

design, and the design accommodates daytime restricted parking for the adjacent property owner; and WHEREAS, the Steering Committee and BSOP 1, LLC, the adjacent property owner, entered into a Memorandum of Understanding agreeing that BSOP 1 LLC will contribute \$500,000 for the construction of the public plaza, as supported by the Seattle Department of Neighborhoods, and BSOP 1, LLC will provide ongoing maintenance of the public plaza; and WHEREAS, BSOP 1, LLC applied for permission to construct a private parking area for 16 vehicles in the unopened right-of-way in East Howe Street, east of Fairview Avenue East (“Private Parking Area”); and WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by BSOP 1, LLC to construct the Private Parking Area and recommends that conceptual approval be granted; NOW, THEREFORE,

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

Section 1. The City Council finds that the Private Parking Area across East Howe Street, east of Fairview Avenue East, as proposed by BSOP 1, LLC and the funding for constructing the public plaza and the ongoing maintenance of a public plaza are in accordance with and in the public interest.

Section 2. As conditions for obtaining permission to construct the Private Parking Area in East Howe Street, east of Fairview Avenue East, and consistent with the Memorandum of Understanding, BSOP 1, LLC shall:

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

(2) Continue to work with the Steering Committee to address the comments from the Seattle Design Commission and other City departments on the design and implementation of the public plaza, including signage for the Private Parking Area that is consistent with city policies on restricted parking areas;

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

(4) Pay all City permit fees;

(5) Obtain all necessary permits;

(6) Contribute \$500,000 for the construction of the public plaza and provide ongoing maintenance of the public plaza for the duration of the Private Parking Area term permit and any subsequent Private Parking Area term permits;

(7) Maintain and inspect the Private Parking Area; and

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

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

Section 4. As recommended by the Director and the Mayor, conceptual approval for construction of the Private Parking Area on East Howe Street, east of Fairview Avenue East, is GRANTED.

Adopted by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its adoption this _____ day of _____, 2021.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)