

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard located beneath, adjacent to, and across Lake Washington Boulevard South from a parking lot at 53rd Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

Summary of the Legislation:

This legislation would transfer partial jurisdiction for the subsurface of part of a parking lot property at 53rd Avenue South and Lake Washington Boulevard South, as well as a small surface area and the subsurface of certain landscaped areas across Lake Washington Boulevard South to the west of the parking lot, within the boundaries of the park boulevard known as Lake Washington Boulevard, from the Department of Parks and Recreation (Parks) to Seattle Public Utilities (SPU). SPU needs to use the subsurface area to maintain, repair, and operate an underground sewage/stormwater storage tank and associated pipes and electrical lines, and a small surface area for limited surface ancillary facilities to comply with state and federal water quality regulations.

The legislation includes findings that the transfer of partial jurisdiction meets the requirements of Ordinance 118477 (Initiative 42). Specifically, (a) the proposed use is necessary because there is no reasonable and practical alternative location for the underground storage tank and associated facilities; (b) transfer of limited and partial jurisdiction for maintenance, repair, and operation of the tank and associated facilities is equivalent to a subsurface or utility easement, as permitted by Section 3 or Ordinance 118477; and (c) the tank, pipes, electrical lines, and limited surface ancillary facilities are compatible with park use because they are compatible with the current use of the property for parking and landscaping.

Background:

The City's combined sewer overflow (CSO) discharge permit from the Washington State Department of Ecology (Ecology) requires SPU construct facilities to reduce CSO discharges into Lake Washington. The State Department of Ecology identifies the Genesee Basin 43, which is upland of the parking lot, as a priority to construct a CSO reduction project by 2015. Through

a comprehensive siting analysis and public involvement process, SPU determined the only practical and reasonable alternative to reducing CSOs in this basin is to construct an underground storage tank in the parking lot located at 53rd Avenue South. This parking lot is within the boundaries of the park boulevard known as Lake Washington Boulevard.

Ordinance 118477 does not require replacement property for transfer or change of use for subsurface or utility easements compatible with park use. The proposed transfer of partial and limited jurisdiction is equivalent to a subsurface or utility easement and the installation of an underground tank, associated pipes and electrical lines, and limited surface ancillary facilities are compatible with park use because they are compatible with the current use of the property for parking and landscaping.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

The capital project to construct the underground storage tank is included in the 2013-2018 Adopted Drainage and Wastewater Fund capital appropriations (S. Genesee Combined Sewer Overflow – Project C3608, within the Combined Sewer Overflows Budget Control Level (BCL) (C360B). There is no direct charge for the partial transfer of jurisdiction from Parks to SPU authorized under this legislation. SPU and Parks are negotiating the terms of a revocable use permit because of temporary construction impacts to the site. SPU has set aside approximately \$50,000 for the revocable use permit in the project's capital budget. No additional appropriations are being requested due to this legislation.

Other Implications:

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

SPU and Parks are negotiating the terms of a revocable use permit, because of the temporary construction impacts to the parking lot site. SPU has set aside approximately \$50,000 for the revocable use permit in the project's budget, which is part of the adopted budget for the Drainage and Wastewater Fund, Combined Sewer Overflows BCL.

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

Limited alternatives exist for reducing CSOs in the Genesee Basin 43. Aside from the proposed alternative, SPU could implement one of the following alternatives: (1) violate the requirements of the NPDES permit and pay fines of up to \$10,000 per day; (2) construct an underground storage tank in an open green space at 54th Ave South and South Alaska Street (also part of Lake Washington Boulevard); or (3) purchase multiple private properties along Lake Washington Boulevard and constructing the underground storage tank on the private parcel.

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

Yes. The legislation will have operational impacts on the Department of Parks & Recreation, since the parking lot site will be unavailable for use during the year long construction period of the underground tank. After construction is completed, Parks' operations will be minimally impacted.

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

There are no alternatives to the legislation.

e) Is a public hearing required for this legislation?

Yes, pursuant to Ordinance 118477 a public hearing is required. The target date for a public hearing regarding this legislation is January 17, 2013. The public hearing will be held at the City Council's Parks & Neighborhoods Committee meeting.

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

Yes, notice of the legislation and the public hearing will be published in *The Daily Journal of Commerce* two weeks prior to the public hearing date.

g) Does this legislation affect a piece of property?

Yes, the legislation affects the parking lot at 53rd Avenue South and Lake Washington Boulevard South and land adjacent to and across the boulevard to the west of the parking lot, within the boundaries of the park boulevard known as Lake Washington Boulevard. A map of the project area is attached.

h) Other Issues:

The parking lot property was donated to the City of Seattle for park, parkway and boulevard purposes by the State of Washington in 1913. The grant prohibits "diversion of attempted diversion of such lands so donated from such purpose", or the property ownership will revert to the State. SPU and Parks are satisfied that they have taken all necessary steps to confirm that SPU's project does not violate applicable conditions and restrictions of the donation of the property.

The bike path running alongside the parking lot was the recipient of a State grant in 1969. Construction of the underground storage tank will impact the bike path and require temporary closure and/or rerouting of the bike path. The City received correspondence from the Washington State Recreation & Conservation Office (RCO) in May 2011, approving the project and its temporary impacts to the bike path.

The parking lot is protected by a federal Urban Park and Recreation Recovery (UPARR) grant from the Department of Interior in 1983. There are no additional requirements pertaining to the UPARR grant as long as (a) SPU does not construct above-ground

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SPU I-42 Genesee 43 ORD
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facilities within the UPARR protected area and (b) continuous closure of the parking lot is limited to one year. SPU plans to meet both of these conditions.

List attachments to the fiscal note below:

Exhibit A – Project Area Map

Exhibit A: Project Area Map



EXHIBIT 9
 53RD AVENUE SOUTH PARKING LOT
 VICINITY

NOVEMBER 2011

 HDR HDR Engineering, Inc.	 CH2MHILL	APPROVED FOR ADVERTISING NANCY LODGE DEPARTMENT OF PUBLIC & ADMINISTRATIVE SERVICES SEATTLE, WASHINGTON 20	NAME OR INITIALS AND DATE DESIGNED CHECKED DATE	INITIALS AND DATE REVIEWED (CIVIL, CONST., ELEC., MECH., PUBL. WORK) DATE DESIGNED AND BUILT	 City of Seattle Ray Hoffman, Director APPROVED: INDIENY'S ROCK	SEATTLE PUBLIC UTILITIES GENESSEE CSO REDUCTION PROJECT	PC C303103 R/W CO SHEET PLAN NO.
		BY: _____ PURCHASING & CONTRACTING SERVICES DEPARTMENT	ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SEATTLE DESIGN STANDARDS SPECIFICATIONS AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF WASHINGTON.	SHEET 1 OF 3			