The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: 

Committee Action:

Date | Recommendation | Vote
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9/14/2011 | Pass | SB, TB, SC, TR

Full Council Action:

Date | Decision | Vote
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9/19/11 | Passed | 9-0

AN ORDINANCE relating to land use and zoning, adding a new Section 23.61.016 to facilitate the use of development agreements authorized by 86.70.016 for transit oriented development within the Capitol Hill Station Area Overlay District.

Related Legislation File:

- Date Introduced and Referred: Aug. 16, 2011
- To: Built Environment
- Date Re-referred: (committee)
- Date Re-referred: (committee)
- Date of Final Action: 9/19/11
- Date Presented to Mayor: 9/20/11
- Date Signed by Mayor: Sept. 28, 2011
- Date Returned to City Clerk: Sept. 28, 2011
- Published by Title Only
- Published in Full Text
- Date Veto Published: Date Passed Over Veto:
- Date Veto Sustained:
- Date Returned Without Signature:

This file is complete and ready for presentation to Full Council.
ORDINANCE

AN ORDINANCE relating to land use and zoning, adding a new Section 23.61.016 to facilitate
the use of development agreements authorized by RCW Chapter 36.70B for transit
oriented development within the Capitol Hill Station Area Overlay District.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section, Section 23.61.016, is added to the Seattle Municipal Code, as
follows:

23.61.016 Development agreements

A. The Director may recommend that the Council approve a development agreement
pursuant to Chapter 36.70B RCW for real property within the Station Area Overlay District.

B. The Director’s recommendation shall be informed by a coordinated development
plan or urban design framework that the Director has developed through a community
involvement process.

C. The Director may recommend a development agreement in the following Station
Area Overlay Districts:

1. Capitol Hill Station Area Overlay District.

   a. The proposed development agreement shall be for the development of real
   property that:
1) Is owned by or under the control of a regional transit authority authorized under Chapter 81.112 RCW for the purpose of developing a light rail transit station; and

2) Is contiguous or is bisected only by streets, alleys, or other public rights of way.

b. The proposed development agreement may set forth development standards that vary from otherwise applicable development regulations, subject to the following limitations:

1) Any additional structure height allowed may not exceed 85 feet, except, where the underlying zone designation is Neighborhood Commercial, structures may exceed 85 feet as provided for in subsection 23.47A.012.D;

2) Uses prohibited in the underlying zone shall not be permitted;

3) FAR requirements may be varied for an individual lot, however, the total FAR as calculated for all lots under the proposed development agreement shall not exceed six;

4) Variations of Green Factor requirements for an individual lot shall not result in a Green Factor ratio for the aggregated lots that is less than the ratio that would result from imposition of otherwise applicable Green Factor requirements to all individual lots; and
5) The provisions of Chapter 23.41 shall apply to development proposals within the scope of the development agreement, except that the recommendation of the Design Review Board shall be consistent with the development agreement, and if there is a conflict between a Design Review Board recommendation and the terms of the development agreement, the latter shall prevail.

D. The Director shall prepare a written report on a proposed development agreement. The Director shall submit the report and proposed development agreement to the Council after any applicable SEPA appeal period has lapsed without an appeal being initiated or, if a SEPA appeal is timely initiated, after the Hearing Examiner issues a decision affirming the Director’s compliance with SEPA. The report shall include:

1. An evaluation of the proposed development agreement’s consistency with any applicable coordinated development plan or urban design framework that the Director has developed through a community involvement process and any applicable Comprehensive Plan goals and policies;

2. Proposed development standards for the site; and

3. The Director’s recommendation.

E. The Council shall hold a public hearing on the proposed development agreement. Notice of the hearing shall be provided at least 30 days prior to the hearing by inclusion in the Land Use Information Bulletin.
F. If the Council determines to approve a proposed development agreement, the Council may:

1. Set forth development standards that vary from otherwise applicable development regulations, subject to any applicable limitations in subsection 23.61.016.C; and

2. Set forth other provisions, unrelated to development standards, that the Council deems appropriate.

G. After its approval by the Council and after all parties to the development agreement approve and execute it, the City Clerk shall record the development agreement in the real property records of King County.

H. Nothing in this Section 23.61.016 limits the Council’s authority to enter into a development agreement authorized by Chapter 36.70B RCW in situations other than those described in subsection 23.61.016.C.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020. 

Passed by the City Council the 14th day of September, 2011, and signed by me in open session in authentication of its passage this 14th day of September, 2011.
President of the City Council

Approved by me this 28th day of September, 2011.

Michael McGinn, Mayor

Filed by me this 28th day of September, 2011.

City Clerk

(Seal)
FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department: Legislative  |  Contact Person/Phone: Ketil Freeman 4-8178  |  CBO Analyst/Phone: NA

Legislation Title:

AN ORDINANCE relating to land use and zoning, adding a new Section 23.61.016 to facilitate the use of development agreements authorized by RCW Chapter 36.70B for transit oriented development within the Capitol Hill Station Area Overlay District.

Summary of the Legislation:

The legislation amends the Station Area Overlay District (SAOD) Chapter of the Land Use Code to 1) establish general procedures for review and approval of a proposed development agreement and 2) authorize use of development agreements for redevelopment of Sound Transit-owned properties in the Capitol Hill SAOD subject to some limitations.

Background:

RCW 36.70B.170 authorizes local jurisdictions to enter into negotiated development agreements with property owners that set out development standards and other provisions that would apply to use and development of a piece of real property. Since 2010 the City has been working with the Capitol Hill community and Sound Transit to plan for redevelopment of Sound Transit-owned properties acquired for the Capitol Hill light rail station. Those efforts are documented in the Department of Planning and Development’s Draft Capitol Hill Light Rail Station Sites Urban Design Framework dated May 9, 2011. A development agreement is one tool that could be used to implement some of the recommendations from that report.

X This legislation does not have any financial implications.
STATE OF WASHINGTON – KING COUNTY

277017
CITY OF SEATTLE, CLERKS OFFICE

No. 123709, 710, 711, 712, 713

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

10/06/11

The amount of the fee charged for the foregoing publication is the sum of $ 88.73, which amount has been paid in full.

Subscribed and sworn to before me on

10/06/11

Notary public for the State of Washington, residing in Seattle
State of Washington, King County

City of Seattle
Title Only Ordinance

The full text of the following legislation, passed by the City Council on September 19, 2011, and published below by title only, will be mailed upon request, or can be accessed at http://seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8141

ORDINANCE NO. 123709
AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6066 36th Avenue North and 5949 65th Avenue North; authorizing the acceptance of a 160-foot easement and recording of a deed for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2011 Budget, all by a three-fourths vote of the City Council.

ORDINANCE NO. 123710
AN ORDINANCE relating to Seattle Public Utilities, authorizing the Director of Seattle Public Utilities to accept a franchise agreement with the City of Shoreline, Washington, for the operation of a water system within public rights-of-way of the City of Shoreline for up to thirty years, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123711
AN ORDINANCE relating to land use and zoning, adding a new Section 23.50.016 to facilitate the use of development agreements authorized by RCW Chapter 35.70B for transit oriented development within the Capitol Hill Station Area Overway District.

ORDINANCE NO. 123712
AN ORDINANCE relating to the charging of electric vehicles, authorizing the Director of Finance and Administrative Services, the Director of the Seattle Center Department, the Superintendent of Parks and Recreation, and the Seattle City Librarian to set parking fees for public use of electric vehicle charging stations in parking facilities owned or controlled by each of their respective departments; imposing a monetary penalty for an unauthorized vehicle to park in a space reserved for electric vehicle parking while charging; amending Sections 13.67.060, 13.12.121, 17.34.630, and 18.18.030 of the Seattle Municipal Code; adding new Section 13.79.120 to the Seattle Municipal Code; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123713
AN ORDINANCE appropriating taxes to pay certain outstanding claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 6, 2011.

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