

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117933

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4 AN ORDINANCE relating to the Alaskan Way Viaduct and Seawall Replacement Program;
5 authorizing the acquisition of real property located at 1101 Western Avenue through
6 negotiation or condemnation; and authorizing recording and acceptance of a deed for
7 general municipal purposes, including parking.

8 WHEREAS, the Central Waterfront historically experiences periodic shortages of affordable
9 public parking, particularly during the summer tourist season; and

10 WHEREAS, recent growth in private development along the Central Waterfront has also resulted
11 in the loss of affordable public parking; and

12 WHEREAS, the Central Waterfront is an important tourist destination, an integral part of the
13 downtown transportation network, and generates significant jobs and economic activity,
14 and as such the City is sensitive to the area's access needs, including the function of a
15 Alaskan Way, the Central Waterfront arterial surface road, in moving people and goods
16 as part of the wider downtown transportation network; and

17 WHEREAS, the City and the State of Washington are engaged in the Alaskan Way Viaduct and
18 Seawall Replacement Program ("AWVSRP") that includes a four-lane bored tunnel and
19 improvements to City streets including Alaskan Way, the Central Waterfront, and transit;
20 and

21 WHEREAS, as part of the AWVSRP, the Washington State Department of Transportation
22 (WSDOT) and the City are constructing and will continue to construct the Alaskan Way
23 Viaduct Replacement Project ("Project"); and

24 WHEREAS, the Final Environmental Impact Statement (FEIS) for the Project, prepared by the
25 Federal Highway Administration, WSDOT and the City of Seattle Department of
26 Transportation (SDOT), identified the loss of on-street, public parking ("Parking") as one
27 of the environmental impacts caused by the construction of the Project; and provided that
28 SDOT, in coordination with WSDOT, would develop and implement strategies to
mitigate these impacts;

WHEREAS, to that end, the August 2011 Federal Highway Administration Record of Decision
(ROD) for the Project allocated funds to mitigate the effects of Project construction on
Parking, including funds to acquire existing off-street parking; and

1 WHEREAS, as provided in the FEIS and ROD, WSDOT and SDOT, developed the SR 99
2 Tunnel Project Parking Mitigation Plan (“Parking Mitigation Plan”) which contains
3 strategies to mitigate the loss of Parking in impacted neighborhoods, and specifically
4 identifies building new or acquiring existing parking as a key strategy to mitigate the loss
of short-term, on street parking in impacted neighborhoods, including the Central
Waterfront and Pioneer Square neighborhoods; and

5 WHEREAS, the preparation and development of the Parking Mitigation Plan was conducted in
6 an open, public manner with participation and consensus from a group of stakeholders
7 from the Central Waterfront and Pioneer Square neighborhoods, and included open
8 monthly meetings with stakeholders and posting materials and draft plans on WSDOT’s
9 Alaskan Way Viaduct Replacement Program web site; and

10 WHEREAS, prior to the finalization of the Parking Mitigation Plan in July 2012, a public
11 briefing was held before Seattle City Council in April 2012, and in March 2013, a public
12 briefing was held before the Seattle City Council on the Plan and its implementation
13 progress; and

14 WHEREAS, on October 10, 2103, the Seattle City Council held a public hearing on the Parking
15 Mitigation Plan, as required under RCW 35.86.050; and

16 WHEREAS, acquisition of existing parking facilities is an identified strategy in the Parking
17 Mitigation Plan for which a portion of the State’s allocated funding can be spent; and

18 WHEREAS, Seattle’s Comprehensive Plan identifies the establishment of short term parking
19 facilities as a means of meeting forecasted needs, and allows and favors the use of short
20 term parking to meet the needs of shoppers and other non-commuters; and

21 WHEREAS, the City has identified property located at 1101 Western Avenue (“Property”),
22 containing approximately 130 parking spaces that it wishes to acquire for parking under
23 the Parking Mitigation Plan; and

24 WHEREAS, in addition to other authority, under RCW 35.86.010 and RCW 35.86.030 the City
25 has authority to acquire off-street parking facilities through negotiation, and if necessary,
26 condemnation; and

27 WHEREAS, the City further intends that the revenue generated by the parking facility be
28 deposited into an account, fund or subfund reserved for the purposes of repaying any
debt or other financing costs associated with Property acquisition, for operation and
maintenance of the Property, for programs to enhance access to parking near the Central
Waterfront and Pioneer Square, specifically the Parking Mitigation Plan, and for
operations, maintenance and programming of Seattle Central Waterfront public spaces;
and

1 WHEREAS, it is in the City's best interest to recognize and respond to the changing needs of the
2 Central Waterfront neighborhood and proactively plan for parking mitigation by
3 acquiring this parking facility; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. Public convenience and necessity require that the following described real
6 property located in the city of Seattle, county of King, state of Washington and commonly
7 known as the property located at 1101 Western Avenue (tax parcel No. 766620-2505)
8 ("Property"), together with all rights, privileges and other property pertaining thereto, be
9 acquired for general municipal purposes, including parking:

10 Lots 1, 2, 3, and 4, Block 182, Seattle Tide Lands.

11 Section 2. The Director of the City of Seattle Department of Transportation ("SDOT")
12 or his designee ("Director") is authorized, on behalf of the City, to negotiate and enter into
13 agreements to acquire the Property upon payment of just compensation therefore, and to accept a
14 deed for the Property by attaching to the deed the Director's written acceptance thereof, and
15 recording the same.

16 Section 3. The Seattle City Attorney is authorized to commence and prosecute
17 proceedings in the manner provided by law to condemn, take, damage, and appropriate the
18 Property in fee simple after just compensation has been made or paid into court for the owner
19 thereof, in the manner provided by law; and to stipulate for the purpose of minimizing damages.

20 Section 4. The Property, when acquired by the City, shall be placed under the
21 jurisdiction of SDOT and designated for general municipal purposes.

22 Section 5. Effective upon the recording and acceptance of the deed (or entry of
23 judgment) for the Property, the City will own and operate the established parking facility on the
24 Property. The revenue generated from operation of the parking facility shall be placed in an
25 account, fund or subfund reserved for the purpose of repaying any debt or other financing costs
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27
28

1 associated with the Property acquisition, for operation and maintenance of the Property, for
2 programs to enhance access to parking near the Central Waterfront and Pioneer Square,
3 specifically the SR 99 Tunnel Project Parking Mitigation Plan, and for operations, maintenance
4 and programming of Central Waterfront public spaces.

5 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

8 Passed by the City Council the ____ day of _____, 2013, and
9 signed by me in open session in authentication of its passage this
10 ____ day of _____, 2013.

11 _____
12
13 President _____ of the City Council

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15 Approved by me this ____ day of _____, 2013.

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17 _____
18 Michael McGinn, Mayor

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20 Filed by me this ____ day of _____, 2013.

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22 _____
23 Monica Martinez Simmons, City Clerk

24 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative Department	Norm Schwab/684-9292	N/A

Legislation Title:

AN ORDINANCE relating to the Alaskan Way Viaduct and Seawall Replacement Program; authorizing the acquisition of real property located at 1101 Western Avenue through negotiation or condemnation; and authorizing recording and acceptance of a deed for general municipal purposes.

Summary of the Legislation:

This legislation authorizes the Director of the Department of Transportation (“SDOT”) to acquire the real property located at 1101 Western Avenue through negotiation or use of eminent domain. This property is currently being utilized as a surface parking lot providing approximately 130 parking spaces. This legislation places the acquired property under SDOT’s jurisdiction and designates it for general municipal purposes with the intended use as affordable short-term parking. Lastly, this legislation provides for the reservation of revenue from the operation of the parking facility and deposit of such funds into a reserve account designated only for expenses attributed to the parking facility, programs to enhance access to parking along the Central Waterfront and in Pioneer Square, and for operations, maintenance and programming of Central Waterfront public spaces, including any debt that may be incurred for this transaction.

Background:

Historically, there are periodic shortages of affordable public parking along the Central Waterfront, particularly during tourist season as the Central Waterfront is an important tourist attraction for visitors of the Seattle area. Tourist and general public access to the waterfront affects commerce and revenue for the City of Seattle. A shortage of short-term, on-street parking (spaces that are restricted to four hours or less) impacts access and economic activity. The City is sensitive to this issue and is committed to finding solutions for alleviating this problem.

The SR 99 Tunnel Project, a component of the Alaskan Way Viaduct Replacement Program, has commenced. A significant impact of tunnel construction is the removal of on-street parking under the viaduct, primarily along the Central Waterfront and in Pioneer Square. It is critical that the loss of short-term parking be mitigated to minimize the impacts to the City, businesses and neighborhoods.

In August 2011, the Federal Highway Administration signed the Alaskan Way Viaduct Replacement Project Record of Decision. This document concluded the project’s environmental

process and approved construction of a tunnel to replace the Alaskan Way Viaduct along the Central Waterfront. In the document, the State of Washington Department of Transportation ("State") committed to providing up to \$30 million to mitigate the loss of short-term parking during SR 99 tunnel construction between 2011 and 2018. The State and the Seattle Department of Transportation ("SDOT") subsequently worked together, taking into consideration the recommendations of a group of stakeholders, to develop appropriate parking mitigation strategies, and in June 2012 the Parking Mitigation Plan was endorsed.

The Alaskan Way Viaduct Replacement Program involves a coordinated effort among the State of Washington, the City of Seattle, King County, and the Port of Seattle for planning street, transit, seawall, and Central Waterfront improvements. This Parking Mitigation Plan fits within the State's and SDOT's continued partnership on the larger program and will have public benefits beyond the SR 99 tunnel construction.

Property acquisition of existing parking facilities is a key strategy in the Parking Mitigation Plan to mitigate the loss of short-term, on street parking in impacted neighborhoods, including the Central Waterfront and Pioneer Square neighborhoods. Therefore, a portion of the dedicated resources the State committed for parking mitigation can be used for this acquisition which presents the City with an excellent opportunity to respond to this ongoing concern.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Note: This legislation has financial implications however the details concerning expenditure appropriations and revenues will be decided via the 2014 budget process.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes. Without this legislation the City will miss an opportunity to address the limited supply of public, short-term parking on the Central Waterfront. This issue is exacerbated by Central Waterfront construction. Failure to replace short-term, on-street public parking likely will result in lost revenue to the City along the Central Waterfront, potentially hurting economic activity and tourism during the multi-year construction period (2013-2020).

In addition, the City will be required to reinvest a portion of net operating income into the Parking Mitigation Plan. The details of this reinvestment will be negotiated through a Memorandum of Agreement between SDOT and the State.

b) What is the financial cost of not implementing the legislation?

This property acquisition can be partially funded with State funds obligated to mitigate construction impacts on short-term parking in the Central Waterfront and Pioneer Square neighborhoods. The City has a fiscal responsibility to make the best use of these funds to address short-term parking concerns by providing short-term parking as a public benefit.

Furthermore, there is a limited supply of property appropriate for parking in the area. Not acquiring this property at this time could potentially cost the City money with respect to lost funding and opportunity for retaining customers along the Central Waterfront with parking that is available, proximate, safe, and affordable.

c) Does this legislation affect any departments besides the originating department?

No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

There are no alternatives that provide the same benefits and certainty of provision of affordable short-term parking. The Parking Mitigation Plan includes additional strategies that seek to mitigate construction impacts on parking. These strategies are funded and being implemented, providing benefits primarily in the near term, such as limited-term agreements with downtown parking facilities to provide short-term parking at rates consistent with on-street parking.

The State has sought to create partnerships with property owners on the Central Waterfront to provide public, short-term parking as part of a new, mixed-use development. However, even if this alternative is successful, it would provide fewer spaces and would not be realized for at least two years.

e) Is a public hearing required for this legislation?

Public comment periods held concurrent with Committee and Council meetings will satisfy the requirement for acquisition of this property.

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

Yes. Under RCW 8.25.290, the City is required to publish notice of this action in both the Daily Journal of Commerce and the Seattle Times newspapers.

g) Does this legislation affect a piece of property?

Yes. This legislation authorizes the acquisition through negation or condemnation of an existing surface parking lot in the vicinity of the Central Waterfront.

h) Other Issues: