#7

Angela Steel
SDOT CCSDC LLC Greywater Infiltration ORD
November 8, 2012
Version #5

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117683

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.

WHEREAS, CCSDC, LLC has applied to the Director of Transportation to construct 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; and

WHEREAS, CCSDC, LLC represents that 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'; and

WHEREAS, 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 15th Avenue for irrigation and infiltration in order to meet the Ecological Water Flow requirement; and

WHEREAS, the Seattle Public Utilities has approved the project under the condition that CCSDC, LLC obtain all the required permits from the State of Washington Department of Health, which approval of the project has been granted conditioned on following the 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,

COUNCIL CLERK

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, the City of Seattle ("City") grants permission (also referred to in this ordinance as a permit) to CCSDC, LLC, and its successors and assigns as approved by the Director of the Seattle Department of Transportation ("Director") according to Section 14 of this ordinance (the party named above and each such approved successor and assign is referred to as "Permittee"), to construct, maintain, and operate a greywater infiltration system together with all vaults, valves, appurtenances and service connections used in connection with and necessary for the operation of the greywater infiltration system ("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, adjacent in whole or in part to the property legally described as:

Lots 1 and 2, Block 4, Renton's Addition to the City of Seattle, according to the plat thereof recorded in Volume 3 of Plats, page(s) 118, in King County, Washington.

Section 2. **Term.** The permission granted to Permittee is for a term of ten years starting on the effective date of this ordinance and ending at 11:59 p.m. on the last day of the tenth year. Upon written application made by the Permittee at least 180 days before expiration of the term, the Director or the City Council may renew the permit twice, each time for a successive ten-year term, subject to the right of the City to require the removal of the infiltration system or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years. The Permittee shall

COUNCIL CLERK

submit any application for a new permission no later than 180 days prior to the expiration of the then-existing term.

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

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, "public place") by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the infiltration system, or any part thereof or installation on the public place, at the Permittee's sole cost and expense in the event that:

(a) the City Council determines by ordinance that the space occupied by the infiltration system is necessary for any public use or benefit or that the infiltration system interferes with any public use or benefit; or

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

(c) the Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the infiltration system interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

Section 5. **Permittee's obligation to remove and restore.** If the permission granted expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the infiltration system, the Permittee shall, at its own expense, remove the infiltration system and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the infiltration system in as good condition for public use as existed prior to construction of the infiltration system and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way restoration standards.

Failure to remove the infiltration system as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code ("SMC") or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the infiltration system and restore the public place at the Permittee's expense, and collect such expense in any manner provided by law.

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

Section 6. **Repair or reconstruction.** The infiltration system, along with their design, construction, and proper function, shall remain the exclusive responsibility of the Permittee, regardless of whether any maintenance or operation responsibility is eventually contracted out to other parties. The Permittee shall maintain and operate the infiltration system in good and safe condition for the protection of the public and in compliance with all applicable federal, State, County, and City laws, regulations, permits and approvals. The Permittee shall have exclusive responsibility to prevent, control, promptly correct and remediate, and reduce the impact on the public place and other property from the infiltration system malfunction, backups, overflows, flooding, subsurface instability, contamination, and all other adverse conditions and events

COUNCIL CLERK

related to the infiltration system (collectively, "adverse conditions"). The Permittee shall provide notice to the Director immediately upon becoming aware of any such adverse condition or event that could affect the public place or other property. Notice shall be delivered or sent by a means and to an address the Director may specify in writing from time to time. The Permittee shall obtain all required City permits and approvals to construct, reconstruct, repair, or maintain the infiltration system. The permit approvals shall include a written acceptance by the Director of the proposed infiltration system plans and specifications that shall not change in any way the fact that the Permittee and not the City is solely responsible for the infiltration system including their design, location, construction, operation, and maintenance. The Director may, in the Director's judgment, order the infiltration system reconstructed or repaired at the Permittee's cost and expense because of: the deterioration or unsafe condition of the infiltration system; the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause related to maintaining safe conditions for the public.

Section 7. **Failure to correct unsafe or adverse condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe or adverse condition within the time stated in the notice, the Director may order the infiltration system be closed or removed at the Permittee's expense if the Director deems that the infiltration system has become unsafe, adverse or creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Continuing obligations.** Notwithstanding termination or expiration of the permission granted, or closure or removal of the infiltration system, the Permittee shall remain

COUNCIL MATERIAL

bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 17 of this ordinance.

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

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

(a) the existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the infiltration system or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

(b) anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

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

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

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

COUNCIL CLERK

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

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

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

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

Minimum insurance requirements are CGL insurance based on the Insurance Services Office ("ISO") form CG 00 01 or equivalent. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to RCW Chapter 48.15. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be $2,000,000 each occurrence combined single limit bodily injury and property damage, with $4,000,000 annual aggregate. Coverage shall include the "City of Seattle, its elected and appointed officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

COUNCIL CLERK

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to the Department of Transportation ("SDOT") at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

Section 11. **Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the

"City of Seattle, its elected and appointed officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

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

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

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

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

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the infiltration system during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the infiltration system by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the infiltration system. Any failure by the City to

COUNCIL CLERK

require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee.

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

(a) describes the physical dimensions and condition of the infiltration system;

(b) describes any damages or possible repairs to any element of the infiltration system;

(c) prioritizes all repairs and establishes a timeframe for making repairs; and

(d) is stamped by a professional engineer licensed in the State of Washington.

The report meeting the foregoing requirements shall be submitted in the event of a natural disaster or other event that may have damaged the infiltration system and shall be submitted by the date established by the Director. Additionally, the Permittee shall conduct inspections and maintain records of complying with any operations and maintenance requirements imposed by Section 6 of this ordinance, and shall provide copies of the inspections and records to the Director upon the request. Further, as relate to the infiltration system, the Permittee shall provide to the Director routinely and as promptly as possible after they are generated: (1) all permits and approvals, plus updates, (2) all monitoring, management, and operations and maintenance plans, plus updates, (3) all reports required by any such plan, and (4) all monitoring results. Permittee also shall promptly and specifically inform the Director of every monitoring result that exceeds a limit or standard established by an applicable permit, approval, or other legal requirement. The Permittee has the duty of inspecting, operating, maintaining and monitoring the infiltration system, and the responsibility to submit inspection,, operation, maintenance and monitoring

reports as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance nor create any duties on the part of the Director. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

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

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

Section 18. **Compliance with other laws.** Permittee shall construct, maintain and operate the infiltration system in compliance with all applicable federal, state, County and City laws and regulations. Without limitation, in all matters pertaining to the infiltration system, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting

COUNCIL

Practices code, Chapter 14.10 (or successor provisions).The Permittee shall have exclusive responsibility for complying with all existing or future legal or regulatory requirements established to identify, characterize, control or reduce discharges of pollutants from the infiltration system.

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

Section 20. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property legally described in Section 1 of this ordinance (the "Property"), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, Permittee shall within 30 days provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement

imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder's Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

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

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

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

COUNCIL CLERK

Form revised: December 6, 2011

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:

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.

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 15th 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

COUNCIL CLERK

drainfield, measuring 9' x 44', located within the planting strip on the east side of 15th 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:

_X_ This legislation has financial implications.

Appropriations: N/A

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2013 Revenue	2014 Revenue
Transportation Operating Fund 10310	Seattle Department of Transportation	Annual Fee –	$428	TBD
TOTAL			**$428**	**TBD**

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?**

COUNCIL CLERK

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.

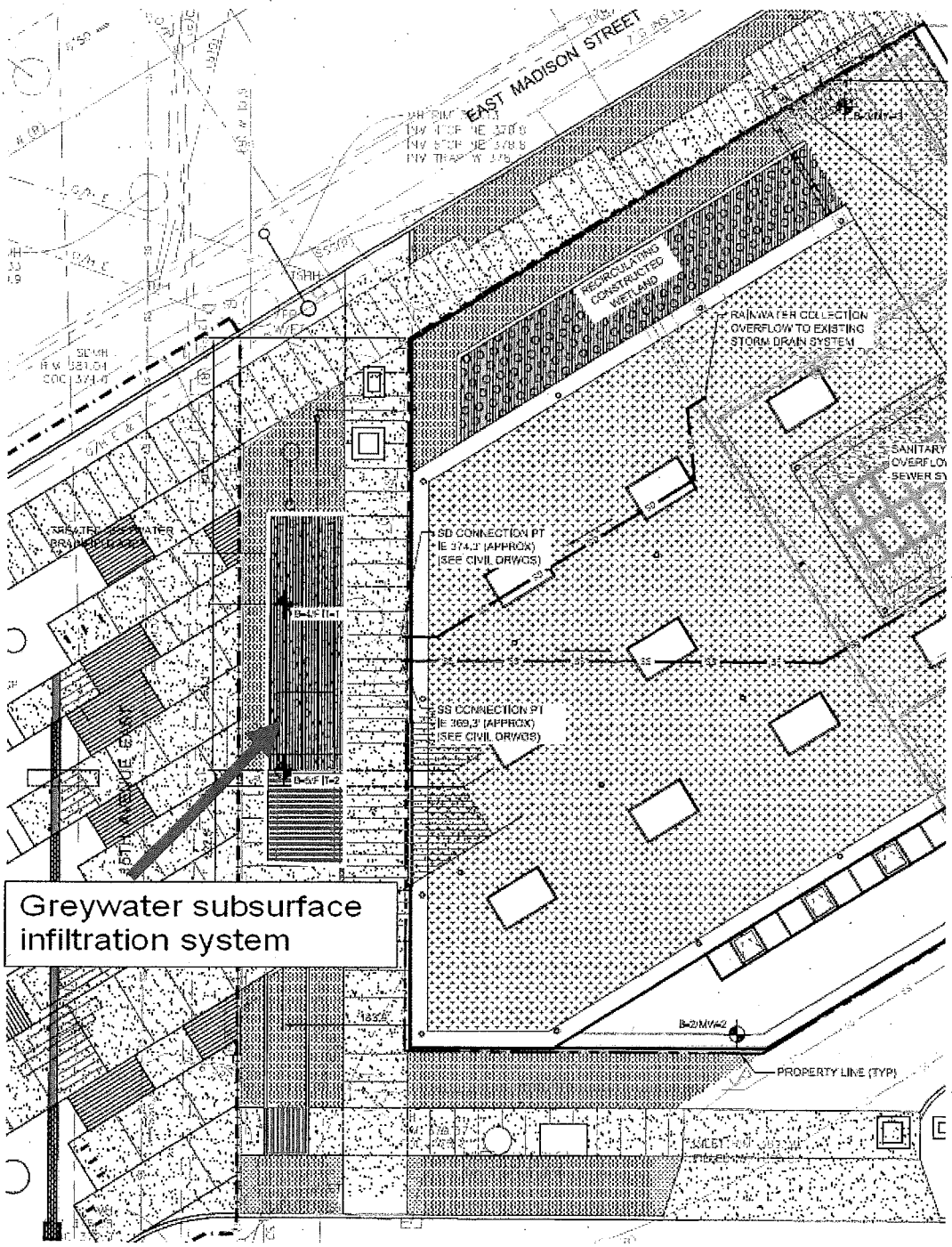
h) Other Issues: N/A

List attachments to the fiscal note below:
Attachment A – CCSDC, LLC Greywater Infiltration Area Map
Attachment B - Annual Fee Assessment Summary

COUNCIL CLERK

Angela Steel
SDOT CCSDC LLC Greywater Infiltration ATT A
November 1, 2012
Version #1

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.

Angela Steel
SDOT CCSDC LLC Greywater Infiltration ATT B
November 1, 2012
Version #1

Attachment B - Annual Fee Assessment Summary

STREET USE ANNUAL FEE ASSESSMENT

Date: 11/1/12

Summary:
Land Value: $135/SF
First Year Permit Fee:
$428

I. Property Description:

This annual fee assessment is for a greywater infiltration system in the east side planting strip area of 15th 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/SF) X (396 SF) X (10%) X (8%) = $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.

COUNCIL CLERK

City of Seattle
Office of the Mayor

December 4, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd 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 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.

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 15th 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

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov