

ORDINANCE No. 113326

COUNCIL BILL No. 106022

AN ORDINANCE establishing a West Seattle Junction Parking and Business Improvement Area; providing for the levy of special assessments upon business within the area, the deposit of revenues in a special account, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriate therefor.

Law Department

The City of Seattle--L

REPORT OF C


Honorable President:

Your Committee on F&P

to which was referred the within Council Bill No. _____ report that we have considered the same and respect

PASS 4

COMPTROLLER FILE No. _____

Introduced: FEB 17 1987	By: EXECUTIVE REQUEST
Referred: FEB 17 1987	To: <i>Fin. & Pers.</i>
Referred:	To:
Referred:	To:
Reported: FEB 23 1987	Second Reading: FEB 23 1987
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Returned to City Clerk: MAR 5 1987	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: 

Dobies
Commit

Leg. Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Not Reported
and Adopted

Honorable President:

Your Committee on

F & P

to which was referred the within Council Bill No. 106022
report that we have considered the same and respectfully recommend that the same:

PASS 4-0

Dolores Stanga
Committee Chair

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#19
(CB 106022)

ORDINANCE 113326

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AN ORDINANCE establishing a West Seattle Junction Parking and Business Improvement Area; providing for the levy of special assessments upon business within the area, the deposit of revenues in a special account, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

WHEREAS, the owners and/or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with The City of Seattle to establish a Business Improvement Area pursuant to RCW Chapter 35.87A; and pursuant thereto, the City Council adopted Resolution, entitled "A RESOLUTION declaring an intention to establish a West Seattle Junction Parking and Business Improvement Area, and fixing a date and place for a hearing therein";

WHEREAS, the West Seattle Junction Parking and Business Improvement Area (PBIA) established herein is for the purpose of enabling businesses within the Area to enhance conditions for the operation of those businesses. The budget of the PBIA shall be dedicated to activities in addition to basic services provided by the City of Seattle. Services provided by the City of Seattle shall not be reduced because of PBIA activities and shall at all times be maintained at or above a level consistent with services provided to comparable business areas within the city.

WHEREAS, as provided by Resolution 27560, the City Council held a public hearing thereon on January 22, 1987, at 9:30 a.m. in the City Council Chambers, 11th floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to establish the area as proposed in the petition. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. District Established. As authorized by RCW Chapter 35.87A, there is hereby established a West Seattle Junction Parking and Business Improvement Area within the boundaries described below and as shown on the map attached as Exhibit "A". (When a street or alley is named, the area boundary is the centerline of the right-of-way). The District shall have two areas as follows:

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Zone A

East: 42nd Avenue S.W. between the center of the right-of-way and S.W. Oregon extending two blocks to the center of the right-of-way on S.W. Edmunds, to the center right-of-way on 42nd Avenue S.W.

West: 44th Avenue S.W. between the center right-of-way on S.W. Oregon extending two blocks to the center of the right-of-way on S.W. Edmunds, to the center of the right-of-way on 44th Avenue S.W.

North: S.W. Oregon between the center right-of-way on 44th Avenue S.W. extending two short blocks to the center of the right-of-way on 42nd Avenue S.W., to the center of the right-of-way on S.W. Oregon.

South: S.W. Edmunds between the center of the right-of-way on 44th Avenue S.W. extending two short blocks to the center of the right-of-way on 42nd Avenue S.W., to the center right-of-way on S.W. Edmunds.

Zone B

When describing Zone B, the outer boundaries of Zone A abuts the inner boundaries of Zone B. East: The eastern lot line of 1-24, block 46, Sparkman and McLean's First Addition, and continuing along the eastern lot line of lots 1-15, block 51, Holbrook and Clark's Addition and continuing to a line extending from the southern lot line of lot 15, block 51, Holbrook and Clark's Addition; continuing eastward along the southern lot line 15, block 52, Holbrook and Clark's Addition, to the center of the right-of-way on 41st Avenue S.W., and continuing along the center of the right-of-way of 41st Avenue S.W. to a line extending from the northern lot line of lot 19, block 53, Holbrook and Clark's Addition; extending eastward to the center of the alley between blocks 53 and 54, Holbrook and Clark's Addition, and continuing to the northern lot line of lot 20, block 54, Holbrook and Clark's Addition, and extending to the center of the right-of-way of 40th Avenue S.W. and continuing along the center of the right-of-way of 40th Avenue S.W. to a line extending from the northern lot line of lot 17, block 55, Holbrook and Clark's Addition, continuing along the eastern lot line of lots 10-16, block 55, Holbrook and Clark's Addition and continuing to a line extending from the northern lot line of lot 10, block 56, Holbrook and Clark's First Addition and continuing along the northern lot line of lot 10, block 57, Holbrook and Clark's Addition, and continuing along the eastern lot line of lots 11-24, block 57, Holbrook and Clark's Addition, and continuing along the eastern lot line of lot 4, block 2, Norris Addition, to a line extending from the southern lot line of lots 1, 2, 3, 4, block 2,

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Norris Addition; and extending to the center of the right-of-way of Fauntleroy Avenue S.W. and continuing along the center of the right-of-way of Fauntleroy Avenue S.W. between a line extending from the northern lot line of lot 9, block 3, Norris Addition, and extending to the southern lot line of lot 4, block 4, Norris Addition.

South: The southern lot line of lot 4, block 4, Norris Addition, and continuing along the eastern lot lines of lots 42-43, block 4, Norris Addition and continuing along the southern lot line of lot 43, block 4, Norris Addition, and continuing along the western lot line of lots 43-48, block 4, Norris Addition, and extending to the center of the right-of-way of S.W. Edmunds, and continuing along the center of the right-of-way of S.W. Edmunds to the center of the right-of-way of 42nd Avenue S.W. The center of the right-of-way along 42nd Avenue S.W. between the center of the right-of-way of S.W. Edmunds, and extending to the center of the right-of-way of S.W. Oregon and continuing along the center of the right-of-way of S.W. Oregon to a line extending from the western lot line of lot 6, block 2, Sparkman and McLean's First Addition, and continuing along the western lot line of lots 1-6, block 2, Sparkman and McLean's First Addition and continuing to the center of the right-of-way of S.W. Genesee.

The eastern lot line of lots 1, 2, 3, block 6, Scenic Park, and continuing along the northern lot line of lot 4, block 6, Scenic Park; and extending to the center of the right-of-way of California Avenue S.W., and continuing along the eastern lot line of Lot 1, and halfway through lot 2, block 5, Kirkwood Addition; and continuing along halfway through lot 2 in a westerly direction, block 5, Kirkwood Addition, and extending to the center of the right-of-way of Erskine Way S.W., and continuing along the center of the right-of-way of Erskine Way S.W. to a line extending from the southern lot line of lot 6, block 2, Kirkwood Addition, and continuing along the southern lot line of lot 6, block 2, Kirkwood Addition, to the center of the right-of-way of S.W. Edmunds and continuing along the center of the right-of-way of S.W. Edmunds to a line extending from the eastern lot line of lot 1, block 6 Scenic Park Addition.

North: The center of the right-of-way of S.W. Genesee between a line extending from the western lot line of lot 1, block 2, Sparkman and McLean's First Addition and continuing to a line extending from the eastern lot line of lot 1, block 46, Sparkman and McLean's First Addition.

West: 44th Avenue S.W. between the center of the right-of-way of S.W. Oregon and extending two blocks to the center of the right-of-way of S.W. Edmunds, to the center of

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the right-of-way of 44th Avenue S.W. and continuing along the center of the right-of-way of S.W. Edmunds to a line extending from the western lot line of lot 24, block 3, Central Park Addition, and continuing along the western lot line of lots 1-24, block 3, Central Park Addition, and continuing along the western lot line of lot 17-24, block 3, Holbrook and Clark's Addition, and extending to the center of the right-of-way of Glenn Way S.W., and continuing along the center of the right-of-way of Glenn Way S.W. to the center of the right-of-way of 45th Avenue S.W. and the center of the right-of-way of S.W. Oregon and continuing easterly along the center of the right-of-way of S.W. Oregon to the center of the right-of-way of 44th Avenue S.W.

Zone C "Parking"

East: 42nd Avenue S.W. between the center of the right-of-way of S.W. Edmunds extending two blocks to the center of the right-of-way of S.W. Oregon, to the center of the right-of-way of 42nd Avenue S.W.

West: Glenn Way S.W. between the center of the right-of-way of S.W. Oregon and a line extending from the northern tip of lot line 16, block 3, Holbrook and Clark's Addition, to the center of the right-of-way of Glenn Way S.W., and extending from the western lot line of lots 16-24, block 3, Holbrook and Clark's Addition, and continuing along the western lot lines of lots 1-24, block 3, Central Park Addition, and extending to the center of the right-of-way of S.W. Edmunds.

North: S.W. Oregon between the center of the right-of-way of 45th Avenue S.W., to a line extending from the western lot line of lot 6, block 2, Sparkman and McLean's First Addition, to the center of the right-of-way of S.W. Oregon; and continuing along the western lot line of lots 5, 6, and halfway through lot 4, block 2, Sparkman and McLean's First Addition, and continuing halfway through lot 4, block 2, Sparkman and McLean's First Addition, to the center of the right-of-way of California Avenue S.W. and continuing along the southern lot line of lot 12, block 48, Sparkman and McLean's First Addition, and continuing along the eastern lot line of lots 13-24, block 48, Sparkman and McLean's First Addition to the center of the right-of-way of S.W. Oregon and continuing along the center of the right-of-way of S.W. Oregon to the center of the right-of-way of 42nd Avenue S.W.

South: S.W. Edmunds between a line extending from the eastern lot line of lot 22, block 1, Central Park Addition, and continuing along the eastern lot line of lots 1, 2, 3, block 6, Scenic Park, and continuing along the northern lot line of lot 4, block 6, Scenic Park Addition, and continuing along the northern lot line of lot 4, block 6, Scenic Park Addition, and extending to the center of the right-of-way of

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1 California Avenue S.W. and continuing along the eastern lot
2 line of lot 1, and halfway through lot 2, block 5, Kirkwood
3 Addition, and continuing along in a westerly direction
4 halfway through lot 2, block 5, Kirkwood Addition, and
5 extending to the center of the right-of-way of Erskine Way
6 S.W., and continuing along the center of the right-of-way of
7 Erskine Way S.W., to a line extending from the southern lot
8 line of lot 6, block 2, Kirkwood Addition and continuing
9 along the southern lot line of lot 6, block 2, Kirkwood
10 Addition, and extending to the center of the right-of-way of
11 S.W. Edmunds and continuing along the center of the
12 right-of-way of S.W. Edmunds to a line extending from the
13 western lot line of lot 25, block 3, Central Park Addition.

14 Section 2. Levy of Special Assessments. To finance the
15 activities authorized in Section 7, there is levied and shall
16 be collected a special assessment upon the businesses in the
17 area, determined as follows:

- 18 1) The City will levy special assessments for the purpose
19 of operating a Parking Business Improvement Area Program
20 by applying the following rates against "the gross
21 proceeds of the sales" or "the gross income of the
22 business" as reported for City Business and Occupation
23 or Utility Tax purposes, unless otherwise specified:
- 24 (a) In Zone A, retail businesses will pay \$2.50 per
25 \$1,000 gross income of the business annually and
26 non-retail businesses will pay \$1.25 per \$1,000.
 - 27 (b) In Zone B, retail businesses will pay \$1.25 per
28 \$1,000 gross income of the business annually and
non-retail businesses will pay \$.67 per \$1,000.
 - (c) Banks, saving and loan or other financial lending
institutions shall pay a flat rate of \$2,400
annually.
 - (d) Auto dealers shall pay a flat rate of \$1,200
annually and gas stations shall pay a flat rate of
\$600 annually.
 - (e) Non-street level non-retail businesses will pay the
appropriate zone rate to a maximum fee of \$120 per
year.

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(f) A parking assessment of \$80 per year for street level businesses and \$40 per year for non-retail non-street level businesses per minimum parking requirement established by City Land Use code that is not already provided by the business will be paid by businesses in Zone C.

Section 3. Exemptions. No special assessments shall be levied upon and collected from:

- (1) Organizations, qualified for charitable contribution under the United States Internal Revenue Code (26 USC 170(c));
- (2) Sponsors of public events and concessionaires, and vendors or entertainers, who engage in business activities in the area for less than 30 days in aggregate per year,
- (3) Governmental agencies unless otherwise specified; and
- (4) Newsstands in street right-of-way.
- (5) Fraternal organizations; social service agencies; and education facilities;
- (6) Businesses that report gross income of less than \$20,000 annually; and
- (7) New businesses for the first year of operation. During the second year of operation, these businesses shall be assessed 50% of their assessment rate and 100% during their third year of operation.

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Section 4. Collection Schedule. Insofar as consistent with this ordinance and RCW Chapter 35.87A, special assessments shall be collected on a quarterly basis or in such a manner deemed appropriate by the Director of Community Development.

Section 5. Deposit of Revenues. There is hereby established in the City Treasury's Business Improvement Area Fund, a separate account designated the West Seattle Junction Parking and Business Improvement Area Account (called "the Account"). The following moneys shall be deposited in the Account:

- (a) All revenues from special assessments levied under this ordinance;
- (b) All income to the City from public events financed with special assessments;
- (c) Gifts and donations for the Account,
- (d) Interest and all other income from the investment of Account deposits; and
- (e) Restitution moneys for expenditures made from the Account and reimbursements due to the Account.

Section 6. Expenditures. Expenditures from the Account shall be made upon vouchers drawn by the Director of Community Development and shall be used exclusively for the statutory purposes in RCW 35.87A.010(1)(b)-(f), each as more fully explained in Section 8 and the petition to establish the area (C.F.):

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"Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A including beautification efforts (such as decorating public places that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities); promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities); providing professional management services; and providing parking opportunities.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive."

Section 7. Programs. Special Assessment Revenues shall be used for the following types of programs and services:

- I. Parking
 - a. Promote availability of attractive, free customer short-term parking in the Junction.
 - b. Create safe and attractive parking lots.
- II. Business Development
 - a. Develop activities that specifically motivate or reward continued or new customer use of the Junction.
 - b. Assist in solicitation of new businesses to fill vacancies.
 - c. Provide additional security for customers, if needed.

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d. Develop year-round activities that are fun, positive and involve the whole community that take place on or in public places;

e. Support an overall image campaign for the Junction and establish media contacts that can be used to generate favorable publicity and promote the Junction.

f. Use advertising programs to implement public relations

g. Create a cohesive effort for all special events and activities that enhance the Junction.

h. Implement sidewalk cleaning program.

i. Clean and erase graffiti.

j. Contribute to such decorations as flower baskets, wind sox, banners, holiday greenery.

k. Assist efforts to obtain street art (sculpture, water fountain, wall painting).

l. Establish rapport with City departments to facilitate development and promotion efforts.

III. Administration and Management

Provide full-time staff support to carry out work program and coordinate activities.

The listing of services are illustrative and not exclusive. All such activities are supplemental to street maintenance provided by the city and are not to displace any services regularly provided by municipal government.

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