

Ordinance No. 123711

The City of Seattle - Legislative Department

Council Bill No. 117263

Council Bill/Ordinance sponsored by: Greg S. Egan

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.

Committee Action:

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

Related Legislation File:

Date Introduced and Referred: <u>Aug. 15, 2011</u>	To: (committee): <u>Built Environment</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.19.11</u>	Date Presented to Mayor: <u>9.20.11</u>
Date Signed by Mayor: <u>Sept. 28, 2011</u>	Date Returned to City Clerk: <u>Sept. 28, 2011</u>
Published by Title Only	Date Vetted by Mayor:
Published in Full Text	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:
Date Veto Sustained:	

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

Full Council Action:

Date	Decision	Vote
9.19.11	Passed	9-0

Law Department

ORDINANCE 123711

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

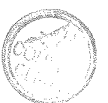
A. The Director may recommend that the Council approve a development agreement pursuant to Chapter 36.70B RCW for real property within the Station Area Overlay District.

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 1) Is owned by or under the control of a regional transit authority
2 authorized under Chapter 81.112 RCW for the purpose of developing a light rail
3 transit station; and

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

6
7 b. The proposed development agreement may set forth development standards
8 that vary from otherwise applicable development regulations, subject to the following
9 limitations:
10

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

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

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

18 4) Variations of Green Factor requirements for an individual lot shall
19 not result in a Green Factor ratio for the aggregated lots that is less than the ratio
20 that would result from imposition of otherwise applicable Green Factor
21 requirements to all individual lots; and
22
23
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1 5) The provisions of Chapter 23.41 shall apply to development
2 proposals within the scope of the development agreement, except that the
3 recommendation of the Design Review Board shall be consistent with the
4 development agreement, and if there is a conflict between a Design Review Board
5 recommendation and the terms of the development agreement, the latter shall
6 prevail.

7
8 D. The Director shall prepare a written report on a proposed development agreement.
9 The Director shall submit the report and proposed development agreement to the Council after
10 any applicable SEPA appeal period has lapsed without an appeal being initiated or, if a SEPA
11 appeal is timely initiated, after the Hearing Examiner issues a decision affirming the Director's
12 compliance with SEPA. The report shall include:

13
14 1. An evaluation of the proposed development agreement's consistency with any
15 applicable coordinated development plan or urban design framework that the Director has
16 developed through a community involvement process and any applicable Comprehensive Plan
17 goals and policies;

18
19 2. Proposed development standards for the site; and

20
21 3. The Director's recommendation.

22
23 E. The Council shall hold a public hearing on the proposed development agreement.
24 Notice of the hearing shall be provided at least 30 days prior to the hearing by inclusion in the
25 Land Use Information Bulletin.



1 F. If the Council determines to approve a proposed development agreement, the
2 Council may:

3 1. Set forth development standards that vary from otherwise applicable development
4 regulations, subject to any applicable limitations in subsection 23.61.016.C; and
5

6 2. Set forth other provisions, unrelated to development standards, that the Council
7 deems appropriate.
8

9 G. After its approval by the Council and after all parties to the development
10 agreement approve and execute it, the City Clerk shall record the development agreement in the
11 real property records of King County.
12

13 H. Nothing in this Section 23.61.016 limits the Council's authority to enter into a
14 development agreement authorized by Chapter 36.70B RCW in situations other than those
15 described in subsection 23.61.016.C.
16

17
18 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
19 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
20 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
21

22 Passed by the City Council the 19th day of September, 2011, and
23 signed by me in open session in authentication of its passage this

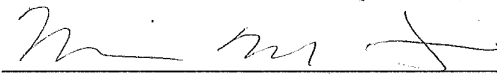
24 19th day of September, 2011.
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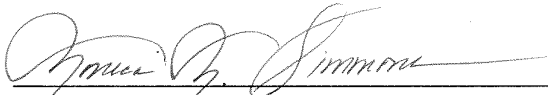
President _____ of the City Council

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



Michael McGinn, Mayor

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



City Clerk

(Seal)

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

--SS.

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.

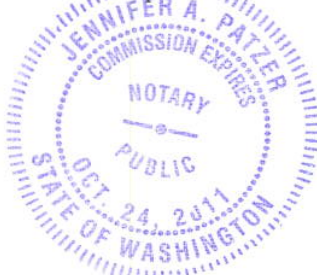
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

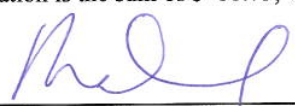
was published on


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.



Affidavit of Publication



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://clerk.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) 684-8344.

ORDINANCE NO. 123709

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656 34th Avenue South and 3640 35th Avenue South; authorizing acceptance and recording of deeds 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 nine years, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123711

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.

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 per-session fees for public use of electric vehicle charging stations in parking facilities owned or controlled by each of their respective departments; making it an infraction and imposing a monetary penalty for an unauthorized vehicle to park in a space reserved for electric vehicle parking while charging; amending Sections 3.39.020, 11.31.121, 17.04.030, and 18.28.010 of the Seattle Municipal Code; adding new Section 11.72.125 to the Seattle Municipal Code; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123713

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

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

10/6(277017)