

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

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

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

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

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

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

4) Variations of Green Factor requirements for an individual lot shall not result in a Green Factor ratio for the aggregated lots that is less than the ratio that would result from imposition of otherwise applicable Green Factor requirements to all individual lots; and



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.
26



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 ____ day of _____, 2011, and
23 signed by me in open session in authentication of its passage this
24 ____ day of _____, 2011.
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President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)



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.

