

Ordinance No. 124102

Council Bill No. 117683

AN ORDINANCE granting CCSDC, LLC permission to construct, maintain, and operate a greywater infiltration system in the east side planting strip area of 15<sup>th</sup> Avenue, between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street; for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <u>Dec. 17, 2012</u>	To: (committee): <u>Transportation</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>1/14/13</u>	Date Presented to Mayor: <u>1/15/13</u>
Date Signed by Mayor: <u>1.23.13</u>	Date Returned to City Clerk: <u>1.24.13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

# The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

## Committee Action:

Date	Recommendation	Vote
<u>1-8-13</u>	<u>PASS</u>	<u>TR BH JG 3-0</u>

1

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

## Full Council Action:

Date	Decision	Vote
<u>1/14/13</u>	<u>Passed</u>	<u>9-0</u>

Legis Department

**CITY OF SEATTLE**  
**ORDINANCE** 124102  
**COUNCIL BILL** 117683

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4 AN ORDINANCE granting CCSDC, LLC permission to construct, maintain, and operate a  
5 greywater infiltration system in the east side planting strip area of 15<sup>th</sup> Avenue, between  
6 East Madison Street and East Pike Street, as part of the construction of the new Bullitt  
7 Center at 1501 East Madison Street; for a ten-year term, renewable for two successive  
8 ten-year terms; specifying the conditions under which this permit is granted; and  
9 providing for the acceptance of the permit and conditions.

10 WHEREAS, CCSDC, LLC has applied to the Director of Transportation to construct a greywater  
11 infiltration system in the east side planting strip area of 15<sup>th</sup> Avenue, between East  
12 Madison Street and East Pike Street, as part of the construction of the new Bullitt Center  
13 at 1501 East Madison Street; and

14 WHEREAS, CCSDC, LLC represents that the Bullitt Center project would be the nation's first  
15 urban commercial building striving to meet the Living Building Challenge (LBC) and the  
16 first project to participate in the City of Seattle's Living Building Pilot program. In order  
17 to achieve the LBC Ecological Water Flow requirement '100% of storm water and  
18 building water discharge must be managed on-site to feed the project's internal water  
19 demands or released onto an adjacent site for management through acceptable natural  
20 time-scale surface flow, groundwater recharge, agricultural use or adjacent building  
21 needs'; and

22 WHEREAS, following on-site treatment, greywater will be discharged to a modified drainfield,  
23 measuring 9' x 44', located within the planting strip on the east side of 15<sup>th</sup> Avenue for  
24 irrigation and infiltration in order to meet the Ecological Water Flow requirement; and

25 WHEREAS, the Seattle Public Utilities has approved the project under the condition that  
26 CCSDC, LLC obtain all the required permits from the State of Washington Department  
27 of Health, which approval of the project has been granted conditioned on following the  
28 approved monitoring and maintenance plan; and

WHEREAS, by Resolution 31409, the City granted conceptual approval of a term permit for the  
new greywater infiltration system to CCSDC, LLC; and

WHEREAS, the adoption of this ordinance is the culmination of the City approval process for  
the greywater infiltration system to legally occupy a portion of the public right-of-way or  
other public place, NOW, THEREFORE,



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

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3 Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of  
4 Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to CCSDC,  
5 LLC, and its successors and assigns as approved by the Director of the Seattle Department of  
6 Transportation (“Director”) according to Section 14 of this ordinance (the party named above  
7 and each such approved successor and assign is referred to as “Permittee”), to construct,  
8 maintain, and operate a greywater infiltration system together with all vaults, valves,  
9 appurtenances and service connections used in connection with and necessary for the operation  
10 of the greywater infiltration system (“infiltration system”) in the east side planting strip area of  
11 15<sup>th</sup> Avenue, between East Madison Street and East Pike Street, as part of the construction of the  
12 new Bullitt Center at 1501 East Madison Street, adjacent in whole or in part to the property  
13 legally described as:  
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15 Lots 1 and 2, Block 4, Renton’s Addition to the City of Seattle, according to the plat  
16 thereof recorded in Volume 3 of Plats, page(s) 118, in King County, Washington.  
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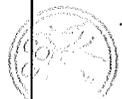
18 Section 2. **Term.** The permission granted to Permittee is for a term of ten years starting  
19 on the effective date of this ordinance and ending at 11:59 p.m. on the last day of the tenth year.  
20 Upon written application made by the Permittee at least 180 days before expiration of the term,  
21 the Director or the City Council may renew the permit twice, each time for a successive ten-year  
22 term, subject to the right of the City to require the removal of the infiltration system or to revise  
23 by ordinance any of the terms and conditions of the permission granted by this ordinance. The  
24 total term of the permission, including renewals, shall not exceed 30 years. The Permittee shall  
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1 submit any application for a new permission no later than 180 days prior to the expiration of the  
2 then-existing term.

3           **Section 3. Protection of utilities.** The permission granted is subject to the Permittee  
4 bearing the expense of any protection, support, or relocation of existing utilities deemed  
5 necessary by the owners of the utilities, and the Permittee being responsible for any damage to  
6 the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of  
7 the infiltration system and for any consequential damages that may result from any damage to  
8 utilities or interruption in service caused by any of the foregoing, including any additional  
9 regulatory obligations or requirements for the existing utilities that arise out of the infiltration  
10 system operations. Except for damages due to the sole negligence of the City, the Permittee is  
11 exclusively responsible for repair, modification or restoration of the infiltration system in the  
12 event that the infiltration system or any portion thereof is damaged by City action related to the  
13 testing, maintenance, repair, or restoration of City-owned infrastructure in the right-of-way  
14 including but not limited to water, sewer, or drainage infrastructure.

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16           **Section 4. Removal for public use or for cause.** The permission granted is subject to use  
17 of the street right-of-way or other public place (collectively, "public place") by the City and the  
18 public for travel, utility purposes, and other public uses or benefits. The City expressly reserves  
19 the right to deny renewal, or terminate the permission at any time prior to expiration of the initial  
20 term or any renewal term, and require the Permittee to remove the infiltration system, or any part  
21 thereof or installation on the public place, at the Permittee's sole cost and expense in the event  
22 that:  
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1 (a) the City Council determines by ordinance that the space occupied by the  
2 infiltration system is necessary for any public use or benefit or that the infiltration system  
3 interferes with any public use or benefit; or

4 (b) the Director determines that use of the infiltration system has been abandoned; or

5 (c) the Director determines that any term or condition of this ordinance has been  
6 violated, and the violation has not been corrected by the Permittee by the compliance date  
7 after a written request by the City to correct the violation (unless a notice to correct is not  
8 required due to an immediate threat to the health or safety of the public).  
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10 A City Council determination that the space is needed for, or the infiltration system interferes  
11 with, a public use or benefit is conclusive and final without any right of the Permittee to resort to  
12 the courts to adjudicate the matter.

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14 **Section 5. Permittee's obligation to remove and restore.** If the permission granted  
15 expires without an application for a new permission being granted, or if the City terminates the  
16 permission, then within 90 days after the expiration or termination of the permission, or prior to  
17 any earlier date stated in an ordinance or order requiring removal of the infiltration system, the  
18 Permittee shall, at its own expense, remove the infiltration system and all of the Permittee's  
19 equipment and property from the public place and replace and restore all portions of the public  
20 place that may have been disturbed for any part of the infiltration system in as good condition  
21 for public use as existed prior to construction of the infiltration system and in at least as good  
22 condition in all respects as the abutting portions of the public place as required by SDOT right-  
23 of-way restoration standards.  
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1 Failure to remove the infiltration system as required by this section is a violation of  
2 Chapter 15.90 of the Seattle Municipal Code (“SMC”) or successor provision; however,  
3 applicability of Chapter 15.90 does not eliminate any remedies available to the City under this  
4 ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this  
5 section, the City may in its sole discretion remove the infiltration system and restore the public  
6 place at the Permittee’s expense, and collect such expense in any manner provided by law.

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8 Upon the Permittee’s completion of removal and restoration in accordance with this  
9 section, or upon the City’s completion of the removal and restoration and the Permittee’s  
10 payment to the City for the City’s removal and restoration costs, the Director shall then issue a  
11 certification that the Permittee has fulfilled its removal and restoration obligations under this  
12 ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public  
13 interest, the Director may, in the Director’s sole discretion, conditionally or absolutely excuse the  
14 Permittee from compliance with all or any of the Permittee’s obligations under this section.

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16 Section 6. **Repair or reconstruction.** The infiltration system, along with their design,  
17 construction, and proper function, shall remain the exclusive responsibility of the Permittee,  
18 regardless of whether any maintenance or operation responsibility is eventually contracted out to  
19 other parties. The Permittee shall maintain and operate the infiltration system in good and safe  
20 condition for the protection of the public and in compliance with all applicable federal, State,  
21 County, and City laws, regulations, permits and approvals. The Permittee shall have exclusive  
22 responsibility to prevent, control, promptly correct and remediate, and reduce the impact on the  
23 public place and other property from the infiltration system malfunction, backups, overflows,  
24 flooding, subsurface instability, contamination, and all other adverse conditions and events  
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1 related to the infiltration system (collectively, “adverse conditions”). The Permittee shall provide  
2 notice to the Director immediately upon becoming aware of any such adverse condition or event  
3 that could affect the public place or other property. Notice shall be delivered or sent by a means  
4 and to an address the Director may specify in writing from time to time. The Permittee shall  
5 obtain all required City permits and approvals to construct, reconstruct, repair, or maintain the  
6 infiltration system. The permit approvals shall include a written acceptance by the Director of the  
7 proposed infiltration system plans and specifications that shall not change in any way the fact  
8 that the Permittee and not the City is solely responsible for the infiltration system including their  
9 design, location, construction, operation, and maintenance. The Director may, in the Director’s  
10 judgment, order the infiltration system reconstructed or repaired at the Permittee's cost and  
11 expense because of: the deterioration or unsafe condition of the infiltration system; the  
12 installation, construction, reconstruction, maintenance, operation, or repair of any municipally-  
13 owned public utilities; or for any other cause related to maintaining safe conditions for the  
14 public.  
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17       **Section 7. Failure to correct unsafe or adverse condition.** After written notice to the  
18 Permittee and failure of the Permittee to correct an unsafe or adverse condition within the time  
19 stated in the notice, the Director may order the infiltration system be closed or removed at the  
20 Permittee’s expense if the Director deems that the infiltration system has become unsafe, adverse  
21 or creates a risk of injury to the public. If there is an immediate threat to the health or safety of  
22 the public, a notice to correct is not required.  
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24       **Section 8. Continuing obligations.** Notwithstanding termination or expiration of the  
25 permission granted, or closure or removal of the infiltration system, the Permittee shall remain  
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1 bound by all of its obligations under this ordinance until the Director has issued a certification  
2 that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this  
3 ordinance. Notwithstanding the issuance of that certification, the Permittee shall continue to be  
4 bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid  
5 fees assessed under Section 17 of this ordinance.

6           **Section 9. Release, hold harmless, indemnification, and duty to defend.** The  
7 Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers,  
8 employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense,  
9 attorneys' fees, or damages of every kind and description arising out of or by reason of the  
10 infiltration system or this ordinance, including but not limited to claims resulting from injury,  
11 damage, or loss to the Permittee or the Permittee's property.

12           The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its  
13 officials, officers, employees, and agents from and against all claims, actions, suits, liability,  
14 loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only  
15 damages that may result from the sole negligence of the City, that may accrue to, be asserted by,  
16 or be suffered by any person or property including, without limitation, damage, death or injury to  
17 members of the public or to the Permittee's officers, agents, employees, contractors, invitees,  
18 tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:  
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20           (a) the existence, condition, construction, reconstruction, modification, maintenance,  
21 operation, use, or removal of the infiltration system or any portion thereof, or the use,  
22 occupation, or restoration of the public place or any portion thereof by the Permittee or any other  
23 person or entity;  
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1 (b) anything that has been done or may at any time be done by the Permittee by reason of  
2 this ordinance; or

3 (c) the Permittee failing or refusing to strictly comply with every provision of this  
4 ordinance; or arising out of or by reason of the infiltration system or this ordinance in any other  
5 way.

6 If any suit, action, or claim of the nature described above is filed, instituted, or begun  
7 against the City, the Permittee shall upon notice from the City defend the City, with counsel  
8 acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is  
9 rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment  
10 within 90 days after the action or suit has been finally determined, if determined adversely to the  
11 City. If it is determined by a court of competent jurisdiction that Revised Code of Washington  
12 (“RCW”) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by  
13 or result from the concurrent negligence of the City, its agents, contractors, or employees, and  
14 the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and  
15 enforceable only to the extent of the negligence of the Permittee or the Permittee’s agents,  
16 contractors, or employees. For purposes of this indemnity, Permittee hereby waives, with respect  
17 to the City only, any immunity that would otherwise be available against such claims under the  
18 Industrial Insurance provisions of Title 51 RCW. The Permittee acknowledges and agrees that  
19 this Title 51 waiver has been mutually negotiated.

20 Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by  
21 this ordinance and until the Director has issued a certification that the Permittee has fulfilled its  
22 removal and restoration obligations under Section 5 of this ordinance, the Permittee shall obtain



1 and maintain in full force and effect, at its own expense, insurance and/or self-insurance that  
2 protects the Permittee and the City from claims and risks of loss from perils that can be insured  
3 against under commercial general liability (“CGL”) insurance policies in conjunction with:

4 (a) construction, reconstruction, modification, operation, maintenance, use, existence, or  
5 removal of the infiltration system or any portion thereof, as well as restoration of any  
6 disturbed areas of the public place in connection with removal of the infiltration  
7 system ;

8  
9 (b) the Permittee’s activity upon or the use or occupation of the public place described in  
10 Section 1 of this ordinance; and

11 (c) claims and risks in connection with activities performed by the Permittee by virtue of  
12 the permission granted by this ordinance.  
13

14 Minimum insurance requirements are CGL insurance based on the Insurance Services Office  
15 (“ISO”) form CG 00 01 or equivalent. The City requires insurance coverage to be placed with an  
16 insurer admitted and licensed to conduct business in Washington State or with a surplus lines  
17 carrier pursuant to RCW Chapter 48.15. If coverage is placed with any other insurer or is  
18 partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the  
19 City’s Risk Manager.  
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21 Minimum limits of liability shall be \$2,000,000 each occurrence combined single limit  
22 bodily injury and property damage, with \$4,000,000 annual aggregate. Coverage shall include  
23 the “City of Seattle, its elected and appointed officers, officials, employees and agents” as  
24 additional insureds for primary and non-contributory limits of liability subject to a Separation of  
25 Insureds clause.  
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1           Within 60 days after the effective date of this ordinance, the Permittee shall provide to  
2 the City, or cause to be provided, certification of insurance coverage including an actual copy of  
3 the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement  
4 or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to  
5 the Department of Transportation (“SDOT”) at an address as the Director may specify in writing  
6 from time to time. The Permittee shall provide a certified complete copy of the insurance policy  
7 to the City promptly upon request.  
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9           If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager  
10 may be submitted in lieu of the insurance coverage certification required by this ordinance, if  
11 approved in writing by the City’s Risk Manager. The letter of certification must provide all  
12 information required by the City’s Risk Manager and document, to the satisfaction of the City’s  
13 Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in  
14 force. After a self-insurance certification is approved, the City may from time to time  
15 subsequently require updated or additional information. The approved self-insured Permittee  
16 must provide 30 days’ prior notice of any cancellation or material adverse financial condition of  
17 its self-insurance program. The City may at any time revoke approval of self-insurance and  
18 require the Permittee to obtain and maintain insurance as specified in this ordinance.  
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21           In the event that the Permittee assigns or transfers the permission granted by this  
22 ordinance, the Permittee shall maintain in effect the insurance required under this section until  
23 the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.  
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25           Section 11. **Contractor insurance.** The Permittee shall contractually require that any and  
26 all of its contractors performing work on any premises contemplated by this permit name the  
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1 “City of Seattle, its elected and appointed officers, officials, employees and agents” as additional  
2 insureds for primary and non-contributory limits of liability on all CGL, Automobile and  
3 Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract  
4 documents with its contractors a third-party beneficiary provision extending to the City  
5 construction indemnities and warranties granted to the Permittee.

6       Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance,  
7 the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond  
8 executed by a surety company authorized and qualified to do business in the State of Washington  
9 that is: in the amount of \$30,000, and conditioned with a requirement that the Permittee shall  
10 comply with every provision of this ordinance and with every order the Director issues under this  
11 ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued  
12 a certification that the Permittee has fulfilled its removal and restoration obligations under  
13 Section 5 of this ordinance. An irrevocable letter of credit approved by the Director in  
14 consultation with the City Attorney’s Office may be substituted for the bond. In the event that  
15 the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall  
16 maintain in effect the bond or letter of credit required under this section until the Director has  
17 approved the assignment or transfer pursuant to Section 14 of this ordinance.

18       Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust  
19 minimum liability insurance levels and surety bond requirements during the term of this  
20 permission. If the Director determines that an adjustment is necessary to fully protect the  
21 interests of the City, the Director shall notify the Permittee of the new requirements in writing.



1 The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted  
2 insurance and surety bond levels to the Director.

3       Section 14. **Consent for and conditions of assignment or transfer.** The permission  
4 granted by this ordinance shall not be assignable or transferable by operation of law; nor shall the  
5 Permittee transfer, assign, mortgage, pledge or encumber the same without the Director's  
6 consent, which the Director shall not unreasonably refuse. The Director may approve assignment  
7 or transfer of the permission granted by this ordinance to a successor entity only if the successor  
8 or assignee has accepted in writing all of the terms and conditions of the permission granted by  
9 this ordinance; has provided, at the time of the acceptance, the bond and certification of  
10 insurance coverage required under this ordinance; and has paid any fees due under Section 17 of  
11 this ordinance. Upon the Director's approval of an assignment or transfer, the rights and  
12 obligations conferred on the Permittee by this ordinance shall be conferred on the successors and  
13 assigns. Any person or entity seeking approval for an assignment or transfer of the permission  
14 granted by this ordinance shall provide the Director with a description of the current and  
15 anticipated use of the infiltration system.

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18       Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or  
19 successor provision, pay the City the amounts charged by the City to inspect the infiltration  
20 system during construction, reconstruction, repair, annual safety inspections, and at other times  
21 deemed necessary by the City. An inspection or approval of the infiltration system by the City  
22 shall not be construed as a representation, warranty, or assurance to the Permittee or any other  
23 person as to the safety, soundness, or condition of the infiltration system. Any failure by the City to  
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1 require correction of any defect or condition shall not in any way limit the responsibility or liability  
2 of the Permittee.

3       Section 16. **Inspection and reports.** The Permittee shall submit to the Director, or to the  
4 Department of Transportation at an address specified by the Director, an inspection report that:

- 5       (a) describes the physical dimensions and condition of the infiltration system;  
6       (b) describes any damages or possible repairs to any element of the infiltration  
7 system;  
8       (c) prioritizes all repairs and establishes a timeframe for making repairs; and  
9       (d) is stamped by a professional engineer licensed in the State of Washington.

10       The report meeting the foregoing requirements shall be submitted in the event of a natural  
11 disaster or other event that may have damaged the infiltration system and shall be submitted by  
12 the date established by the Director. Additionally, the Permittee shall conduct inspections and  
13 maintain records of complying with any operations and maintenance requirements imposed by  
14 Section 6 of this ordinance, and shall provide copies of the inspections and records to the  
15 Director upon the request. Further, as relate to the infiltration system, the Permittee shall provide  
16 to the Director routinely and as promptly as possible after they are generated: (1) all permits and  
17 approvals, plus updates, (2) all monitoring, management, and operations and maintenance plans,  
18 plus updates, (3) all reports required by any such plan, and (4) all monitoring results. Permittee  
19 also shall promptly and specifically inform the Director of every monitoring result that exceeds a  
20 limit or standard established by an applicable permit, approval, or other legal requirement. The  
21 Permittee has the duty of inspecting, operating, maintaining and monitoring the infiltration  
22 system, and the responsibility to submit inspection,, operation, maintenance and monitoring  
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1 reports as required by the Director does not waive or alter any of the Permittee's other  
2 obligations under this ordinance nor create any duties on the part of the Director. The receipt of  
3 any reports by the Director shall not create any duties on the part of the Director. Any failure by  
4 the Director to require a report, or to require action after receipt of any report, shall not waive or  
5 limit the obligations of the Permittee.

6           Section 17. **Annual fee.** Beginning on the effective date of this ordinance, and annually  
7 thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the  
8 Director, an annual fee of \$428, or as adjusted annually thereafter, for the privileges granted by  
9 this ordinance.

10           Adjustments to the annual fee shall be made in accordance with a term permit fee  
11 schedule adopted by the City Council and may be made every year. In the absence of a schedule,  
12 the Director may only increase or decrease the previous year's fee to reflect any inflationary  
13 changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by  
14 adjusting the previous year's fee by the percentage change between the two most recent year-end  
15 values available for the Consumer Price Index for the Seattle-Tacoma-Bremerton Area, All  
16 Urban Consumers, All Products, Not Seasonally Adjusted. All payments shall be made to the  
17 City Finance Director for credit to the Transportation Operating Fund.

18           Section 18. **Compliance with other laws.** Permittee shall construct, maintain and operate  
19 the infiltration system in compliance with all applicable federal, state, County and City laws and  
20 regulations. Without limitation, in all matters pertaining to the infiltration system, the Permittee  
21 shall comply with the City's laws prohibiting discrimination in employment and contracting  
22 including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting  
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1 Practices code, Chapter 14.10 (or successor provisions). The Permittee shall have exclusive  
2 responsibility for complying with all existing or future legal or regulatory requirements  
3 established to identify, characterize, control or reduce discharges of pollutants from the  
4 infiltration system.

5       Section 19. **Acceptance of terms and conditions.** The Permittee shall deliver to the  
6 Director its written signed acceptance of the terms of this ordinance within 60 days after the  
7 effective date of this ordinance. The Director shall file the written acceptance with the City  
8 Clerk. If no such acceptance is received within that 60-day period, the privileges conferred by  
9 this ordinance shall be deemed declined or abandoned and the permission granted deemed lapsed  
10 and forfeited. The Permittee shall not commence construction of the infiltration system over the  
11 public place prior to the Permittee delivering its written signed acceptance of the terms of this  
12 ordinance and providing the bond and certification of insurance coverage required by this  
13 ordinance as well as the covenant agreement required by Section 20 of this ordinance.

14       Section 20. **Obligations run with the Property.** The obligations and conditions  
15 imposed on the Permittee by and through this ordinance are covenants that run with the land and  
16 bind subsequent owners of the property legally described in Section 1 of this ordinance (the  
17 "Property"), regardless of whether the Director has approved assignment or transfer of the  
18 permission granted herein to such subsequent owner(s). At the request of the Director, Permittee  
19 shall within 30 days provide to the Director a current title report showing the identity of all  
20 owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60  
21 days of the effective date of this ordinance, and prior to conveying any interest in the Property,  
22 deliver to the Director upon a form to be supplied by the Director, a covenant agreement  
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1 imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by  
2 the Permittee and any other owner(s) of the Property and recorded with the King County  
3 Recorder's Office. The Director shall file the recorded covenant agreement with the City Clerk.  
4 The covenant agreement shall reference this ordinance by its ordinance number. At the request of  
5 the Director, Permittee shall cause encumbrances on the Property to be subordinated to the  
6 covenant agreement.

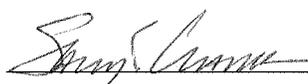
7  
8 Section 21. **Section titles.** Section titles are for convenient reference only and do not  
9 modify or limit the text of a section.

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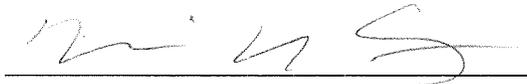


1 Section 22. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 14<sup>th</sup> day of January, <sup>2013</sup>~~2012~~, and  
5 signed by me in open session in authentication of its passage this  
6 14<sup>th</sup> day of January, <sup>2013</sup>~~2012~~.

8   
9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved by me this 23<sup>rd</sup> day of January, 201~~2~~<sup>3</sup>.

13   
14 \_\_\_\_\_  
15 Michael McGinn, Mayor

16 Filed by me this 24 day of January, 2012.

18   
19 \_\_\_\_\_  
20 Monica Martinez Simmons, City Clerk

21 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Department of Transportation	Angela Steel/684-5967	Rebecca Guerra/684-5339

**Legislation Title:**

AN ORDINANCE granting CCSDC, LLC permission to construct, maintain, and operate a greywater infiltration system in the east side planting strip area of 15<sup>th</sup> Avenue, between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street; for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

**Summary of the Legislation:**

This legislation will allow CCSDC, LLC to construct, operate, and maintain a greywater infiltration system ("infiltration system") in the east side planting strip area of 15<sup>th</sup> Avenue, between East Madison Street and East Pike Street. An area map is attached for reference.

This permit is for a term of ten years with two successive ten-year renewal options. The legislation specifies the conditions under which authorization is granted and provides for acceptance of the permit and conditions.

The CCSDC, LLC is to pay the City of Seattle an annual fee of \$428 commencing on the effective date of the ordinance, and annually thereafter. Adjustments to the annual fee may be made every year and if so, adjustments shall be calculated in accordance with a term permit fee schedule adopted by the City Council by Ordinance 123485, as amended by Ordinances 123585 and 123907. An Annual Fee Appraisal Summary is attached for reference.

This infiltration system is part of the construction project of the new Bullitt Center at 1501 East Madison Street.

**Background:**

The Bullitt Center project would be the nation's first urban commercial building striving to meet the Living Building Challenge (LBC) and the first project to participate in the City of Seattle's Living Building Pilot program. In order to achieve the LBC Ecological Water Flow requirement '100% of storm water and building water discharge must be managed on-site to feed the project's internal water demands or released onto an adjacent site for management through acceptable natural time-scale surface flow, groundwater recharge, agricultural use or adjacent building needs'. Following on-site treatment, greywater will be discharged to a modified



drainfield, measuring 9' x 44', located within the planting strip on the east side of 15<sup>th</sup> Avenue for irrigation and infiltration in order to meet the Ecological Water Flow requirement

By Resolution 31409, the City granted conceptual approval of the new infiltration system to CCSDC, LLC.

Please check one of the following:

**This legislation has financial implications.**

**Appropriations:** N/A

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Revenue Source</b>	<b>2013 Revenue</b>	<b>2014 Revenue</b>
Transportation Operating Fund 10310	Seattle Department of Transportation	Annual Fee –	\$428	TBD
<b>TOTAL</b>			<b>\$428</b>	<b>TBD</b>

Revenue/Reimbursement Notes: N/A

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:** N/A

**Spending/Cash Flow:** N/A

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No
- b) **What is the financial cost of not implementing the legislation?**  
If the legislation is not enacted by the City Council, the City of Seattle will not receive the annual fee of \$428. As previously stated, the City of Seattle has the option to adjust the fee amount on an annual basis. The infiltration system, as conceptually approved under Resolution 31409, will not be permitted.
- c) **Does this legislation affect any departments besides the originating department?**  
No
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None
- e) **Is a public hearing required for this legislation?**



No

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

No

g) **Does this legislation affect a piece of property?**

Yes. An area map is attached for reference.

h) **Other Issues:** N/A

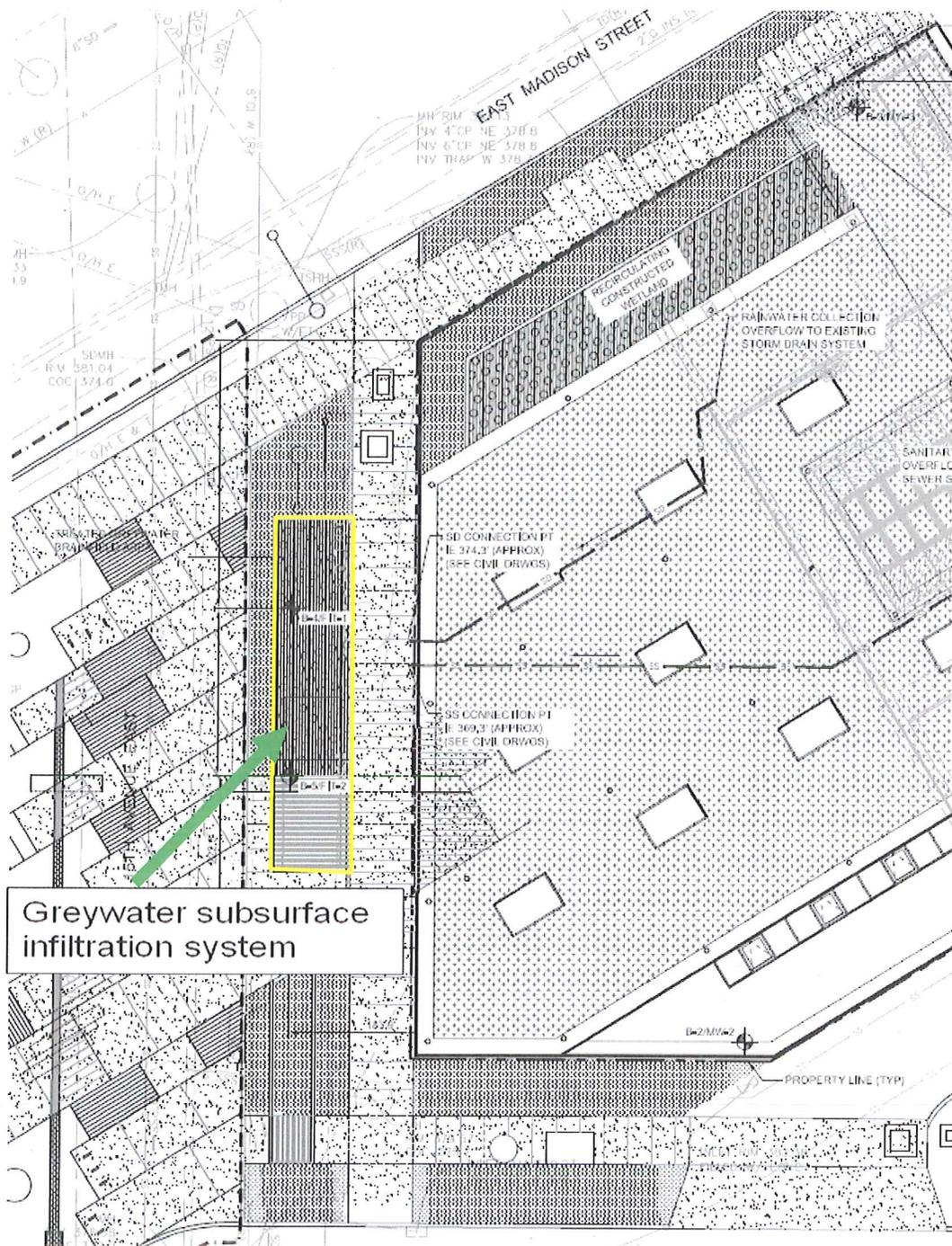
**List attachments to the fiscal note below:**

Attachment A – CCSDC, LLC Greywater Infiltration Area Map

Attachment B - Annual Fee Assessment Summary



Attachment A – CCSDC, LLC Greywater Infiltration Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.



Attachment B - Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 11/1/12

<p><u>Summary:</u> <b>Land Value:</b> \$135/SF <b>First Year Permit Fee:</b> <b>\$428</b></p>
---

**I. Property Description:**

This annual fee assessment is for a greywater infiltration system in the east side planting strip area of 15<sup>th</sup> Avenue, between East Madison Street and East Pike Street. The greywater infiltration system is part of the construction of the new Bullitt Center at 1501 East Madison Street. Adjacent tax parcel is listed below. The greywater infiltration system is **396 square feet**.

**Applicant:**  
CCSDC, LLC

**Abutting Parcels, Property Size, Assessed Value:**

1. Parcel 723460-0195; 10,000 square feet

Tax year 2013 Appraised Land Value \$1,350,000  
Assessed at \$135/SF

**II. Annual Fee Assessment:**

The 2013 permit fee is calculated as follows:  $(\$135/\text{SF}) \times (396 \text{ SF}) \times (10\%) \times (8\%) = \boxed{\$428}$ , where 10% is the degree of alienation for a sustainable building feature and 8% is estimated annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585 and 123907.





**City of Seattle**  
Office of the Mayor

December 4, 2012

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

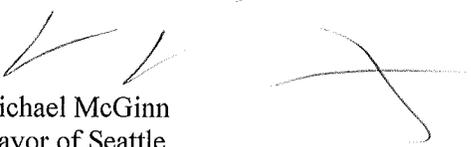
Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that will grant to the CCSD, LLC permission to construct, operate, and maintain a greywater infiltration system in the east side planting strip area of 15<sup>th</sup> Avenue, between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street.

The Bullitt Center project would be the nation's first urban commercial building striving to meet the Living Building Challenge (LBC) and the first project to participate in the City of Seattle's Living Building Pilot program. Following on-site treatment, greywater will be discharged to a modified drainfield, measuring 9' x 44', located within the planting strip on the east side of 15<sup>th</sup> Avenue for irrigation and infiltration in order to meet the LBC Ecological Water Flow requirement.

Thank you for your consideration of this legislation. Should you have questions, please contact Angela Steel at 684-5967.

Sincerely,



Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Received  
FEB 11 2013  
City of Seattle  
Office of the City Clerk

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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293529  
CITY OF SEATTLE, CLERKS OFFICE

No. 124098,099,100,101,102

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

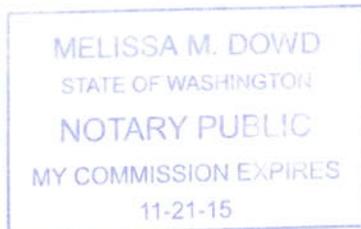
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

02/06/13

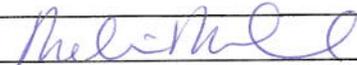
The amount of the fee charged for the foregoing publication is the sum of \$201.80 which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

02/06/2013

  
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 January 14, 2013, 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. 124098

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

#### ORDINANCE NO. 124099

AN ORDINANCE granting Swedish Health Services permission to maintain and operate a pedestrian skybridge over and across 16th Avenue, north of East Jefferson Street, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 124100

AN ORDINANCE accepting limited purpose easements for sidewalk or alley turn-around purposes; laying off portions of the following rights-of-way: the sidewalk adjoining Block 81, Terry's Second Addition to the Town of Seattle; sidewalk adjoining Lot 3, Acre 5, Tract 79, Maple Leaf Addition to Green Lake Circle; the alley turn-around in Block 101, D.T. Denny's 5<sup>th</sup> Addition to North Seattle; the sidewalk adjoining Block 63, D.T. Denny's Home Addition to the City of Seattle; the sidewalk adjoining Block 333, Seattle Tide Lands; the sidewalk adjoining a portion of Vacated Corliss Avenue North as vacated under Ordinance No. 99785 and Lot 5, Phillips' Addition; the sidewalk adjoining Block A, W.C. Squires Replat of Block Eight of Squire Park Addition to the City of Seattle; the sidewalk adjoining Tracts 173 and 174, Pinehurst; the alley turn-around in Block 13, The Maple Leaf Addition to Green Lake Circle; the alley turn-around in Lots 3, 4, and 5, Acre 4, Block 13, The Maple Leaf Addition to Green Lake Circle; the alley turn-around in Lots 5 and 6, Acre 5, Tract 4, Lots 1 through 6, Acre 4, Tract 4, and Lots 3 and 4, Acre 3, Tract 4, The Maple Leaf Addition to Green Lake Circle; the sidewalk adjoining the Northeast quarter of the Southeast quarter of Section 19, Township 26 North, Range 4 East W.M.; the sidewalk adjoining Government Lot 8, Section 5, Township 24 North, Range 4 East W.M.; the sidewalk adjoining Block 37, Plat of Rainier Boulevard 5<sup>th</sup> Addition to the City of Seattle; the sidewalk adjoining Lot D, City of Seattle Short Subdivision No. 78-3, Re-ording No. 7803140798; the sidewalk adjoining Block 1, Jackson Street Addition to the City of Seattle; placing the real property conveyed by said easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts.

#### ORDINANCE NO. 124101

AN ORDINANCE accepting deeds and an easement for street or alley purposes; laying off, opening, widening, extending, and establishing portions of the following rights-of-way: Minor Avenue North and Aloha Street abutting Block 4, Supplementary Plat of D.T. Denny's Second Addition to North Seattle; the sidewalk adjoining Block 81, Terry's Second Addition to Town of Seattle; the alley in Block 94, D.T. Denny's 1<sup>st</sup> Addition to North Seattle; the alley in Block 42, Denny & Hoyt's Addition to the City of Seattle; the alley in Block 97, D. T. Denny's 5<sup>th</sup> Addition to North Seattle; the alley in Block 33, Second Addition to that part of the City of Seattle, as laid off by A.A. Denny and W.N. Bell (commonly known as Bell and Denny's 2<sup>nd</sup> Addition to the City of Seattle); the alley in Block 3, University Lake Shore Park; the alley in Block 101, D.T. Denny's 5<sup>th</sup> Addition to North Seattle; the alley in Block 68, D.T. Denny's Park Addition to North Seattle; the alley in Block 8, The Byron Addition to the City of Seattle; the alley in Block 100, D.T. Denny's 5<sup>th</sup> Addition to North Seattle; the alley in Block 7, Pettit's University Addition to the City of Seattle; the alley in Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle; the alley in Block 59, Boston Co's Plat of West Seattle; the alley in Block 4, Jos. C. Kinnear's Addition to the City of Seattle; the alley in Block 51, Denny and Hoyt's Addition to the City of Seattle; Stone Avenue North abutting a portion of the Southwest quarter of the Southeast quarter of Section 19, Township 26 North, Range 4 East, Willamette Meridian; the alley in Block 6, Columbia; the alley in Block 57, Gilman Park; the alley in Block 97, D.T. Denny's 5<sup>th</sup> Addition to North Seattle; the alley in Block 10, Pettit's University Addition to the City of Seattle; placing the real property conveyed by said deeds and easement under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 124102

AN ORDINANCE granting CCSDC, LLC permission to construct, maintain, and operate a greywater infiltration system in the east side planting strip area of 15th Avenue, between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street; for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

Date of publication in the Seattle Daily Journal of Commerce, February 6, 2013.  
2/6(233529)