Resolution No. 31339

The City of Seattle – Legislative Department

Resolution sponsored by: Sally J. Clark

A RESOLUTION declaring the City of Seattle's intent to establish a framework for the application of transfer of development rights (TDR) and transfer o development potential (TDP) programs and the criteria for prioritizing the areas where the programs apply.

Committee Action:

Date	Recommendation	Vote
11.16.11	ADOPT	4-0
	SC, TB, TR, SD	

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Nov. 14, 2011	Built Environment
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 11.28.11	Date Presented to Mayor: 11.29.11
Date Signed by Mayor: Dec. 7, 2011	Date Returned to City Clerk: Dec. 7, 2011
Published by Title Only ✓	Date Returned Without Concurrence:
Published in Full Text	

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

Full Council Action:

Date	Decision	Vote
11.28.11	Adopted	9-0

RESOLUTION 31339

A RESOLUTION declaring the City of Seattle's intent to establish a framework for the application of transfer of development rights (TDR) and transfer of development potential (TDP) programs and the criteria for prioritizing the areas where the programs apply.

WHEREAS, a transfer of development rights (TDR) program was established in Downtown Seattle in 1985, and this program was expanded to South Downtown in April, 2011 by Ordinance 123589; and

WHEREAS, a TDR program was established in a portion of the South Lake Union Urban Center by Ordinance 122611 in December, 2007; and

WHEREAS, transfer of development potential (TDP) program was established in the Highrise zone in the First Hill Urban Center Village in December, 2010 by Ordinance 123495; and

WHEREAS, the legislation introduced as Council Bill 117235 establishes a new TDP program in the Pike/Pine neighborhood to encourage retention of older structures and to conserve the neighborhood's unique character as Seattle's original "Auto Row"; and

WHEREAS, in addition to creating incentives for affordable housing, the Council and Mayor are interested in developing and extending incentive programs that provide other public benefits, such as: creating public open space, protecting rural areas, preserving historic buildings and neighborhood character, and maintaining and developing spaces for cultural and arts organizations; and

WHEREAS, the City Council stated its support for developing a new Interlocal Agreement with King County for a rural transferable development rights program Resolution 31147 that was adopted in August, 2009; and

WHEREAS, in April, 2011, the Council adopted Resolution 31291 that established a work plan leading to submitting proposed legislation to the City Council by the first quarter of 2012 to amend the Land Use Code to streamline incentive zoning terminology, clarify and consolidate incentive zoning requirements, and create a simplified, cohesive set of affordable housing incentive programs that are easier to understand and use; and

WHEREAS, the Mayor intends to submit a range of area-wide rezones to the Council in the next several years and the rezone legislation is expected to include incentive zoning provisions; NOW THEREFORE,

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

Section 1. It is the Council's and the Mayor's intent to consider the value of establishing transfer of development rights (TDR) and transfer of development potential (TDP) programs in areas outside of neighborhoods where current TDR and TDP programs apply.

Section 2. Once the legislation the Council requested in Resolution 31291that clarifies and consolidates incentive zoning requirements is completed, the Department of Planning and Development (DPD) with the support of the Planning Commission and appropriate City departments will submit general policy recommendations to the City Council, with proposed legislation if appropriate, by December, 2012. The recommendations submitted will, at a minimum, address:

A. What public benefits should be priorities for TDR and TDP programs, and whether these public benefits should differ from the benefits expected from other incentive zoning programs;

B. What criteria should be used to determine where TDR and TDP should be allowed;

C. What are the circumstances under which it would be appropriate to expand current TDP and TDR programs to permit transfers of development rights and potential into or out of the areas where these programs now apply;

D. What relationship should there be between TDR or TDP sending and receiving areas;

(1) What areas should be given priority as TDR or TDP "sending areas" from which development rights or potential may be transferred, and what criteria should be used to identify these sending areas;

(2) What areas should be given priority as "receiving areas" for development rights or potential, and what criteria should be used to identify these receiving areas; and

E. Whether it is necessary to distinguish between the transfer of residential and non-residential development rights by establishing two programs with different titles.

Adopted by the City Council the 28th day of November, 2011, and signed by me in open session in authentication of its adoption this 28th day of November, 2011.

President _____ of the City Council

THE MAYOR CONCURRING:

Michael McGinn, Mayor

Filed by me this 7th day of December, 2011.

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: July 12, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Rebecca Herzfeld/684-8148	Not applicable

Legislation Title:
A RESOLUTION declaring the City of Seattle's intent to establish a framework for the application of transfer of development rights (TDR) and transfer of development potential (TDP) programs and the criteria for prioritizing the areas where the programs apply.

Summary of the Legislation:
This resolution calls for an analysis of TDR and TDP programs and submittal of general policy recommendations to the City Council, with proposed legislation if appropriate, by December 2012.

Background:
During the Council's review of legislation establishing a TDP program in the Pike/Pine neighborhood, questions arose about the application of such programs and the extent to which it would be appropriate to permit transfers of development potential into or out of areas where TDP and TDR programs now apply. The proposed resolution requests an analysis of this issue and other issues related to the effective use of TDP and TDR programs to carry out City objectives.

Please check one of the following:

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

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?** None.

c) **Does this legislation affect any departments besides the originating department?** The resolution would affect the Department of Planning and Development, the Seattle Planning Commission, and the Office of Housing. It is possible that other departments may be asked to comment on policy recommendations. This work could be accomplished in the work programs of existing staff in the involved departments.

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?** No.

h) **Other Issues:** None.

STATE OF WASHINGTON – KING COUNTY

--ss.

279263 No. 31336,31339

CITY OF SEATTLE,CLERKS OFFICE

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

12/20/11

The amount of the fee charged for the foregoing publication is the sum of $ 27.30, which amount has been paid in full.

Subscribed and sworn to before me on

12/20/11

Notary public for the State of Washington,
residing in Seattle

JEFF B. MOSELY
COMMISSION EXPIRES
NOTARY
PUBLIC
07-10-15
STATE OF WASHINGTON

State of Washington, King County

City of Seattle

Title Only Resolution

RESOLUTION NO. 31336

A RESOLUTION adopting Seattle's Parks and Recreation 2011 Development Plan and authorizing the Department of Parks and Recreation to submit the plan to the Washington State Recreation and Conservation Office.

RESOLUTION NO. 31339

A RESOLUTION declaring the City of Seattle's intent to establish a framework for the application of transfer of development rights (TDR) and transfer of development potential (TDP) programs and the criteria for prioritizing the areas where the programs apply

Date of publication in the Seattle Daily Journal of Commerce, December 20, 2011.

12/20(279263)