

Resolution No. 31369

A RESOLUTION granting conceptual approval to construct, maintain, and operate a rooftop photovoltaic array over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street, as proposed by CCSDC, LLC.

Related Legislation File: _____

Date Introduced and Referred: 4.9.12	To: (committee): Transportation
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: April 30, 2012	Date Presented to Mayor: May 1, 2012
Date Signed by Mayor: 5.7.12	Date Returned to City Clerk: 5.8.12
Published by Title Only <input checked="" type="checkbox"/>	Date Returned Without Concurrence:
Published in Full Text _____	

The City of Seattle – Legislative Department

Resolution sponsored by: *Tom Rasmussen*

Committee Action:

Date	Recommendation	Vote
4-24-12	^(SWS) Adopt as amended	TR BH JG 3-0

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

Full Council Action:

Date	Decision	Vote
April 30, 2012	Adopted	8-0 (excused: Conlin)

Law Department

RESOLUTION 31369

A RESOLUTION granting conceptual approval to construct, maintain, and operate a rooftop photovoltaic array over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street, as proposed by CCSDC, LLC.

WHEREAS, 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. The LBC requires that all of the building's energy needs be supplied by on-site renewable energy. The proposed photovoltaic (PV) array is essential in meeting the project's on-site renewable energy requirements; and

WHEREAS, the PV array was analyzed and approved as part of the Design Review and Master Use Permit No. 3011010 process; and

WHEREAS, the Seattle Design Commission has reviewed and recommended approval of the PV array on February 2, 2012; and

WHEREAS, in making this recommendation, the Director of the Seattle Department of Transportation (Director) considered the plans and application materials submitted by the applicant, CCSDC, LLC, to construct the PV array and recommends that conceptual approval be granted; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The City Council finds that the rooftop photovoltaic (PV) array proposed by CCSDC, LLC, over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street, is in the public



1 interest due to the project's use of sustainable energy and participation in the City's Living
2 Building Pilot program.

3
4 Section 2. As conditions for obtaining permission to construct the PV array, CCSDC,
5 LLC shall:

- 6 (1) obtain a term permit to utilize a portion of the City's right-of-way for the PV array as
7 depicted in the plans approved by the Director;
8
9 (2) provide public liability insurance naming the City as an additional insured or in the
10 form of self-insurance, as approved by the City's Risk Manager;
11
12 (3) provide a sufficient bond in an amount deemed sufficient by the authorizing official
13 and executed by a surety company authorized and qualified to do business in the State
14 of Washington;
15
16 (4) maintain and inspect the PV array;
17
18 (5) timely remit any applicable annual term permit fees;
19
20 (6) sign and record a covenant agreement imposing the obligations and conditions set
21 forth in the term permit ordinance; and
22
23 (7) remove the PV array and restore the public right-of-way to its original condition upon
24 expiration of the term permit or at the direction of the Director or City Council in
25 accordance with the provisions of the term permit ordinance.
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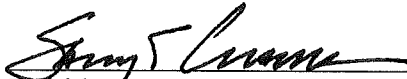
1 After this Resolution is adopted, the Seattle Department of Transportation will present to
2 the City Council a draft term permit ordinance incorporating the conditions under which
3 permission may be granted for the use of the right-of-way. Permission to use the right-of-way is
4 subject to the Council's decision to approve, deny, or modify the draft term permit ordinance
5 presented by the Director.
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8 Section 3. The Council also requests that the Director prepare an ordinance to amend the
9 Seattle Department of Transportation's Street Use Fee Schedule (Attachment A to Ordinance
10 123477), as adopted under Seattle Municipal Code Section 15.04.074, to set an appropriate fee
11 for the use of a public place for innovative building features that support sustainable building
12 practices, including those anticipated under the City's Living Building Pilot Program. Council
13 requests that the amendments to the Street Use fee schedule be submitted prior to submitting the
14 term permit ordinance authorizing the PV array.
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17 Section 4. As recommended by the Director and the Mayor, conceptual approval for the
18 construction of a rooftop PV array over the sidewalk areas of East Madison Street, 15th Avenue
19 East, and East Pike Street, and to the centerline of the alley between East Madison Street and
20 East Pike Street, as proposed by CCSDC, LLC, is GRANTED.
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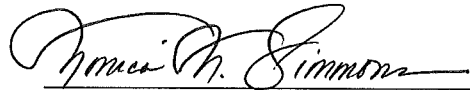
1 Adopted by the City Council the 30th day of April, 2012, and
2 signed by me in open session in authentication of its adoption this 30th day
3 of April, 2012.

4 
5 President _____ of the City Council

6 THE MAYOR CONCURRING:
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8 
9 _____
10 Michael McGinn, Mayor

11 Filed by me this 8th day of May, 2012.

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14 _____
15 Monica Martinez Simmons, City Clerk

16 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title:

A RESOLUTION granting conceptual approval to construct, maintain, and operate a rooftop photovoltaic array over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street, as proposed by CCSDC, LLC.

Summary of the Legislation:

This proposed resolution grants the conceptual approval for CCSDC, LLC to construct, operate, and maintain a rooftop photovoltaic array (PV array) over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley between East Madison Street and East Pike Street. An area map is attached for reference.

This PV array 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. The LBC requires that all of the building's energy needs be supplied by on-site renewable energy. The proposed PV array is essential in meeting the project's on-site renewable energy requirements.

Please check one of the following:

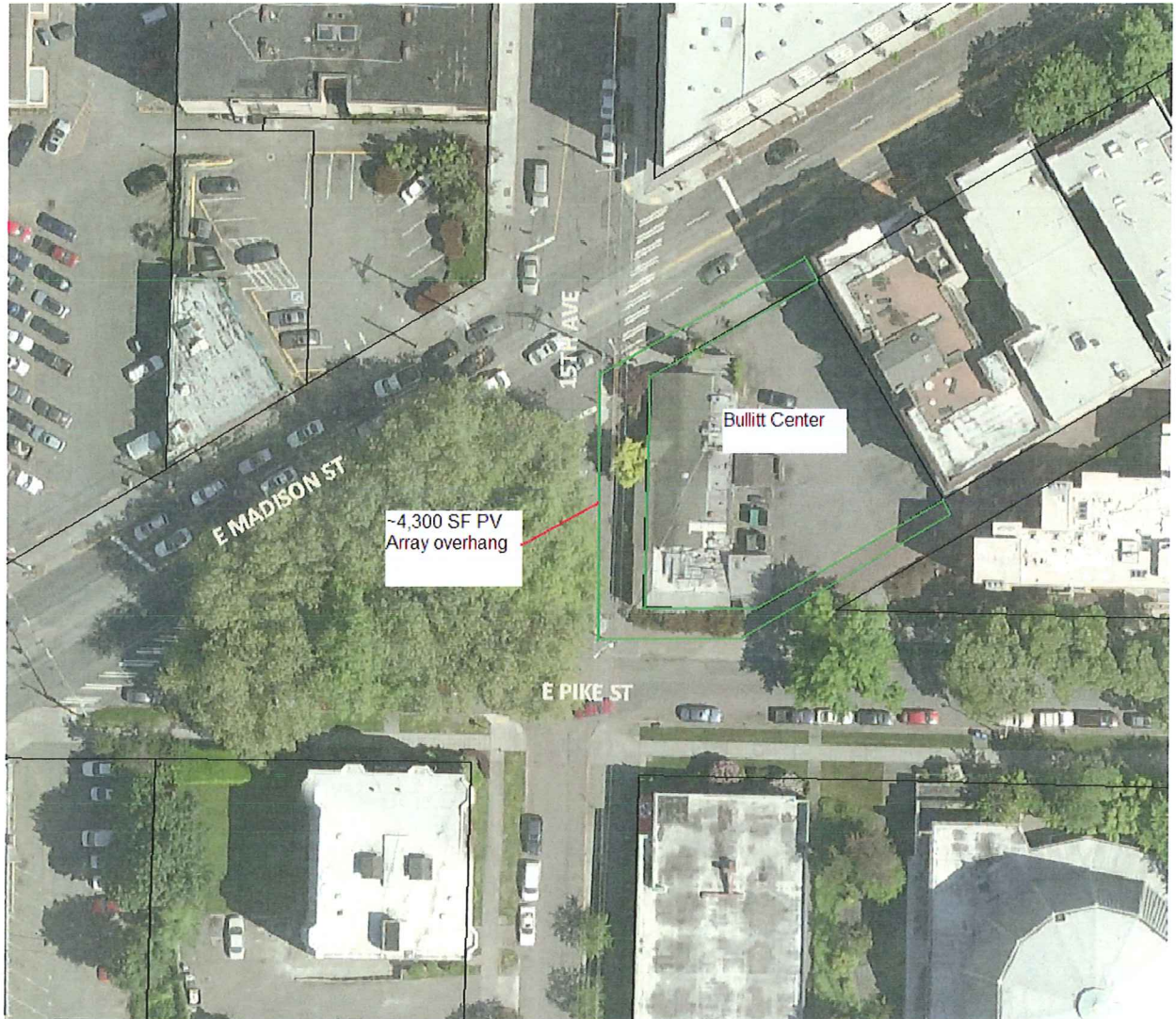
 x **This legislation does not have any financial implications.**

Although this resolution does not accept or appropriate funds, SDOT will receive a permit fee from CCSDC, LLC after the effective date of the term permit ordinance.

List attachments to the fiscal note below:

- Attachment A – CCSDC, LLC PV Array Area Map
- Attachment B – Depiction of the Bullitt Center

Attachment A – CCSDC, LLC PPV Array Area Map



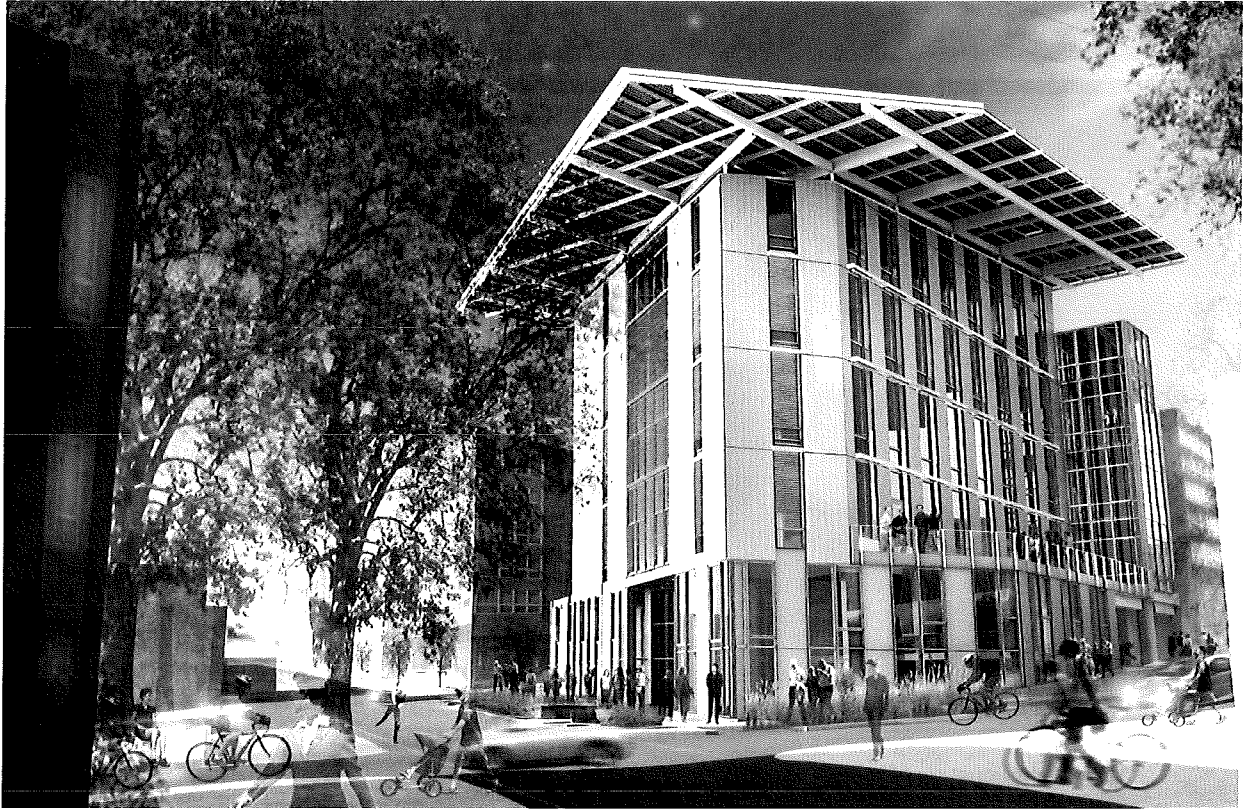
Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Resolution.

Angela Steel
SDOT CCSDC LLC PV Array ATT B
March 2, 2012
Version #1

Attachment B – Depiction of the Bullitt Center



View of the Bullitt Center Across East Madison



View of the Bullitt Center Across East Pike Street



City of Seattle
Office of the Mayor

March 27, 2011

Honorable Sally Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached Resolution that grants conceptual approval to the CCSD, LLC to construct, operate, and maintain a rooftop photovoltaic array (PV array) over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley 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. The LBC requires that all of the building's energy needs be supplied by on-site renewable energy. The proposed PV array is essential in meeting the project's on-site renewable energy requirements.

Thank you for your consideration of this resolution. 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



RESOLUTION _____

1
2 A RESOLUTION granting conceptual approval to construct, maintain, and operate a rooftop
3 photovoltaic array over the sidewalk areas of East Madison Street, 15th Avenue East, and
4 East Pike Street, and to the centerline of the alley between East Madison Street and East
5 Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison
6 Street, as proposed by CCSDC, LLC.

7 WHEREAS, the Bullitt Center project would be the nation's first urban commercial building
8 striving to meet the Living Building Challenge (LBC) and the first project to participate
9 in the City of Seattle's Living Building Pilot program. The LBC requires that all of the
10 building's energy needs be supplied by on-site renewable energy. The proposed
11 photovoltaic (PV) array is essential in meeting the project's on-site renewable energy
12 requirements; and

13 WHEREAS, the PV array was analyzed and approved as part of the Design Review and Master
14 Use Permit No. 3011010 process; and

15 WHEREAS, the Seattle Design Commission has reviewed and recommended approval of the PV
16 array on February 2, 2012; and

17 WHEREAS, in making this recommendation, the Director of the Seattle Department of
18 Transportation (Director) considered the plans and application materials submitted by the
19 applicant, CCSDC, LLC, to construct the PV array and recommends that conceptual
20 approval be granted; NOW, THEREFORE,

21 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
22 **MAYOR CONCURRING, THAT:**

23 Section 1. The City Council finds that the rooftop photovoltaic (PV) array proposed by
24 CCSDC, LLC, over the sidewalk areas of East Madison Street, 15th Avenue East, and East Pike
25 Street, and to the centerline of the alley between East Madison Street and East Pike Street, as
26 part of the construction of the new Bullitt Center at 1501 East Madison Street, is in the public
27 interest due to the project's use of sustainable energy and participation in the City's Living
28 Building Pilot program.

THIS VERSION IS NOT ADOPTED

1 Section 2. As conditions for obtaining permission to construct the PV array, CCSDC,
2 LLC shall:

- 3 (1) obtain a term permit to utilize a portion of the City's right-of-way for the PV array as
4 depicted in the plans approved by the Director;
- 5 (2) provide public liability insurance naming the City as an additional insured or in the
6 form of self-insurance, as approved by the City's Risk Manager;
- 7 (3) provide a sufficient bond in an amount deemed sufficient by the authorizing official
8 and executed by a surety company authorized and qualified to do business in the State
9 of Washington;
- 10 (4) maintain and inspect the PV array;
- 11 (5) timely remit any applicable annual term permit fees;
- 12 (6) sign and record a covenant agreement imposing the obligations and conditions set
13 forth in the term permit ordinance; and
- 14 (7) remove the PV array and restore the public right-of-way to its original condition upon
15 expiration of the term permit or at the direction of the Director or City Council in
16 accordance with the provisions of the term permit ordinance.

17
18
19 After this Resolution is adopted, the Seattle Department of Transportation will present to
20 the City Council a draft term permit ordinance incorporating the conditions under which
21 permission may be granted for the use of the right-of-way. Permission to use the right-of-way is
22 subject to the Council's decision to approve, deny, or modify the draft term permit ordinance
23 presented by the Director.
24
25

1 Section 3. As recommended by the Director and the Mayor, conceptual approval for the
2 construction of a rooftop PV array over the sidewalk areas of East Madison Street, 15th Avenue
3 East, and East Pike Street, and to the centerline of the alley between East Madison Street and
4 East Pike Street, as proposed by CCSDC, LLC, is GRANTED.

5
6 Adopted by the City Council the ____ day of _____, 2012, and
7 signed by me in open session in authentication of its adoption this _____ day
8 of _____, 2012.

9
10 _____
11 President _____ of the City Council

12 THE MAYOR CONCURRING:

13
14 _____
15 Michael McGinn, Mayor

16
17 Filed by me this ____ day of _____, 2012.

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19 _____
20 Monica Martinez Simmons, City Clerk

21 (Seal)
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THIS VERSION IS NOT ADOPTED

STATE OF WASHINGTON – KING COUNTY

--SS.

284150
CITY OF SEATTLE, CLERKS OFFICE

No. 31371,31372,31374 , 31369

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 RESOLUTION

was published on

05/15/12

The amount of the fee charged for the foregoing publication is the sum of \$ 69.75, which amount has been paid in full.



Affidavit of Publication

A handwritten signature in blue ink, appearing to be "Michael".

Subscribed and sworn to before me on

05/15/12

A large handwritten signature in blue ink, appearing to be "Jennifer Borrero".

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Resolutions

The full text of the following legislation, passed by the City Council on April 30, 2012, 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.

RESOLUTION NO. 31369

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RESOLUTION NO. 31371

A RESOLUTION relating to public safety and protection of the Central Waterfront, the downtown business district, major transportation facilities, and related public infrastructure,

which are essential to the local and regional economy, expressing the City Council's intent to place an Elliott Bay Seawall Replacement bond measure on the November 6, 2012 general election ballot, and establishing the process the Council will use to determine the final amount and scope of this measure.

RESOLUTION NO. 31372

A RESOLUTION relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

RESOLUTION NO. 31374

A RESOLUTION initiating a proceeding for the vacation of a portion of Broad Street between Harrison Street and 6th Avenue North pursuant to Chapter 35.79 Revised Code of Washington (RCW) and Seattle Municipal Code (SMC) Chapter 15.62.

Date of publication in the Seattle Daily Journal of Commerce, May 15, 2012.

5/15(284150)