Legislative Department
Seattle City Council
Memorandum

Date: August 15, 2011

To: Sally Clark, Chair
Tim Burgess, Vice Chair
Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Ketil Freeman & Christa Valles, Council Central Staff

Subject: Council Bill 117263 – Enabling Legislation for Use of Development Agreements in the Capitol Hill Station Area Overlay District

Introduction

Since 2010, the City, Sound Transit and the Capitol Hill Champion (a community group comprised of Capitol Hill residents and business owners), have been engaged in a planning process to guide future transit-oriented redevelopment of properties acquired for the future Capitol Hill light rail station. Sound Transit, which owns these properties, is currently using them for construction and construction staging for the light rail station. When construction is completed in 2016, several parcels will become available for redevelopment (see attached map). The results of the planning process are reflected in a draft Urban Design Framework that lays out the community's vision for redeveloping surplus properties surrounding the future light rail station.[1]

State law allows local jurisdictions to enter into development agreements with property owners to establish development standards, vesting periods, and other provisions to govern development of a particular site.[2] Development agreements are a regulatory tool that the City has occasionally used in the past. Most recently, in 2003 the City entered into a development agreement with Simon Properties for Northgate Mall.[3]

C.B. 117263 would enable the City to negotiate a development agreement with Sound Transit for the surplus property near the Capitol Hill light rail station.

Council Bill 117263

Council Bill (CB) 117263 is primarily procedural. The bill would amend the Station Area Overlay District Chapter of the Land Use Code to:

1. Establish general procedures for Executive and Council review of a proposed development agreement;
2. Authorize the use of development agreements between the City and Sound Transit for property in the Capitol Hill Station Area Overlay District; and
3. Allow variation from development regulations that might otherwise apply subject to some limitations, limitations include:
    a. A maximum height limit of 85 feet,
    b. A maximum aggregated floor area ratio density of six,

[1] http://www.seattle.gov/dpd/Planning/CapHillStationArea/Overview/default.asp.
[2] See Revised Code of Washington § 36.70B.170.
[3] Ordinance 121358.

c. No reduction in green factor requirements as applied to an aggregated site, and
d. A clarification that modification to the design review process, if any, would be limited by the terms of the development agreement.

Development Agreement Negotiation Process

If the City and Sound Transit agree to a negotiated development agreement, the process will generally unfold as follows:

The Full Council would need to take action by the end of the first quarter or the beginning of the second quarter 2012 to inform Sound Transit's request for proposals to redevelop the Capitol Hill station properties. The terms of the development agreement would also need to be approved by the Sound Transit Board.

Next Steps

COBE will hold a required public hearing on the proposed legislation at its regularly scheduled committee meeting on September 14. A full Council vote is anticipated to be held on September 19th.

Capitol Hill TOD
Station Area Site Plan*
* Note: Volumes shown on the sites are general and approximated current zoning envelopes for new development for discussion purposes only.
Rite Aid
The Capitol Building
E. Olive Way
E. John St.
US Bank
North Entry
Site A-1
Site B-1
Parking
Fire Access / Ped Access
Service
Central
Bollards
Midblock Crossing
Midblock Crossing
Broadway Ave.
10th Ave.
Site A-2
Site B-2
Farmer's Market
Post Office
E. Denny Way
South Entry
South Station Entry
Site C
West Entry
Site D
Cal Anderson Park
Funeral Home Parking Lot
E. Howell St.
SSCC