

City of Seattle Environmental Process

Alaskan Way surface street and promenade

The City will lead waterfront planning, design and environmental review and will coordinate with WSDOT on operations to ensure efficient through movement.

Seawall repair or replacement

The City and Army Corps of Engineers will lead planning, design and environmental review.

Mercer West

The City will lead planning, design and environmental review for Mercer Improvements between Fifth and Elliott avenues.

ORDINANCE _____

1
2 AN ORDINANCE concerning public spaces on the Central Waterfront; establishing a
3 Committee on Central Waterfront Partnerships to advise the City on issues relating to
4 designing, developing and managing a series of premiere public spaces on the Central
5 Waterfront; appointing Committee members; reaffirming and establishing principles; and
6 directing the Department of Planning and Development to develop a project framework
7 to guide its design.

8 WHEREAS, the removal of the Alaskan Way Viaduct, creation of new public space on the
9 Central Waterfront, and replacement of the aging Elliott Bay Seawall presents a unique
10 opportunity to reconnect Seattle to its waterfront and remove a structure that casts a
11 blighting shadow on Seattle's downtown; and

12 WHEREAS, in 2003 the City began a public process for developing a community vision for the
13 Central Seattle waterfront; and

14 WHEREAS, in 2004 the City, the Planning and Design Commissions jointly sponsored public
15 forums to establish guiding principles for reclaiming the Central Waterfront and
16 reconnecting it with downtown, and the City Council subsequently adopted those
17 principles through Resolutions 30664 and 30724; and

18 WHEREAS, these Resolutions called for making public use a primary objective for redeveloping
19 the Central Waterfront, linking the waterfront with inland areas so that each area
20 reinforces the other and contributes to a cohesive Downtown, and engaging the public in
21 the decision-making process; and

22 WHEREAS, in 2006 the City's Department of Planning and Development published the
23 Waterfront Concept Plan, which provided concepts for reclaiming the Central Waterfront
24 for public use consistent with Resolution 30664, including locations for public open
25 spaces, environmental improvements, and connections to the downtown core; and

26 WHEREAS, in 2008 the State and City agreed to principles for replacing the Alaskan Way
27 Viaduct based on feedback from a stakeholder committee comprised of individuals
28 representing business, labor, environmental, and neighborhood interests; and

WHEREAS, in January 2009 the Governor, King County Executive, and Mayor of Seattle
reached consensus on an Alaskan Way Viaduct and Seawall Replacement Program
("AWVSRP"), which included funding to complete street and public space improvements
along Alaskan Way, consistent with feedback received from the stakeholder committee;
and

1 WHEREAS, in April 2009 the Washington State Legislature passed Engrossed Substitute Senate
2 Bill 5768 and the Governor signed the Bill into law, providing funding for the AWVSRP
3 and the surface of Alaskan Way along the waterfront; and

4 WHEREAS, in October 2009 the City authorized execution of a Memorandum of Agreement
5 (“MOA”) with the State of Washington reaffirming a mutual commitment to work
6 collaboratively to complete the AWVSRP and recognizing the City and State’s respective
7 funding and implementation responsibilities; and

8 WHEREAS, effective collaboration with a range of partners and civic organizations is essential
9 to large civic projects such as that proposed for the Central Waterfront, including
10 building a broad coalition to shape the project’s vision, organization and process to
11 ensure that it is successfully completed; and

12 WHEREAS, it is critical at this stage of the project that the City recognize the essential role such
13 partnerships will play to ensure the success of the Central Waterfront as a series of public
14 spaces for all Seattleites, with linkages to the broader area, including neighborhoods
15 bordering Elliott Bay and major City Center destinations, and that the City proactively
16 develop these partnerships; and

17 WHEREAS, it is also critical at this stage of the project to organize and compile the City’s
18 policy and planning work into a clear and cohesive project framework, to direct subsequent work
19 to design the Central Waterfront public spaces in the context of the AWVSRP, and to ensure all
20 such work is consistent with City policies; NOW, THEREFORE,

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

22 Section 1. Committee on Central Waterfront Partnerships.

23 A. Committee Established: The City hereby establishes a Committee on Central
24 Waterfront Partnerships (“the Committee”).

25 B. Functions: The Committee shall advise the City on the strategies and partnerships
26 necessary to successfully design, develop, and manage a series of premiere public
27 spaces (the “public space”) along the Central Waterfront in connection with the
28 Alaskan Way Viaduct Seawall Replacement Program (AWVSRP). Among other
things, the Committee will:

- a. Consider how the City can form partnerships with civic organizations in developing the project’s overall vision, overseeing its implementation, and taking a meaningful role in its long-term operation and stewardship;
- b. Advise the City on ways to engage the public in developing public spaces on the Central Waterfront with linkages to the broader City, including neighborhoods bordering Elliott Bay and major Center City destinations;
- c. Oversee work associated with development of the project framework described in Section 2 of this ordinance; and;
- d. Recommend effective models for the management, use and programming of new public spaces on the Central Waterfront.

C. Authority: The Committee shall have the authority to appoint a chair or chairs, establish a meeting schedule, establish subcommittees, conduct votes, and otherwise establish those procedures necessary to perform its functions. The Committee also shall have the authority to remove any member who is absent without excuse from two or more Committee meetings.

D. Membership and Appointment: The Committee shall have 37 members, who shall serve for the duration of the Committee’s existence. The Committee shall include one member of the Seattle Design Commission, one member of the Seattle Planning Commission, and one member of the Seattle Board of Park Commissioners. The Directors of the Departments of Parks and Recreation, Planning and Development, and Transportation, and a representative from the Port of Seattle shall be ex officio members of the Committee. The remaining 30 at-large members shall broadly

1 represent key stakeholders, and shall include civic leaders with expertise in public-
2 private partnerships, public finance, public space design and management, historic
3 preservation, sustainable design, multi-modal transportation, and arts and culture.

4 Committee members who are removed or resign shall be replaced by the President of
5 the City Council.

6 E. Members Appointed: The City Council hereby appoints the 37 Committee positions
7 as named in Attachment 1 to this ordinance.

8 F. Committee Duration: The Committee shall sunset on December 31, 2010, unless its
9 continued existence is authorized by future ordinance.

10 G. Meetings: the Committee shall hold its first meeting within 45 days of the effective
11 date of this ordinance. Meetings shall be conducted in a manner consistent with the
12 Open Public Meetings Act, RCW 42.30.

13 H. Reports and Recommendations: The Committee shall provide regular progress reports
14 to the Mayor and City Council as requested, and shall provide its recommendations to
15 the Mayor and City Council by August 2010.

16 I. Staffing: The Committee shall be staffed by the Department of Planning and
17 Development (DPD), which will serve as the lead department overseeing the
18 Committee's work. DPD will work in collaboration with the Departments of Parks
19 and Recreation, Seattle Department of Transportation, and other City departments and
20 public agencies as needed. Appropriate resources to complete this work are included
21 in the proposed 2010 Budget.
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1 Section 2. Project Framework: The Department of Planning and Development is
2 directed to develop a project framework (“framework”) to guide the design of public spaces on
3 the Central Waterfront as part of the AWVSRP. The Mayor and City Council hereby reaffirm the
4 principles for the Central Waterfront expressed in Resolutions 30664 and 30724 and Ordinance
5 122406, which along with the 2006 Waterfront Concept Plan, shall form the basis for this
6 framework. Development of this framework and subsequent design of the public space for the
7 Central Waterfront should also reflect the following specific principles:
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- 10 A. The new surface Alaskan Way should be a “complete street” that gracefully
11 accommodates pedestrian, bicycle, and freight movements as well as general traffic;
12 has a maximum of four through-travel lanes north of Colman Dock with signalized
13 crossings at east-west streets; and is located on the east side of the right-of-way to
14 maximize public use of the water’s edge;
- 15
- 16 B. The waterfront should consist of a series of flexible, diverse public spaces that connect
17 to and give their adjacent neighborhoods a presence on the water. These spaces should
18 be linked by continuous design elements that create an integrated experience such as a
19 north-south pedestrian promenade;
- 20 C. Waterfront public spaces should be active and inviting. Their design, programming and
21 management should foster a mix of social, recreational, and commercial activities of a
22 character appropriate for public space on both water and land;
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1 D. Seattle’s rich history is embodied in the waterfront. Historic features, water-dependent
2 uses, and indigenous people’s use of the site should be incorporated into the project and
3 interpreted for future generations; and

4 E. Seattle’s waterfront should set an example for sustainable development of the Puget
5 Sound shoreline. Its design should improve intertidal habitat, create healthy ecological
6 interaction with uplands, support salmon migration, and offer ways for people to touch
7 and engage the water.
8

9 DPD shall distill the above principles, together with existing Central Waterfront-related City
10 policies, into a clear and cohesive statement of the context, scope and key priorities for the
11 design of public spaces on the Central Waterfront as part of the AWVSRP. In doing so DPD
12 should collaborate with the Seattle Department of Parks and Recreation, the Seattle Department
13 of Transportation, Seattle Public Utilities, Seattle City Light and other relevant public agencies.
14 DPD shall provide regular progress reports to the Mayor and City Council as requested, and shall
15 propose a draft of the framework for consideration by the Mayor and City Council by December
16 2010. Appropriate resources to complete this work are included in the proposed 2010 Budget.
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19
20 Section 3. Effective Date: This ordinance shall take effect and be in force thirty (30) days
21 from and after its approval by the Mayor, but if not approved and returned by the Mayor within
22 ten (10) days after presentation, it shall take effect as provided by Municipal Code Section
23 1.04.020.
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Passed by the City Council the ____ day of _____, 2009, and
signed by me in open session in authentication of its passage this
____ day of _____, 2009.

President _____ of the City Council

Approved by me this ____ day of _____, 2009.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2009.

City Clerk

(Seal)

Attachment 1: Central Waterfront Partnerships Committee: Appointments

Resolution Number: 30960

A RESOLUTION reaffirming the City's explicit rejection of an elevated structure replacement for the Alaskan Way Viaduct and declaring the City's intent to work in partnership with King County and the State of Washington to develop a fiscally responsible alternative for replacing the Alaskan Way Viaduct that conforms to the City's Comprehensive Plan policies, Seattle Shoreline Master Program, and related implementing regulations.

Date introduced/referred: January 19, 2007

Date passed: January 19, 2007

Status: Adopted

Vote: 7-2 (No: Della, Licata)

Committee: Full Council

Sponsor: STEINBRUECK

Index Terms: VIADUCTS, SEAWALLS, STATING-POLICY, TRANSPORTATION-PLANNING, COMPREHENSIVE-PLAN, CENTRAL-WATERFRONT

References/Related Documents: Related: Res. 30956, 30957, 30958, 30959

Fiscal Note: [Fiscal Note to Resolution 30960](#)

A RESOLUTION reaffirming the City's explicit rejection of an elevated structure replacement for the Alaskan Way Viaduct and declaring the City's intent to work in partnership with King County and the State of Washington to develop a fiscally responsible alternative for replacing the Alaskan Way Viaduct that conforms to the City's Comprehensive Plan policies, Seattle Shoreline Master Program, and related implementing regulations.

WHEREAS, the Alaskan Way Viaduct (Viaduct) is a deteriorating structure that was significantly damaged in the Nisqually Earthquake of 2001; and

WHEREAS, the replacement of the Viaduct is an opportunity to reconnect Seattle to its central waterfront and remove a structure that casts a blighting shadow and creates noise in Seattle's downtown; and

WHEREAS, building another double-decker aerial highway on the central waterfront is not desirable as it would continue pollution, noise and shadowing, all of which degrade the public enjoyment of the waterfront, and would be inconsistent with the Waterfront Concept Plan as well as City Comprehensive Plan policies, the Seattle Shoreline Master Program,, and related implementing regulations, including shoreline environment height limits; and

WHEREAS, in September 2006 the City Council adopted Ordinance 122246 (C.B. 115720) explicitly rejecting an elevated structure alternative and declaring the tunnel alternative as the City's preferred alternative for the Project; and

WHEREAS, the City acknowledges the statement on January 17, 2007 by Governor Christine Gregoire and Washington State Legislative leaders that "there are two remaining options: move forward with an elevated viaduct replacement; or reprogram funding to the 520 replacement project;" and

WHEREAS, the City expresses its gratitude to Governor Christine Gregoire and Washington State Legislative leaders for their continued interest in partnering with the City to develop a constructive alternative for the Project; NOW, THEREFORE,

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

Section 1. The City reaffirms its explicit rejection of an elevated structure alternative in adopted Ordinance 122246 (C.B. 115720).

Section 2. The City reaffirms its findings and declaration in Ordinance 122247 (C.B. 115737) that an elevated structure alternative would be contrary to the goals and objectives of the Waterfront Concept Plan, and to many adopted City policies, including Comprehensive Plan policies approved pursuant to the State Growth Management Act, the State approved Seattle Shoreline Master Program, and related implementing regulations.

Section 3. The City declares its intent to work in partnership with King County and the State of Washington to develop a fiscally responsible alternative for replacing the Alaskan Way Viaduct that conforms to the City's Comprehensive Plan policies, the Seattle Shoreline Master Plan, and related implementing regulations.

Adopted by the City Council the ____ day of _____, 2007, and signed by me in open session in authentication of its adoption this ____ day of _____, 2007.

President _____ of the City Council

THE MAYOR CONCURRING:

Gregory J. Nickels, Mayor

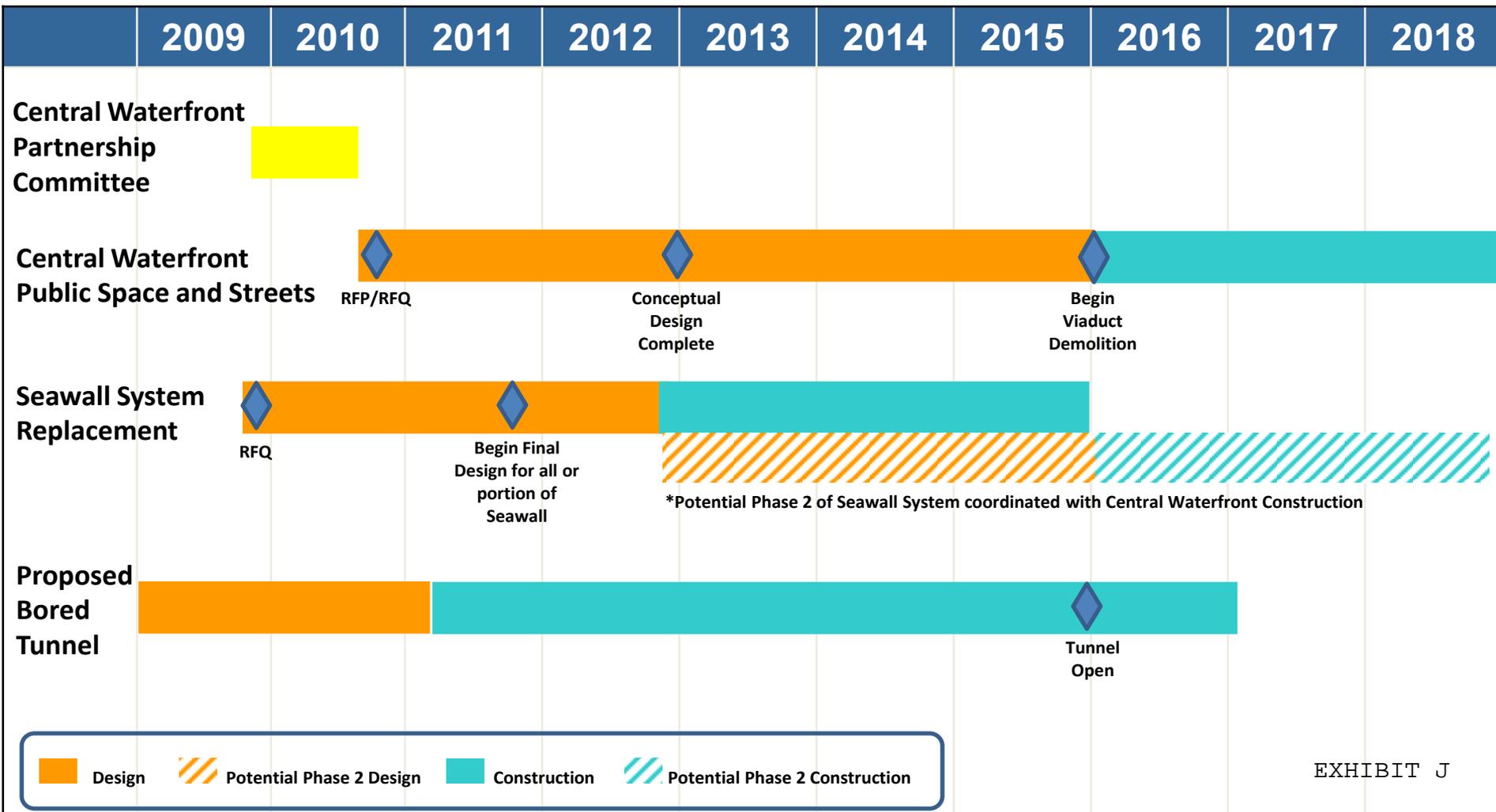
Filed by me this ____ day of _____, 2007.

City Clerk

January 19, 2007

Version 3

Central Waterfront Design / Construction Schedule





PURPOSE AND GOALS CENTRAL WATERFRONT PARTNERSHIPS COMMITTEE

Purpose: The Central Waterfront Partnerships Committee will recommend models for the management, use and programming of new public spaces on the Central Waterfront. It will advise the Mayor and Council on the strategies and partnerships necessary to successfully develop and manage new public spaces, looking both at the Alaskan Way Viaduct Seawall Replacement Program (AWVSRP) specifically, as well as broadly at the neighborhoods bordering Elliott Bay and connections to major Center City destinations.

Key Topics: The Committee will advise in the following areas:

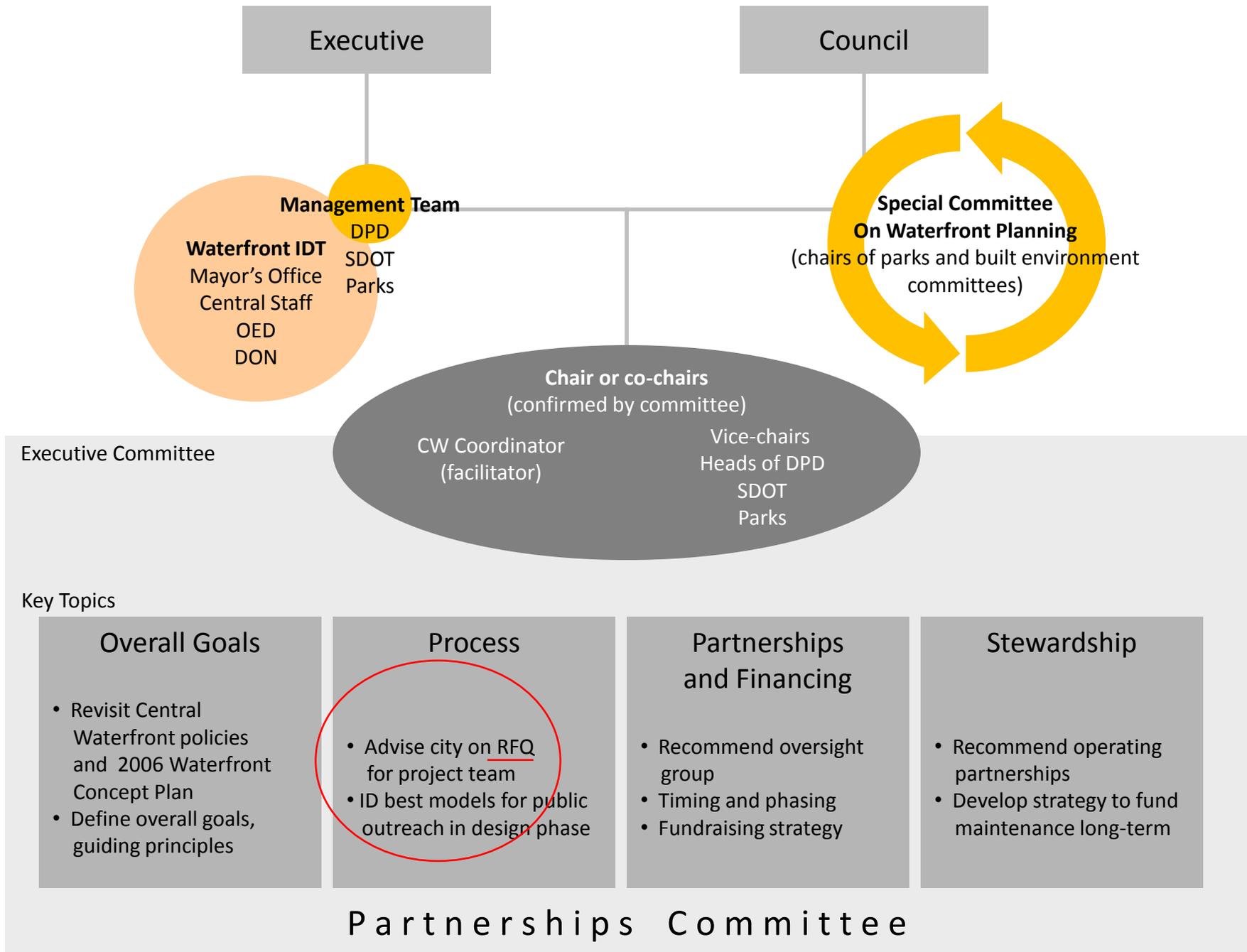
- *Overarching Goals and Principles.* The Committee will develop a clear and coherent statement of the project's overarching goals and principles, building on ideas from existing city policies, civic efforts, and the 2006 Waterfront Concept Plan.

With overall goals in place, the committee will develop specific recommendations in the following areas:

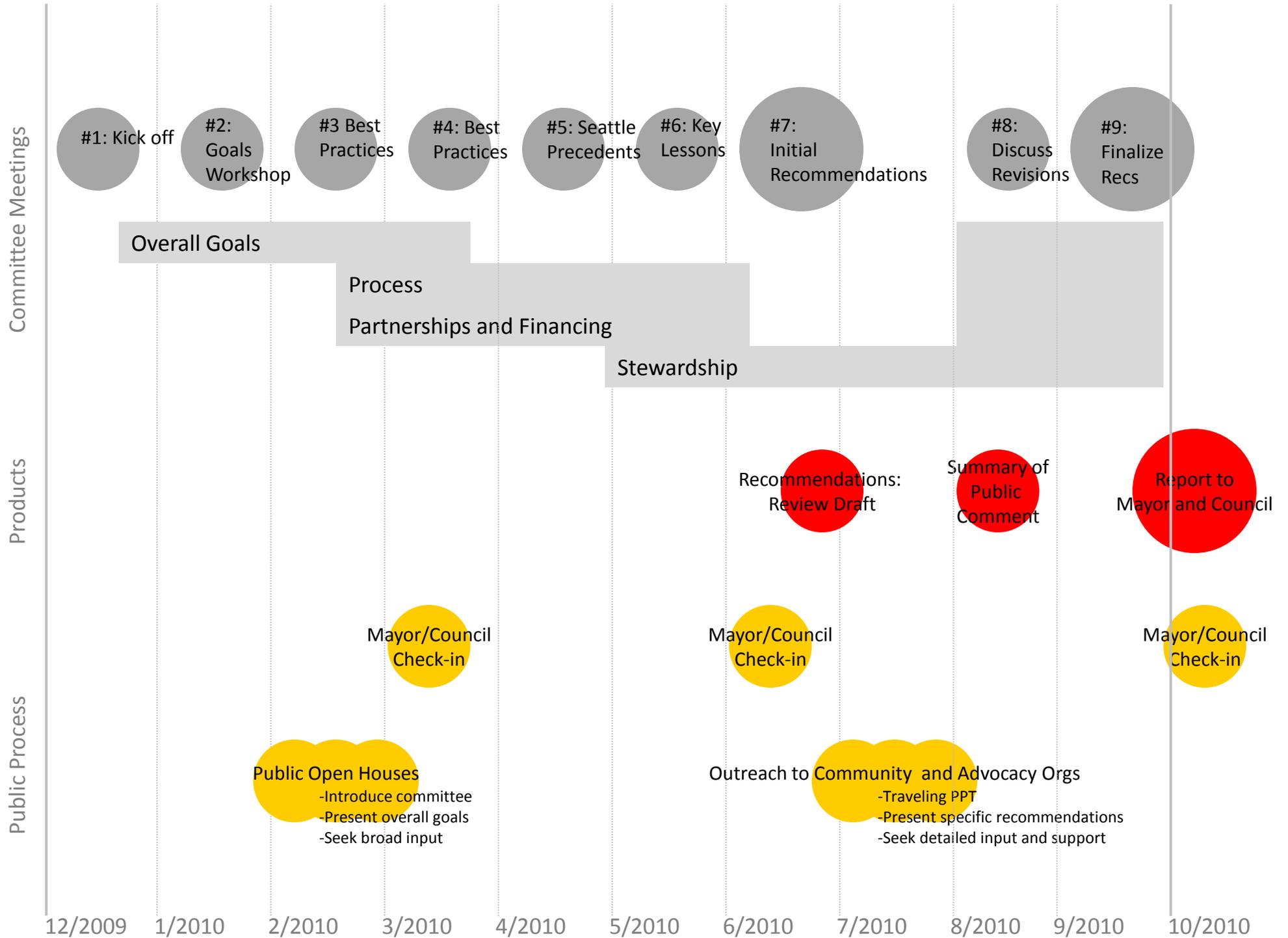
- *Process.* The Committee will advise the City on its approach to soliciting consultants to develop a waterfront design, including consultant selection, robust public outreach, and ongoing advisory roles.
- *Partnerships and Financing.* The committee will recommend a governance model that builds a partnership between the City and civic / community organizations, including oversight and public involvement in designing waterfront public spaces, strategies for leveraging private-sector fundraising and philanthropy, and timing / phasing of key elements.
- *Stewardship.* The committee will recommend a model for long-term partnerships in maintaining and operating waterfront public spaces, including management, long-term funding for maintenance, and programming.

Outcomes: The Committee's work will culminate in a set of specific recommendations to the Mayor and Council in each of the topic areas described above by September 2010. The Committee will be run in an open and transparent manner, with early and frequent public open houses to allow broad public input in forming recommendations (see schedule).

Organization



Timeline





SCAT

SEATTLE CITIZENS AGAINST THE TUNNEL
AND FOR AN ELEVATED SOLUTION

VIA EMAIL, FIRST CLASS MAIL AND CERTIFIED MAIL 7006 2150 0000 7671 6950 - FHWA
7006 3450 0001 1203 1355 - EPA
7006 2150 0000 7671 6950 - WSDOT
_____ - COS

Friday, February 26, 2010

To: U.S. Department of Transportation
Federal Highway Administration, Environmental Program
711 S. Capitol Way Suite 501
Olympia, WA 98501

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue Suite 900
Seattle, WA 98101

Washington State Department of Transportation
P.O. Box 47300
Olympia, WA 98504-7300

Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

City of Seattle
City Clerk
PO Box 94728
Seattle, Washington 98124-4728

Re: Final Notice Alaskan Way Viaduct and Seawall Replacement Program

Both the City of Seattle (City) and the State of Washington/Washington State Department of Transportation (State) are engaged in a range of actions, by word and by deed, which are

based upon their having made unofficially and officially a decision that the Alaskan Way Viaduct (Viaduct) portion of SR99 and its associated appurtenances are to be replaced by a bored tunnel.

The acts of the City and State as set out in Attachment A prejudice the ongoing environmental reviews (review/review process/reviews) taking place in the “Alaskan Way Viaduct and Seawall Replacement Program” (AWVSRP), and many of those same acts of the City and State are taking place without benefit of any environmental review; despite one being required (in re: Central Waterfront redevelopment project). By their ongoing nature, and because these acts/actions are so extensive in the breadth of their operation and outcomes, they have essentially defeated the purpose of the environmental review processes, for both the AWVSRP and for the Central Waterfront redevelopment project under State SEPA and Federal NEPA mandates.

These City and State acts/actions complained of herein, individually and in their totality are in contravention to the Washington State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904R-070(1)(b)¹ and include legislative proposals within the meaning of the WAC provision 197-11-704(1)(c)², and they relate to project actions under WAC 197-11-704(2)(a)(2)³.

The City and the State clearly have an intent here and neither has been shy about saying so. It is their intent to build a bored tunnel, to demolish the Alaskan Way Viaduct, and then embark on the City’s Central Waterfront redevelopment project. The City’s oft stated goal is to use the newly reclaimed land that was under the Viaduct for residential and commercial development. Many of the below described actions the City is taking are to in part, convert public land and then subsequently, sell, lease, or develop it.

While the City and the State characterize their acts as “planning” and “design” activities, and claim that any “statutes”, “ordinances” or “resolutions” which lend approval to the AWVSRP and Central Waterfront projects are nonbinding or ineffective legislative acts, the legislative and other acts have moved forward the City’s and State’s plans to proceed with the deep bored tunnel and to develop the land under the Viaduct, all of which squarely falls within

¹ **WAC 197-11-070(1)(b) Limitations on actions during SEPA process...Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would: Limit the choice of reasonable alternatives.**

² **WAC 197-11-704(1)(c) "Actions" include, as further specified below...Legislative proposals.**

³ **WAC 194-11-704(2)(a)(ii) Actions fall within one of two categories: (a) Project actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to: ... (ii) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified**

the meaning of “project action.”

In addition to engaging in actions which *directly* prejudice if not usurp the outcome of the on-going and obligatory environmental review processes, the City and the State are also engaged in a corresponding range of actions to *indirectly*, but just as thoroughly, affect the outcome of this matter – eliminating the Viaduct, building a deep bored tunnel, and redeveloping the Central Waterfront.

These acts, both State and City, include professionally planned and organized “information” and “planning” initiatives – that are intended to produce in the public sector a state of belief by the public that the City and State have selected a deep bored tunnel to replace the Viaduct, and that it is futile for the public to envision that any other option exists in the AWVSRP matter, or to demand that other alternatives should be pursued, including an elevated or a surface option. These additional acts by the City and the State take place either in conjunction with the range of substantive final actions being taken by the City and State or are carried out as standalone acts.

These latter described actions by the City and State all tend to be couched by them and referred to by them by a variety of titles or narratives, in order to disguise their intent, to give the appearance of some governmental “innocence” - a plausible deniability that government officials and their agents can assert - that their actions are not part and parcel of a final decision by the City and State to proceed with the bored tunnel project, and with the Central Waterfront redevelopment project. The euphemisms they use are intended to give the impression that the City and State are merely engaged in activities intended to “inform the public”, or that they are “planning” related acts, or occupied in some innocuous bureaucratic activity that is intended to inform even the environmental review process. This is a false premise and an intentional act of deception on the part of the City and the State.

In their totality and in their reality these activities along with the related “planning” and “design” committee and departmental activities – the City of Seattle’s “Central Waterfront Partners Group”, WSDOT’s, the “North Portal Working Group”, the “Central Waterfront Working Group”, the “South Portal Working Group”, the Seattle Planning Commission and Seattle Design Commission reviews, Department of Planning permit reviews etc., are all thinly disguised, if that, final actions that have an unmistakable intent – to carry out the City’s and State’s final decision to undertake the bored tunnel project and to eliminate the Alaskan Way Viaduct.

Accordingly, any review document produced at this point pursuant to NEPA or SEPA may pro forma comport with the imperatives of NEPA and SEPA, however its environmental assessments and conclusions will neither inform or moderate any supposed pending decision about what alternative to choose in the AWVSRP matter and in the Central Waterfront

redevelopment project – those decisions have already been made by the City and State; they are engaged in a range of on-going acts pursuant to their final decisions.

In summary then, one, the whole idea of SEPA is that once a government has made a decision to move forward to purchase or do something else with natural resources including land, then SEPA kicks in and a SEPA compliance must begin at that point. It cannot wait for it later when the action is refined or further implemented. It is triggered by the agency's decision to move forward and that decision has clearly been made here; and two, once SEPA or NEPA review begins governmental agencies cannot engage in actions which prejudice or predispose the outcome of the environmental review.

For all the foregoing reasons this letter serves as "Final Notice" to the City of Seattle and the State of Washington/Washington State Department of Transportation, to immediately

1. Cease in their efforts to proceed with the SR 99 Deep Bored Tunnel Project, and by extension to eliminate the Alaskan Way Viaduct, and/or prejudice the outcome of the environmental review taking place under the AWVSRP,
2. To comply with SEPA and commence environmental review of the Central Waterfront redevelopment project under SEPA,
3. To cease all ongoing actions within the meaning of WAC 197-11-070(1)(b) and WAC 197-11-704(1)(c), including but not limited to those set out in Attachment A and above.

This is the notice by SCAT to the City and State prior to seeking an injunction⁴ in Superior Court under its case number No. 09-2-36276-9SEA.

SEATTLE CITIZENS AGAINST THE TUNNEL

/s/

ELIZABETH A. CAMPBELL

/s/

3213 W. Wheeler Street No. 271
Seattle, WA 98199

⁴ See attached Exhibit A

ATTACHMENT A

Actions taken by City of Seattle:

- 1) 2000 Ordinance 120045 Relating to the Department of Parks and Recreation; authorizing the Superintendent to proceed with consideration of planning options for the development of a new aquarium facility and waterfront park in the area covered by the Central Waterfront Master Plan
- 2) 2003 “Central Waterfront Plan Background Report Precedent Study”
- 3) 2003 “Blue Ring, Seattle's Open Space Strategy for the Center City” that will “serve as the critical guide to the numerous plans currently underway downtown, and the many more sure to come in the next 100 years. Among others, the Alaska Way Viaduct replacement”.
- 4) 2004 Resolution 30664 Adopting Principles for Development of a Central Waterfront Plan.
- 5) 2004 Resolution 30717 Relating to the Central Waterfront Master Plan; amending the Central Waterfront Master Plan - Portal to the Pacific to reconfigure the site plan
- 6) 2005 “Administering Financing & Implementing Seattle’s Waterfront Vision” report written concurrently with the Draft Central Waterfront Concept Plan; report relating to a strategic effort for decision makers as they begin codifying the process and administrative structure for managing and implementing Seattle’s Central Waterfront plan; including how to ensure that “with removal, of the Alaska Way Viaduct, properties along the city’s western edge will become highly desirable”.
- 7) 2005 Resolution 30724 Adopting Guiding Principles for decisions related to the Alaskan Way Viaduct and Seawall Project.
- 8) 2006 Ordinance 122247 Relating to the central waterfront, declaring that an aerial highway along the central waterfront is discouraged by adopted City of Seattle policies, stating that construction of an aerial highway structure is inconsistent with current use and height regulations, and stating the City's intent to amend existing regulations and policies to further clarify that an aerial highway structure in the central waterfront area is inconsistent with the City's Comprehensive Plan.
- 9) 2006 Final Environmental Impact Statement for the Central Waterfront Master Parks Plan
- 10) 2007 Ordinance 122406 Relating to the development of a Mobility Plan related to the replace the central waterfront portion of the Alaskan Way Viaduct
- 11) 2009 Ongoing reviews of deep bored tunnel design with Seattle Design Commission
- 12) 2009 Ongoing reviews of deep bored tunnel design with Seattle Planning Commission
- 13) 2009 Ongoing review of WSDOT permit applications for deep bored tunnel
- 14) 2009 Seattle Pedestrian Plan
- 15) 2009 Ordinance 123133 reaffirmation of City intent to pursue deep bore tunnel project, eliminate Alaskan Way Viaduct, and execution of a Memorandum of Agreement between the State of Washington and the City of Seattle pursuant to that goal.

- 16) 2009 Ordinance 123142 Establishing Central Waterfront Partnerships Committee – redevelopment and master use planning related to Central Waterfront, incidental only tangentially to the AWVSR Program.
- 17) 2009 Ordinance 123212 Amending Ordinance 123142 to alter the composition of the Central Waterfront Partnerships Committee.
- 18) 2009 \$225 Million appropriated for seawall replacement and SDOT issues Request for Qualifications for design of seawall.
- 19) 2010 Resolution 31174 reaffirming Ordinance 123133; support to move forward on the deep-bore tunnel project – will continue to work with the WSDOT to assist “in this effort”.

DRAFT



Center City Public Realm Guide

Seattle

December, 2009 v1



Central Waterfront

The central waterfront will undergo a once-in-a-century change with Alaskan Way Viaduct and Seawall replacement. Seattle has an unprecedented opportunity to reconnect Center City with its waterfront.

The deep bore tunnel will remove many automobiles from the waterfront, and will provide space for major public realm improvements. Design decisions for the central waterfront can ensure the best public realm connections to other Center City great places; to green streets; and for links with the transit system.



Above: A rendering of the central waterfront potential open space.

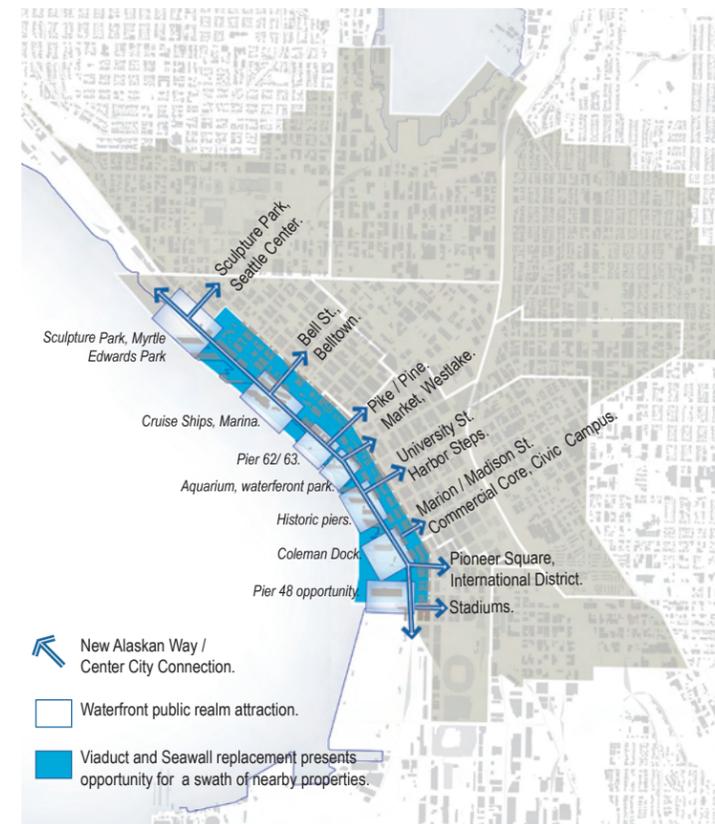


EXHIBIT N



Above: Sunset from the Olympic Sculpture Park.



Above: Olympic mountains seen from Victor Steinbreuck Park.



Above: Working waterfront with ferry service and Port facilities.



Left: Street end views to Elliot Bay. Right: Marina.



Above: Myrtle Edwards park and bicycle path.

Center City Public Realm Programs & Actions

Great Streets & Places

> **Parks Programming.** The Department of Parks & Recreation initiative to schedule programs and activities in Center City parks is ongoing in 2009.

> **Signal Box Art.** Art was placed on Center City signal boxes in the right of way in 2009.

> **Street Vending & Sidewalk Cafes.** Legislation was passed in 2009 to expand street vending and sidewalk cafe opportunities.

> **Mercer Corridor Improvements.** Design and funding is in place for a major overhaul of the Mercer corridor.

> **Pike / Pine Streetscape.** A streetscape concept plan was prepared for urban design improvements from 1st - 4th Ave during 2009.

> **1st Hill Streetcar.** A streetcar line is in the design phase during 2010 for Jackson Street to First Hill and Broadway.

> **Central Line Streetcar.** A streetcar line is planned but not yet under design for 1st Avenue through the heart of Center City to Seattle Center.

> **Broadway Station Area Planning & Design.** Design workshops around the Sound Transit light rail station are ongoing in 2009 and continuing into 2010.

> **Madison Street Overpass.** A concept design is completed for Madison Street overpass improvements.

> **South Lake Union Park.** Phased construction of the park is ongoing in 2009. The Museum of History and Industry is planning for future occupation of the armory facility.

> **Civic Campus.** Phased civic campus have been completed over several years including the new City Hall. The Civic Square project just west of City Hall is pending private partner funding.

Green Streets & Corridors

> **Bell Street Park Boulevard.** The Bell Street Park Boulevard improvement is funded through the Pro Parks Levy, and is in design during 2009 for construction starting in 2010.

> **Chinatown / ID Green Streets.** A streetscape concept plan is underway in 2009 for Maynard Ave. S. and S. Lane St. in Chinatown.

> **Denny Triangle & South Lake Union Green Streets.** A range of Green Street improvements were implemented with recent development including: Taylor Ave., Lenora St., 9th Ave., Terry Ave. N. and green streets in the neighborhoods.

> **Belltown Green Streets.** Green street improvements were completed over a number of years including Vine St. and Cedar St.

> **Thomas St. and 8th Ave. N.** Green Street concept planning and design for these South Lake Union streets is scheduled for 2010 to accompany grid reconnection associated with the deep bore tunnel.

> **Swale on Yale.** A demonstration project for a 4 block green stormwater infiltration facility on Yale Ave in South Lake Union is designed for future implementation.

Transit Corridors & Hubs

> **Westlake Square.** A portion of Westlake Ave is being closed to create an enhanced Westlake Square plaza. Construction will begin in 2010.

> **Westlake Hub Planning.** A transportation and urban design plan for the westlake hub was completed in 2009.

> **King Street Station.** Station renovation is ongoing in 2009. Area urban design improvements are being studied.

> **3rd Ave. Urban Design and Improvements.** An urban design plan was completed in 2009 for transit supportive urban design elements for 3rd Ave. Bus bulbs in Belltown are scheduled for construction in 2010.

> **Rapid Ride.** The Metro Transit enhanced service is scheduled for launch in 2010, and may include future associated bus stop upgrades in Center City.

Central Waterfront



> **Alaskan Way Viaduct / Sewall Replacement.** Central waterfront urban design can take place during tunnel construction during the 2010's.

> **Aquarium Renovation / Central Waterfront Park.** The Seattle Aquarium completed a major renovation of the Aquarium in 2009 and has further plans to improve the facility.

> **Pier 62/63.** Seattle Parks Department owns and manages Pier 62/63 as open space. The piers are a major opportunity for future improvement as a waterfront attraction.

Alleys

> **Clear Alleys Program.** The program was launched in 2009 to remove dumpsters and improve cleanliness and safety of Center City alleys.

> **Alley Activation 'Parties'.** A series of gatherings were held in 2009 in Pioneer Square alleys to celebrate potential active uses of alleys.

> **Chinatown / ID Alleys.** Community based groups in Chinatown with assistance from the City's Office of Economic Development are supporting active use of historic Chinatown alleys.

Sustainable Strategies

> **Swale on Yale.** Swale on Yale is a sustainable stormwater infiltration facility designed for several blocks on Yale Ave. Seattle Public Utilities hopes to implement the project with development or as a future city project.

> **Green Roofs.** Private and public owners continue to implement green roofs on Center City buildings.

> **Urban Agriculture.** Urban agriculture is established in several parks including Cascade Park and the Kobe Terrace Gardens.

> **Green Buildings.** There are more than 85 private or public buildings in Center City with LEED, BuiltGreen, or SeaGreen certification.

> **Central Waterfront Opportunity.** Seawall and Viaduct replacement doubles as a major opportunity for largescale sustainable infrastructure, which could feature green stormwater treatment and natural shoreline restoration.

Development Opportunities

> **Yesler Terrace.** Planning is underway for Seattle Housing Authority's redevelopment of the 28 acre subsidized housing site as a new mixed income community.

> **Major Private Projects on Hold.** Major commercial, retail and hotel projects permitted at 2nd / Pike, 5th / Madison, 5th / Columbia and others may move forward as economic conditions improve.

> **South Lake Union & Uptown.** Further infill development can be accommodated in South Lake Union and Uptown, facilitated by major transportation improvements including the Mercer Corridor and SR 99 projects.

> **Clise Properties.** A cluster of privately owned parcels with substantial redevelopment potential in the Denny Triangle are under common ownership.

> **Little Saigon / International District.** Zoning in and around the International District can accommodate major infill development and reuse of older structures.

> **1st Hill & Pike / Pine.** Neighborhoods west of I-5 have capacity for substantial infill development on scattered sites.

1 WHEREAS, SCL will provide design review and construction inspection to determine that all
2 SCL standards and requirements are met prior to placing new or modified electrical
3 distribution lines and other electrical facilities into service, and will provide all 26kV
4 transformers for the Project; NOW, THEREFORE,

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

6 Section 1. Concurrently with execution of the other two Memoranda of Agreement, the
7 Director of Transportation or her designee is hereby authorized to execute, for and on behalf of
8 the City, the Memorandum of Agreement entitled "SR 99 Alaskan Way Viaduct Property,
9 Environmental Remediation, Design Review, Permitting, and Construction Coordination
10 Agreement for SR 99 South Holgate Street to South King Street Viaduct Replacement Project,
11 Stage 1" (No. GCA 5934) between WSDOT and the City, substantially in the form attached
12 hereto as Attachment 1.
13

14 Section 2. Concurrently with execution of the other two Memoranda of Agreement, the
15 Superintendent of Seattle City Light or his designee is hereby authorized to execute, for and on
16 behalf of the City, the Memorandum of Agreement entitled "SR 99 Alaskan Way Viaduct SCL
17 Facilities Work - for SR 99 South Holgate Street to South King Street Viaduct Replacement
18 Project, Stage 1" (No. UT 01343) between WSDOT and the City, substantially in the form
19 attached hereto as Attachment 2.
20

21 Section 3. Concurrently with execution of the other two Memoranda of Agreement, the
22 Director of Seattle Public Utilities or his designee is hereby authorized to execute, for and on
23 behalf of the City, the Memorandum of Agreement entitled "SR 99 Alaskan Way Viaduct SPU
24 Facilities Work - SR 99 South Holgate Street to South King Street Viaduct Replacement Project,
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1 Stage 1" (No. UT 01342) between WSDOT and the City, substantially in the form attached
2 hereto as Attachment 3.

3 Section 4. Any act consistent with the authority and prior to the effective date of this
4 ordinance is hereby ratified and confirmed.

5 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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9
10 Passed by the City Council the 11th day of May, 2009, and signed by me in open
11 session in authentication of its passage this 11th day of May, 2009.
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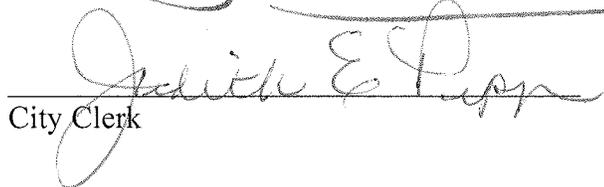
15 President _____ of the City Council

16 Approved by me this 19th day of May, 2009.

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19 Gregory J. Nickels, Mayor

20 Filed by me this 20th day of MAY, 2009.

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23 City Clerk

24 (Seal)
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Attachment 1: MEMORANDUM OF AGREEMENT NO. GCA 5934: SR 99
Alaskan Way Viaduct Property, Environmental Remediation,
Design Review, Permitting, and Construction Coordination
Agreement for SR 99 South Holgate Street to South King Street
Viaduct Replacement Project, Stage 1

Attachment 1, Exhibit A: Project Description
Attachment 1, Exhibit B: Project Property
Attachment 1, Exhibit C: Project Schedule

Attachment 2: MEMORANDUM OF AGREEMENT NO. UT 01343: SR 99
Alaskan Way Viaduct SCL Facilities Work - for SR 99 South
Holgate Street to South King Street Viaduct Replacement Project,
Stage 1

Attachment 2, Exhibit A: Port of Seattle Property TCE Approved Easement Format
Attachment 2, Exhibit B: Seattle City Light Minor Change Request & Approval

Attachment 3: MEMORANDUM OF AGREEMENT NO. UT 01342: SR 99
Alaskan Way Viaduct SPU Facilities Work - SR 99 South Holgate
Street to South King Street Viaduct Replacement Project, Stage 1

Attachment 3, Exhibit A: Seattle Public Utilities Minor Change Request & Approval



ORDINANCE 123133

1 AN ORDINANCE relating to the SR 99 Alaskan Way Viaduct and Seawall Replacement
2 Program; stating the City's policy with respect to an alternative for replacing the present
3 Viaduct and Seawall, and related work; and authorizing execution of a Memorandum of
4 Agreement between the State of Washington and the City of Seattle.

5 WHEREAS, in the 1950s, the City of Seattle and the Washington State Department of
6 Transportation jointly designed and built the Alaskan Way Viaduct to accommodate
7 passenger and freight mobility into the foreseeable future; and

8 WHEREAS, in 2001 the Nisqually earthquake damaged the Alaskan Way Viaduct and Seawall;
9 and

10 WHEREAS, the Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure
11 in an earthquake and are nearing the end of their useful lives; and

12 WHEREAS, various studies have determined that it is not fiscally responsible to retrofit the
13 viaduct, and that retrofitting would cause significant construction impacts; and

14 WHEREAS, in March 2007, the Washington State Governor, the King County Executive, and
15 the Mayor of Seattle pledged to advance a series of key State Route (SR) 99 projects
16 (Moving Forward Projects) that will facilitate the removal and/or repair of key portions
17 of SR 99, including the Yesler Way Vicinity Stabilization Project, Electrical Line
18 Relocation, the SR 99 South Holgate Street to South King Street Viaduct Replacement
19 Project, and Transit Enhancements and Other Improvements; and

20 WHEREAS, in 2008 the State and City agreed to guiding principles for replacing the Alaskan
21 Way Viaduct: improve public safety; provide efficient movement of people and goods
22 now and in the future; maintain or improve downtown Seattle, regional, Port of Seattle
23 and state economies; enhance Seattle's waterfront, downtown and adjacent
24 neighborhoods as a place for people; create solutions that are fiscally responsible; and
25 improve the health of the environment; and

26 WHEREAS, in 2008 the State and the City considered feedback from 16 meetings of a
27 stakeholder advisory committee made up of representatives from business, labor,
28 environmental, and neighborhood interests, and more than one thousand public comments
collected during quarterly public meetings and more than 50 community briefings; and

WHEREAS, in January 2009, the Governor of Washington state, the Mayor of Seattle and the
King County Executive jointly recommended replacing the Alaskan Way Viaduct with a
bored tunnel beneath downtown Seattle; and



1 WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and
2 the Governor signed the bill into law designating and funding the Bored Tunnel Program
as the replacement for the Alaskan Way Viaduct; and

3 WHEREAS, the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program consists of
4 a four-lane bored tunnel and improvements to City streets, the waterfront, and transit, and
5 the Moving Forward Projects; NOW, THEREFORE,

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

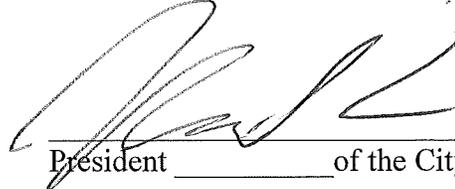
7 Section 1. It is the City's policy that the Alaskan Way Viaduct and Seawall Replacement
8 (AWVSR) Program Bored Tunnel Alternative, as described in the Memorandum of Agreement
9 attached hereto as Attachment 1, is the preferred solution for replacing the existing Alaskan Way
10 Viaduct. After extensive evaluation of alternatives by public transportation agencies,
11 consultants, stakeholders, and citizens, the City finds that the Bored Tunnel Alternative balances
12 Seattle's land use, economic, transportation, and environmental goals, including access to and
13 through downtown for all modes of travel, consistent with Seattle's vision for reconnecting the
14 downtown with the central waterfront to increase opportunities for public access to and
15 enjoyment of the shoreline and waterfront.

16
17 Section 2. The Mayor of Seattle or his designee is hereby authorized to execute, for and
18 on behalf of the City, the Memorandum of Agreement entitled "MEMORANDUM OF
19 AGREEMENT for the ALASKAN WAY VIADUCT AND SEAWALL REPLACEMENT
20 PROGRAM BORED TUNNEL ALTERNATIVE" (GCA No. 6366) between the State of
21 Washington and the City, substantially in the form attached hereto as Attachment 1. The attached
22 agreement outlines the responsibilities of both the City and the State and expectations about the
23 role of each in the implementation and funding of the numerous AWVSR Program elements.
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1 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 19th day of October, 2009, and signed by me in
5 open session in authentication of its passage this 19th day of October, 2009.

6
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8 
President _____ of the City Council

9 Approved by me this 27th day of October, 2009.

10
11 
12 _____
13 Gregory J. Nickels, Mayor

14 Filed by me this 27th day of October, 2009.

15 
16 _____
17 City Clerk

18 (Seal)

19
20 Attachment 1 – MEMORANDUM OF AGREEMENT for the ALASKAN WAY VIADUCT
21 AND SEAWALL REPLACEMENT PROGRAM BORED TUNNEL ALTERNATIVE (GCA
22 No. 6366)
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MEMORANDUM OF AGREEMENT
NO. GCA 6366
FOR THE ALASKAN WAY VIADUCT AND
SEAWALL REPLACEMENT PROGRAM
BORED TUNNEL ALTERNATIVE

THIS agreement for the Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program (“Agreement”) is made and entered into between the State of Washington, hereinafter the “STATE,” and the City of Seattle hereinafter the “CITY,” collectively the “Parties” and individually the “Party.”

WHEREAS, in the 1950s, the City of Seattle and the Washington State Department of Transportation jointly designed and built the Alaskan Way Viaduct to accommodate passenger and freight mobility into the foreseeable future; and

WHEREAS, the central waterfront section of the Alaskan Way Viaduct is located in and adjacent to downtown Seattle’s urban core and the Seattle waterfront, an area increasingly used for tourism and recreation; and

WHEREAS, the Duwamish and Interbay industrial areas in Seattle are served by the SR 99 corridor and constitute a portion of Seattle’s industrial sector which accounts for over 120,000 jobs and an estimated \$28.5 billion in annual economic activity city-wide. The SR 99 corridor provides important proximity to freight-dependent customers, distributors and suppliers; and

WHEREAS, in 2001 the Nisqually earthquake damaged the Alaskan Way Viaduct and Seawall; and

WHEREAS, the Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure in an earthquake and are nearing the end of their useful lives; and

WHEREAS, various studies conducted have determined that it is not fiscally responsible to retrofit the viaduct, and that retrofitting would cause significant construction impacts; and

WHEREAS, in March 2007, the Washington State Governor, the King County Executive, and the Mayor of Seattle pledged to advance a series of key SR 99 projects (Moving Forward Projects) that will facilitate the removal and/or repair of key portions of SR 99, including the Yesler Way Vicinity Stabilization Project, Electrical Line Relocation, the SR 99 South Holgate Street to South King Street Viaduct Replacement Project, and Transit Enhancements and Other Improvements; and

WHEREAS, in 2008 the STATE and CITY agreed to guiding principles for replacing the Alaskan Way Viaduct: improve public safety; provide efficient movement of people and goods now and in the future; maintain or improve downtown Seattle, regional, Port of Seattle and state economies; enhance Seattle’s waterfront, downtown and adjacent

neighborhoods as a place for people; create solutions that are fiscally responsible; and improve the health of the environment; and

WHEREAS, in 2008 the STATE and the CITY considered feedback from 16 meetings of a stakeholder advisory committee made up of representatives from business, labor, environmental, and neighborhood interests and more than one thousand public comments collected during quarterly public meetings; and more than 50 community briefings; and

WHEREAS, in January 2009, the Governor of Washington state, the Mayor of Seattle and the King County Executive jointly recommended replacing the Alaskan Way Viaduct with a bored tunnel beneath downtown Seattle; and

WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and the Governor signed the bill into law designating and funding the Bored Tunnel Program as the replacement for the Alaskan Way Viaduct; and

WHEREAS, the AWVSR Program consists of a four-lane bored tunnel and improvements to City streets, the City waterfront, and transit; and the Moving Forward Projects; and

WHEREAS, the new surface Alaskan Way boulevard will have four through travel lanes north of Colman Dock and will have signalized intersections and function similarly to other downtown arterial streets; and

WHEREAS, the AWVSR Program is consistent with the City of Seattle's adopted Comprehensive Plan; and

WHEREAS, the STATE and the CITY are committed to designing the bored tunnel and access portals to be consistent with Seattle's vision for the central waterfront, including reconnecting the downtown with the waterfront, enhancing the waterfront's environmental sustainability, increasing views of Elliott Bay and the landforms beyond, facilitating revitalization of Seattle's waterfront, maintaining transportation access to and through the waterfront, and increasing opportunities for the public to access and enjoy the shoreline and waterfront; and

WHEREAS the Port of Seattle is responsible for nearly 194,000 jobs in Washington state, \$17 billion in business revenue and tenants, half of the \$80 billion in cargo in Puget Sound ports, and is ranked the ninth largest port in the United States;

WHEREAS the Port of Seattle is funding projects that are part of or complement the AWVSR Program and which will provide capacity for future growth and improved safety, including the East Marginal Way Grade Separation Project, and the SR 519 South Seattle Intermodal Access Project Phase 2, has endorsed the bored tunnel concept, and is reviewing a proposed \$300 million investment in the AWVSR Program; and

WHEREAS King County is responsible for providing bus service, which serves an annual ridership of 100 million within a 2,134 square mile area; and

WHEREAS, King County is funding transit investments as part of the AWVSR Program, which will provide capacity for an additional 17,000 riders and include RapidRide investments, park and ride facility expansion, enhanced express and local service during peak periods, and investments in maintenance base capacity.

NOW, THEREFORE, the Parties agree to proceed with the AWVSR Program in accordance with the following principles.

IT IS MUTUALLY AGREED THAT:

Jointly the STATE and CITY intend to:

1. Continue to work collaboratively toward the successful completion of the AWVSR Program; and
2. Endeavor to open the bored tunnel to drivers by the end of 2015; and
3. Develop additional program-wide agreements (Additional Agreements), such as utility relocation, right-of-way, ownership and maintenance, and others to be consistent with this Agreement.

Responsibilities, implementation, and funding to be addressed in Additional Agreements are assigned as follows:

I. RESPONSIBILITIES

The STATE will be responsible for the following:

1. The Moving Forward Projects; and
2. A bored tunnel from a point just north of S. Royal Brougham Way to Harrison Street including connections to the city street system and the reconnection of John Street, Thomas Street, and Harrison Street over SR 99; and
3. A surface street from S. King Street along Alaskan Way to Elliott and Western avenues, ending at Battery Street, including replacement of the Marion Street pedestrian overpass and reconstruction of the Lenora Street pedestrian overpass; and
4. A new roadway connecting the realigned Alaskan Way to East Marginal Way S.; and
5. Alaskan Way Viaduct demolition; and
6. Battery Street Tunnel decommissioning; and
7. Partial construction transportation mitigation; and
8. Protection of public and private facilities which can safely remain in place throughout construction of the bored tunnel; and
9. Agreement with King County for transit investments associated with the AWVSR Program; and
10. Agreements with the Port of Seattle for freight mobility improvements associated with the AWVSR Program.

The CITY will be responsible for the following:

1. City utility relocations associated with the AWVSR Program; and
2. Seawall replacement along the CITY's central waterfront; and
3. A promenade or public space along the central waterfront; and
4. Other City street improvements including the west phase of the Mercer Corridor Project and partial funding for the Mercer Corridor East and Spokane Street Viaduct projects; and
5. Evaluation of a potential streetcar on First Avenue, including a segment phasing approach.

II. IMPLEMENTATION

The Parties recognize that it may be in the public interest for one Party to implement portions of the other Party's program responsibilities. Each Party will be responsible for implementation roles, which are subject to change by agreement of the Parties, and may include, but are not limited to, the following:

The STATE shall, in accordance with the Additional Agreements:

1. Complete the following Moving Forward Projects: Electrical Line Relocations – Phase 1, S. Holgate to S. King Street Viaduct Replacement Project; SR 99 Intelligent Transportation System Projects; and establish an agreement with King County for transit service during construction; and
- 2. Design and construct a single bore tunnel from approximately S. Royal Brougham Way to Harrison Street, with four lanes of traffic including tunnel portals at either end; and
3. Design and construct the relocation of some CITY-owned utilities at the portal locations and bored tunnel alignment on behalf of the CITY; and
4. Design and construct new crossings of the SR 99 bored tunnel at John, Thomas, and Harrison streets; and
5. Design and construct a new City street grid between S. King and S. Atlantic streets including the realignment of Alaskan Way; and
6. Design and construct a new roadway connecting the realigned Alaskan Way to East Marginal Way; and
7. Demolish the existing Alaskan Way Viaduct from S. King Street to the Battery Street Tunnel; and
- 8. Decommission the Battery Street Tunnel; and
9. Complete the environmental review process for the Bored Tunnel Alternative, as required by federal and state law; and
10. Establish an agreement with the Port of Seattle to secure the \$300 million port investment for the Alaskan Way Viaduct Replacement Program including the bored tunnel project.

The CITY shall, in accordance with the Additional Agreements, and subject to appropriation of funds for these purposes:

1. Design and construct the relocation of some CITY-owned utilities required for the AWVSR Program; and
2. Design and construct a new seawall between Colman Dock and Pine Street; and
3. Design and construct a new promenade or public space along the central waterfront; and
4. Design and construct two-way Mercer Street from I-5 to Elliott Avenue, including a new Sixth Avenue from Harrison Street to Mercer Street; and
5. Design and construct a widened Spokane Street Viaduct, including a new ramp to Fourth Avenue; and
6. Evaluate a potential streetcar on First Avenue between S. Jackson Street and the Seattle Center, including a segment phasing approach; and
7. Design and construct a new four-lane connection from Elliott and Western avenues, beginning at Battery Street, to Pine Street; and
8. Design and construct a new surface road from S. King Street to Pine Street; and
9. Design and construct intelligent transportation system projects along the SR 99 corridor.

III. FUNDING

Funding responsibilities for the estimated costs are as follows (these are preliminary cost estimates, with final funding commitments to be determined).

The STATE shall fund or procure funding for, if, and to the extent that the Washington State Legislature appropriates funds for these purposes as agreed to in the Additional Agreements, consistent with the State funding limits established in Engrossed Substitute Senate Bill 5768:

1. Bored tunnel from north of S. Royal Brougham Way to Harrison Street -- \$1.9 billion
2. Surface street connection from S. Yesler Street along Alaskan Way to Pike Street, including replacement of the Marion Street pedestrian overpass; a new connection from Pike Street to Elliot and Western avenues; reconstruction of the Lenora Street pedestrian overpass; viaduct removal; Battery Street Tunnel decommissioning -- \$290 million
3. Completion of the Moving Forward Projects including a new surface Alaskan Way from S. King to S. Yesler streets, and a new roadway connecting the realigned Alaskan Way to East Marginal Way S.-- \$600 million
4. Partial construction transportation mitigation (mitigation to offset loss of on-street parking during construction) -- \$30 million

The CITY shall fund or procure funding for, if, and to the extent that, the Seattle City Council appropriates funds for these purposes as agreed to in the Additional Agreements (the Parties acknowledge that no funds will be appropriated by the ordinance that approves this Agreement):

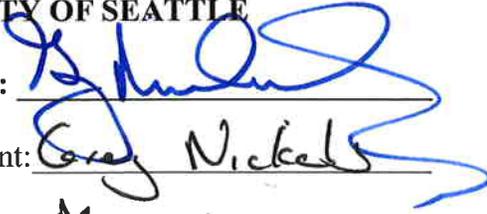
1. City utility relocation costs associated with the program -- \$248 million
2. Central seawall replacement -- \$225 million
3. Promenade or public space along the central waterfront -- \$123 million

4. City streets and transit pathways including the west phase of the Mercer Corridor Project and partial funding for the Mercer East and Spokane Street Viaduct projects -- \$191 million
5. Evaluation of a potential First Avenue Streetcar, including a segment phasing approach -- \$140 million (design and construction estimate)

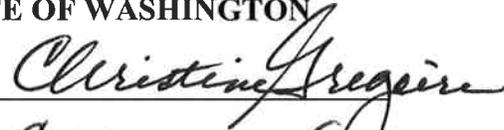
The STATE and CITY shall jointly work with King County and the Port of Seattle to endeavor to fully secure the respective funding commitments of these contributing agencies.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the last day and year written below.

CITY OF SEATTLE

By: 
Print: Cary Nickel
Title: Mayor
Date: 10/27/2009

STATE OF WASHINGTON

By: 
Print: CHRISTINE GREGOIRE
Title: GOVERNOR
Date: 10/24/09

APPROVED AS TO FORM:


By (print)


Signature
Assistant Attorney General

Date: 10-22-09