

King County Department of Public Defense

Special Counsel for Affirmative Litigation and Policy

Represent families in King County inquest proceedings, drive the Department's inquest policy and practice, provide oversight and assistance of practitioners in Involuntary Treatment Court, develop and direct amicus program, litigate select appeals that have significant impact on client population, engage in legislative advocacy, develop and oversee impact litigation, and handle diverse set of civil issues that arise in the Director's Office.

Washington State Attorney General's Office

Assistant Attorney General Civil Rights Unit – July 2017 – Present

Lead attorney responsible for all phases of litigation, including fact and pre-suit investigation, drafting discovery requests, reviewing discovery responses and productions, developing dispositive motion strategy, drafting pleadings, and oral argument in district and appellate courts for *Washington v. The Geo Group, INC.* (challenging private prison's practice of paying detainee workers \$1 per day for labor essential in operating a for-profit immigration detention center) and *Karnoski v. Trump* (challenging United States' military ban on open service by transgender individuals).

American Civil Liberties Union of Washington

Staff Attorney – June 2011 – July 2017

Responsible for all phases of litigation, including fact and pre-suit investigation, taking depositions, drafting discovery requests, reviewing discovery responses and productions, and developing dispositive motion strategy, drafting pleadings, trial, and post-trial compliance. Litigate constitutional and civil rights cases in a range of substantive areas, including:

- Free speech (*Veterans For Peace v. City of Auburn* – successfully challenged viewpoint discriminatory exclusion of a VFP from the City of Auburn's Veterans' Day parade);
- Religious accommodations for incarcerated individuals (*Tarrer v. Pierce County* – successfully challenged a jail's failure to accommodate the religious needs of Muslim inmates and the jail's operation of a housing unit in the jail as a Christian program wherein non-Christians were routinely denied access to privileges);
- Due process rights of individuals court-ordered to receive mental health treatment (evaluation and restoration) and who are incarcerated while they await the State to provide those services (*A.B. by and through Cassie Cordell Trueblood v. Department of Social and Health Services* – successfully challenged DSHS's failure to provide timely competency services which resulted in class members languishing in jails and engage in complex post-judgment enforcement litigation);
- Voting rights (*Montes v. City of Yakima* and *Aranda Glatt v. City of Pasco* – successfully challenged the City Council election systems for the cities of Yakima and Pasco under Section 2 of the Voting Rights Act including lead counsel in negotiating a consent decree with Pasco regarding liability);
- Immigrant Rights (*Ramirez-Rangel v. Kitsap County* – successfully challenged traffic stops that unlawfully turned into immigration investigations and prolonged detentions; and *Ramirez-Martinez v. ICE* – successfully challenged placement of detained hunger strikers in solitary confinement).

MacDonald Hoague & Bayless

Litigation Team Associate Intern – June 2009 – June 2011

Researched discrete and broad issues; researched and drafted declarations, motions, and memos; and communicated with clients for individual and class action cases involving civil rights and employment litigation.

Associate Dean Peter Nicolas at the University of Washington School of Law

Research Assistant – October 2008 – June 2009

Cite checked and edited new edition of Associate Dean Peter Nicolas' Evidence textbook and New York Rules, Texas, and Florida Evidence Rules books; and researched the use of hearsay in the enforcement of race conscious laws.

Street Youth Legal Advocates of Washington

Juvenile Records Sealing Clinic Intern – October 2008 – July 2009

Filed and served notices, motions, and orders for juvenile records sealing clinic, and advertised the clinic through outreach.

Court of Appeals, Division II – Judge David H. Armstrong's Chambers

La Rond Baker

Extern – June 2008 – September 2008

Researched relevant case law for opinions, drafted pre-hearing memos, and reviewed head notes for accuracy.

Powerful Voices

Instructional Coordinator for Girls Health & Wellness Class at Juvenile Detention - October 2006 – August 2007 ***Girls RAP (Rights! Action! Power!) Instructional Coordinator – October 2004 – October 2006***

Created curriculum for workshops on parenting, sexual assault, positive decision-making, and other topics. Individualized goal setting with incarcerated young women and for young women in middle school. Sustained and nourished relationships with staff at juvenile detention and at the middle schools where programs were held.

the Service Board

South End Program Coordinator – October 2005 – July 2007

Led flagship site for a non-profit mentoring program that focuses on community service, social justice, service projects, and snowboarding. Developed curriculum and community service components, and facilitated weekly meetings of 25-35 people.

Pipeline Project – University of Washington

Seminar Leader & Site Coordinator at King County Correctional Facility – January 2003 – December 2005

Paid position from September 2004 to December 2005

Created curriculum for Education and the Criminal Justice System seminar for UW students who tutored inmates for credit. Developed and facilitated trainings for UW tutors and support lesson planning and researched material acquisition.

Literacy AmeriCorps Member

ABE & GED Teacher/Volunteer Coordinator at King County Correctional Facility – September 2002 – September 2004

Taught non-traditional GED classes to groups of 12-18 inmates. Created curriculum and individualized lesson plans for inmates. Increased volunteer tutor base from 5 to 25 tutors. Developed and facilitated tutor trainings.

ADDITIONAL ACTIVITIES

Washington State Bar Association Civil Rights Law Section

Chair– September 2016 – September 2018

At-Large Board Member – September 2013 – 2016

EDUCATION

University of Washington School of Law – J.D. Class of 2010

The Evergreen State College – B.A. Class of 2002

Community Police Commission

21 Members: Pursuant to 125315, all members subject to City Council confirmation, 3-year terms:

- 7 City Council-appointed
- 7 Mayor-appointed
- 7 Other Appointing Authority-appointed (specify):

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
	F		1.	Member	Asha Mohamed	1/1/17	12/31/19	1	Mayor
2	M		2.	Member	Aaron Williams	1/1/18	12/31/20	3	City Council
			3.	Public Defense	La Rond Baker	1/1/18	12/31/20	1	CPC
2	F		4.	Member	Suzette Dickerson	1/1/18	12/31/20	1	Mayor
			5.	Member	Douglas E. Wagoner	1/1/18	12/31/20	1	City Council
			6.	Civil Liberties	Prachi Vipinchandra Dave	1/1/18	12/31/20	1	CPC
	F		7.	Member	Erin B. Goodman	1/1/18	12/31/20	1	Mayor
2	F		8.	Member	Brandy Grant	1/1/19	12/31/21	1	City Council
			9.	Member	Vacant	1/1/20	12/31/22		CPC
2	F		10.	Member	Harriett Walden	1/1/19	12/31/21	2	Mayor
			11.	Member	Emma Montanez Catague	1/1/19	12/31/21	1	City Council
7	M		12.	Member	Joseph Seia	1/1/19	12/31/21	2	CPC
9	F		13.	Member	Esther Lucero	1/1/19	12/31/21	1	Mayor
		4	14.	Member	Vacant	1/1/19	12/31/21	1	City Council
2	M		15.	SPOG	Mark Mullens	1/1/20	12/31/22	2	CPC
9	F		16.	Member	Monisha R. Harrell	1/1/20	12/31/22	1	Mayor
3	NB	3	17.	Member	Alina Santillan	1/1/17	12/31/19	1	City Council
			18.	SPMA	Scott Bachler	1/1/20	12/31/22		CPC
			19.	Member	Colleen Echohawk	1/1/20	12/31/22	2	Mayor
9	F		20.	Member	Natasha Moore	1/1/17	12/31/19	1	City Council
2	F		21.	Member	Vacant	1/1/17	12/31/19	1	CPC

SELF-IDENTIFIED DIVERSITY CHART

					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor													
Council													
Other													
Total													



Legislation Text

File #: Appt 01592, **Version:** 1

Appointment of Judith M. Tobin as member, Seattle Ethics and Elections Commission, for a term to December 31, 2021.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Judith M. Tobin</i>		
Board/Commission Name: <i>Seattle Ethics & Elections Commission</i>		Position Title: <i>Member</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Date Appointed: 10/1/2019	Term of Position: * 1/1/2019 to 12/31/2021 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: <i>Capitol Hill</i>	Zip Code: <i>98102</i>	Contact Phone No.: <i>N/A</i>
Background: <p>Judy Tobin was the Co-founder of the Community Marketing and Media Center, an organization that used a skill-building approach to help non-profits develop marketing strategies for programs, fund raising, and publicity. She has served 8-years as a Public Member on the Washington State Medical Quality Assurance Commission, which approves licenses for medical doctors and it also investigates malpractice and complaints of mistreatment by patients. She worked with a team of lawyers and investigators to discover the facts surrounding a complaint and determine whether the complaint is valid.</p> <p>Judy has also served as the Chair of the Development Committee at the Wing Luke Asian Museum, as Chair of the Pike Market Medical Clinic Board, and as the Chair of the Seattle Center Advisory Commission. She was on the board of the Pacific Hospital PDA until last year, and currently sits on King County's Veteran, Seniors, & Human Services Levy Board as the chair of the Vulnerable Populations committee.</p>		
Authorizing Signature (original signature): 		Appointing Signatory: <i>Jenny A. Durkan</i> <i>Mayor of Seattle</i>

*Term begin and end date is fixed and tied to the position and not the appointment date.

Judith M. Tobin

Seattle, Washington 98102

Summary of Volunteer and Professional Activities

Veterans Seniors and Human Services Levy Advocacy Board. Appointed June 2019 by King County Council, as recommended by Councilmember Larry Gossett. Member of and Chair of the Vulnerable Populations Advisory Board.

Pacific Hospital PDA Governing Council, serving as Council Secretary and on the Planning Committee. The PHPDA's Charter-defined purpose is to provide funding for healthcare for medically underserved populations in the Puget Sound region. ing capacity of the Pacific Hospital PDA by advancing both the value of the property and its benefit to the community. I served as a Governing Council appointee from 2012-2018

Washington State Medical Quality Assurance Commission, public member. Appointed by Gary Locke March 2004. Reappointed by Christine Gregoire in 2008. Term completed 2011. Served as Panel Chair and 3rd Vice President.

Wing Luke Asian Museum. Board of Directors and Chair of the Development Committee. 2002 to present.

Seattle Center Advisory Commission. Chair of the Commission and Chair of the Cultural Festivals Committee. Appointed by the Mayor in 1999. Term ended Sept, 2005.

Social Justice Fund NW, (formerly A Territory Resource), a progressive foundation promoting social justice in the Northwest and Northern Rockies. Have served on, and chaired several committees, including the Board of Directors in 1998-99. Actively involved since 1986.

Solid Ground (formerly Fremont Public Association). Member of the Capital Campaign Action Group that helped complete funding for the new Community Resource Center in Wallingford, 1998-99. Member of the Solid Ground Campaign Task Force from 2008--2011 to build 106 low income housing units at Sand Point.

Pike Place Market PDA Council. Member of the Executive Committee and Chair of the Marketing Committee. 1990-97.

Pike Market Medical Clinic. Served on the Board of Directors from 1984-94. Served as President of the Board from 1990 to 1994.

Community Marketing and Media Center, Co-founder, 1984-85. An organization that used a skill-building approach to help non-profits develop marketing strategies for programs, fund raising and publicity.

B.A., English Literature, University of California at Berkeley

7 Members: Pursuant to *SMC 3.70.020*, all members subject to City Council confirmation, 3-year terms:

- 3 City Council-appointed
- 3 Mayor-appointed
- 1 Other Appointing Authority-appointed (specify):

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
2	M	1	1.	Member	Nicholas W. Brown	1/1/18	12/31/20	1	Mayor
6	M	6	2.	Member	Richard F. Shordt	1/1/19	12/31/21	1	City Council
	F	3	3.	Member	Judith M. Tobin	1/1/19	12/31/21	1	Mayor
6	F	3	4.	Member	Susan R. Taylor	1/1/19	12/31/21	1	Commission
6	F	1	5.	Member	Eileen M. Norton	1/1/17	12/31/19	2	City Council
6	M	7	6.	Member	Brendan W. Donckers	1/1/17	12/31/19	2	Mayor
6	M	7	7.	Member	Bruce Carter	1/1/18	12/31/20	3	City Council

SELF-IDENTIFIED DIVERSITY CHART

SELF-IDENTIFIED DIVERSITY CHART					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	2	1				1				1			
Council	2	1								3			
Other		1								1			
Total	4	3				1				5			

Key:

*D List the corresponding *Diversity Chart* number (1 through 9)

**G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text


File #: Appt 01593, **Version:** 1

Appointment of Hardeep Singh Rekhi as member, Seattle Ethics and Elections Commissions, for a term to December 31, 2022.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Hardeep Singh Rekhi</i>		
Board/Commission Name: <i>Seattle Ethics and Elections Commission</i>		Position Title: <i>Member</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>		Term of Position: * 1/1/2020 to 12/31/2022 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: <i>Lower Queen Anne</i>	Zip Code: 98109	Contact Phone No.: <div style="background-color: black; width: 100px; height: 1.2em;"></div>
Background: <i>Hardeep Singh Rekhi was admitted to the Washington State Bar in 2003. He is an owner in Rekhi & Wolk, P.S., and sits on the board of the Washington Employment Lawyers Association. He is a former board member of OneAmerica, the Washington State Association for Justice, and the South Asian Bar Association.</i>		
Authorizing Signature (original signature):  Date Signed (appointed): 7/24/20		Appointing Signatory: <i>Lorena González</i> <i>City Council President</i>

*Term begin and end date is fixed and tied to the position and not the appointment date.

Hardeep Singh Rekhi

Recent Work Experience

Rekhi & Wolk, P.S. (formerly Rekhi Law Firm, PLLC)	January 2012 to Present	Seattle, WA
------------------------------------------------------------------	-------------------------	-------------

Owner

• Focus on employment and civil rights matters • Class action and complex litigation • Represents individuals and businesses Responsible for all aspects of operations • Responsible for all aspects client representation

Bar Admissions & Awards

• Admitted to the Washington State Bar December 2003 No. 34579 • Admitted to Eastern District of Washington
• Admitted to Western District of Washington • Admitted to Ninth Circuit Court of Appeals
• Super Lawyer 2012-2020 • Recipient of Washington State Association of Justice Carl Maxey Award-2012

Board and Committee Activities

Board Member of Washington Employment Lawyers Association (2011 to Present) Current Board member for Washington Employment Lawyer Association (“WELA”). WELA is a lawyers association providing services for lawyers who represent employees.

Board Member of Washington State Association for Justice (2016 to Present) Current Board member for Washington State Association for Justice. In 2017-2019 I served on the executive committee. I have served as the chair of the Diversity Committee, the Judicial Relations Committee, and the Civil Rights Committee. I have also served on Nominations Committee and the Civil Rules Committee. I have authored chapters in both the Employment Law Deskbook as well as served as the editor of the first edition of the Civil Rights Deskbook.

Former Board Member of the South Asian Bar Association (2014-2016) As a Board Member, my primary achievement was to begin a free legal clinic in the Renton/Kent Area serving the local population.

Former Oneamerica Board Member (2006 to 2014) Secretary of the Board for Oneamerica, a non-profit organization. Oneamerica advances the fundamental principles of democracy and justice at the local, state and national levels by building power within immigrant communities. Duties have included presenting and participating in multiple local and national panels regarding various issues affecting immigrant communities.

Former Chair of The Joint Asian Judicial Evaluation Committee (2013) Currently serve as committee member. This committee provides judicial evaluations for current judges as well as candidates for judicial positions.

Presenter at multiple CLEs on various topics, including Washington Civil Procedure and Employment Law issues. In addition to presenting at CLEs I have written a number of articles related to discrimination and hate crimes.

Author of Race Chapter for WSAJ Employment Law Deskbook. I have authored or co-authored the chapter on race Discrimination in the WSAJ Employment Law Deskbook.

Hearing Officer (2014 to 2016) Serve as a hearing officer for the WSBA disciplinary Committee. I adjudicate lawyer ethics complaints brought by the WSBA.

Founding Board Member Khasla Gurmat Center (2014). The Khalsa Gurmat Center is non-profit center that focuses on providing resources to Sikhs and the community at large. Currently the center offers Punjabi language classes, Sikh history classes, a free legal clinic, a free health fair, Gatka classes, math classes, computer programming classes, music classes, English as a second language classes.

Other Accolades:

- Chair of the Diversity Section for WSAJ
- WSAJ BOG 2016-2018
- WSAJ Executive Committee 2016-2018
- Chaired Diversity and Ethics portion of the 2017 WSAJ Convention
- Commissioner for the Seattle Ethics and Elections Committee
- Board member for WELA
- SABAW Board Member
- Began Legal Clinic at the SABAW
- Board Of Governors, KHALSA GURMAT SCHOOL
- WSBA CLEs
- Seattle Human Rights Commission Hate Crimes/Bias Forum (2012)

Seattle Ethics and Elections Commission

7 Members: Pursuant to Seattle Municipal Code 3.70.020, all members subject to City Council confirmation, 3-year terms:

- 3 Mayor- appointed
- 3 City Council- appointed
- 1 Other Appointing Authority: Commission

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
2	M	1	1.	Member	Nicholas Brown	1/1/18	12/31/20	1	Mayor
6	M	6	2.	Member	Richard Shordt	1/1/19	12/31/21	1	City Council
6	F	3	3.	Member	Judith Tobin	1/1/19	12/31/21		Mayor
6	F	3	4.	Member	Susan Taylor	1/1/19	12/31/21	1	Commission
5	M	6	5.	Member	Hardeep Singh Rekhi	1/1/20	12/31/22	2	City Council
6	M	7	6.	Member	Brendan Donckers	1/1/17	12/31/19	2	Mayor
6	M	7	7.	Member	Bruce Carter	1/1/18	12/31/20	3	City Council

SELF-IDENTIFIED DIVERSITY CHART					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	2	1				1				2			
Council	3								1	2			
Other		1								1			
Total	5	2				1			1	5			

Key:

*D List the corresponding *Diversity Chart* number (1 through 9)

G List *gender*, **M= Male, **F**= Female, **T**= Transgender, **NB**= Non-Binary, **O**= Other, **U**= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

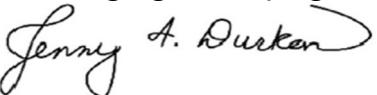
File #: Appt 01602, **Version:** 1

Reappointment of Chris Mefford as member, City Light Review Panel, for a term to April 11, 2023.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Chris Mefford		
Board/Commission Name: City Light Review Panel		Position Title: Member
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: Fill in appointing authority		Term of Position: * 4/12/2020 to 4/11/2023 <input type="checkbox"/> Serving remaining term of a vacant position
Residential Neighborhood: Wedgewood	Zip Code: 98115	Contact Phone No.: [REDACTED]
Background: Chris founded Community attributes in 2205. He excels in working with jurisdictions on economic development and planning projects, providing market and feasibility analyses; economic and financial analysis; and policy analysis, including land use and transportation policies. He brings more than 25 years of experience in consulting, project management, and analysis of regional economies, land use and transportation patterns. He often speaks to audiences about the regional economy and community development considerations. Chris is an expert in regional economic development, socio-economic and demographic analysis, financial feasibility analysis, geographic information systems modeling and mapping, and transportation planning.		
Authorizing Signature (original signature): 		Appointing Signatory: Jenny A. Durkan Mayor of Seattle
Date Signed (appointed): 7/24/20		



CHRIS MEFFORD President and CEO

Chris Mefford will provide principal-level guidance and project support.

Chris founded Community Attributes Inc. in 2005. He excels in working with jurisdictions on economic development and planning projects, providing market and feasibility analyses; economic and financial analysis; and policy analysis, including land use and transportation policies. He brings more than 25 years of experience in consulting, project management, and analysis of regional economies, land use and transportation patterns. He often speaks to audiences about the regional economy and community development considerations. Chris is an expert in regional economic development, socio-economic and demographic analysis, financial feasibility analysis, geographic information systems modeling and mapping, and transportation planning.

EDUCATION

MBA: University of Washington

MS: Urban and Regional Planning
University of Iowa

BA: Mathematics,
Economics Minor,

University of
Northern Iowa

REPRESENTATIVE EXPERIENCE

PUGET SOUND REGIONAL COUNCIL

Regional Economic Strategy

Greater Seattle Region | 2017

WA STATE DEPT OF COMMERCE

Economic Impact Modeling Tool

Washington State | 2015

SEATTLE CHAMBER OF COMMERCE

Strategic Plan for Seattle Chamber

Worldwide | 2018 - Ongoing

WA STATE DEPT OF COMMERCE

Military and Defense Contractors Web Portal

Washington State | 2016

WORKFORCE DEVELOPMENT COUNCIL OF SEATTLE-KING COUNTY

Online Talent Pipeline

King County, WA | 2014, 2017

ONLINE CIVIC HEALTH INDEX REPORT

Seattle City Club

Seattle, WA | 2017

TECHNOLOGY ALLIANCE

Tech's Impact on Washington

Washington State | 2017

COMMUNITY ATTRIBUTES INC.

CAILive Interactive Data Platform

U.S. | 2013—Ongoing

SEATTLE OFFICE OF ARTS AND CULTURE

SpaceLab NW

Seattle and King County, WA | 2016 – Ongoing

STEWARDSHIP PARTNERS

Sound Impacts Metrics Portal

Seattle, WA | 2016 – Ongoing

WASHINGTON STATE UNIVERSITY

Economic Impact of WSU

Pullman, WA | 2014—2015

SWEDISH MEDICAL GROUP

Market Assessment and In-Depth Service Line Analysis

Seattle, WA | 2015 – Ongoing

KING COUNTY

Housing Affordability Facilitation

King County, WA | 2017-2018

CITY OF SEATTLE OFFICE OF PLANNING & COMMUNITY DEVELOPMENT

Seattle Mandatory Housing Affordability Economic Viability Analysis

Seattle, WA | 2016 - 2017

CITY OF SEATTLE CITY COUNCIL

South Lake Union Housing Demand Analysis

Seattle, WA | 2013

KING COUNTY

Buildable Lands Analysis

City Light Review Panel

9 Members: Pursuant to Ordinance 123256, all members subject to City Council confirmation, 3-year terms:

- 4 City Council- appointed
- 5 Mayor- appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	M	4	1.	Economist	Chris Mefford	4/12/20	4/11/23	2	Mayor
6	M	4	2.	Financial Analyst	Scott Haskins	4/12/20	4/11/23	1	City Council
6	F		3.	Non-Profit Representative	Sara Patton	5/1/18	4/30/21	2	Mayor
6	M	6	4.	Residential Customer Representative	Thomas Buchanan	9/29/16	9/30/19	1	City Council
6	M		5.	Commercial Customer Representative	Mikel Hansen	4/13/18	4/12/21	1	Mayor
			6.	Industrial Customer Representative	VACANT	10/1/16	9/30/19	1	City Council
2	M	3	7.	Low-Income Customer Representative	Leon Garnett	4/12/19	4/12/21	2	Mayor
6	M	4	8.	Member at Large	John Putz	10/1/20	9/30/23	2	City Council
6	F		9.	Suburban Franchise Representative	Gail E. Labanara	5/1/18	4/30/21	2	Mayor

SELF-IDENTIFIED DIVERSITY CHART					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	3	2				1				4			
Council	3	0								4			
Other													
Total	6	2											

Key:

- *D List the corresponding *Diversity Chart* number (1 through 9)
- **G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary, O= Other, U= Unknown
- RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and is voluntary.*