

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118206

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4 AN ORDINANCE relating to the Department of Parks and Recreation, concerning the West
5 Duwamish Greenbelt, finding that an exchange of property between the City of Seattle
6 and West Seattle Acquisition Co., L.L.C., owner of property adjacent to park property,
7 is necessary, as required by Ordinance 118477, also known as Initiative 42; authorizing
8 the Superintendent of Parks and Recreation to accept a deed from West Seattle
9 Acquisition Co., L.L.C., for certain property meeting the criteria of Initiative 42; and
10 authorizing the Superintendent to execute and record a Quit Claim Deed for certain
11 City-owned West Duwamish Greenbelt property to West Seattle Acquisition Co.,
12 L.L.C., all to eliminate an existing private, non-park use of park property.

13 WHEREAS, Ordinance 88399, approved in 1959, authorized the acquisition of certain King
14 County tax title properties for general municipal purposes to establish certain
15 "greenbelt" areas contemplated by the Comprehensive Plan; and

16 WHEREAS, certain properties in Block 2 of Goodspeed's Addition to West Seattle, located
17 between 14th and 15th Avenues SW and between SW Alaska and SW Edmunds Streets,
18 acquired under Ordinance 88399, were held under jurisdiction of various named
19 predecessor agencies to the current Finance and Administrative Services Department,
20 including the Building Department, the Department of Administrative Services, and the
21 Executive Services Department; and

22 WHEREAS, those properties were later transferred to the jurisdiction of the Department of
23 Parks and Recreation for open space, park and recreation purposes, under Ordinance
24 119826 (2000); and

25 WHEREAS, while under the jurisdiction of the Building Department in 1980, that department
26 issued a permit allowing use of a portion of Lots 16 through 22 and Lots 31 through 33,
27 Block 2, Goodspeed's Addition to West Seattle, for driveway access to adjacent private
28 property at 4707 - 14th Avenue SW; and

WHEREAS, that private property is now being redeveloped and the owner seeks to obtain
ownership of the land on which the existing access road is located and adjacent parcels
("Park Property"); and

WHEREAS, unopened street rights-of-way that might accommodate alternative access to the
private property are mapped as Environmentally Critical Areas and have been

1 determined to be unsuitable for improvement due to steep slopes and potential slide
2 conditions; and

3 WHEREAS, the private property owner has acquired substitute land in Block 2, Goodspeed's
4 Addition, equal in square footage and comparable in all features to the park property,
5 and wishes to exchange that property for the Park Property; and

6 WHEREAS, the proposed land exchange meets the requirements of Ordinance 118477, also
7 known as Initiative 42, providing land equivalent in size, value, location and usefulness
8 in the vicinity, serving the same community and the same park purposes, and the
9 proposed land exchange eliminates a non-park use of park property; NOW,
10 THEREFORE,

11 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

12 Section 1. The City Council finds that an exchange of certain park property in the West
13 Duwamish Greenbelt for comparable property is necessary because there is no reasonable and
14 practical alternative for access to the property at 4707 - 14th Avenue SW, and such an exchange
15 is desirable because it eliminates an existing non-park use of park property, and such exchange
16 will result in the City receiving replacement property equivalent in size, value, and usefulness,
17 as required by Ordinance 118477.

18 Section 2. The Superintendent of Parks and Recreation ("Superintendent") or his
19 designee is authorized, on behalf of the City of Seattle, to accept a deed from West Seattle
20 Acquisition Co., L.L.C., for open space, park and recreation purposes, and record the same in
21 the King County Records, to the following described property:

22 Lots 1 through 13, Block 2, Goodspeed's Addition to West Seattle, as recorded
23 in Volume 3, page 59, Records of King County, Washington.

24 Section 3. Upon receipt of the deed from West Seattle Acquisition Co., L.L.C., the
25 Superintendent or his designee is hereby authorized to execute and record, on behalf of the
26 City of Seattle, a Quit Claim Deed to West Seattle Acquisition Co., L.L.C., for the following
27 described property:

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Lots 16 through 24 and Lots 31 through 34, Block 2, Goodspeed's Addition to West Seattle, as recorded in Volume 3, page 59, Records of King County, Washington.

Section 4. 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 _____, 2014, and signed by me in open session in authentication of its passage this ____ day of _____, 2014.

President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	MaryLou Whiteford/684-7388	Forrest Longman/684-0331

Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation, concerning the West Duwamish Greenbelt, finding that an exchange of property between the City of Seattle and West Seattle Acquisition Co., L.L.C., owner of property adjacent to park property, is necessary, as required by Ordinance 118477, also known as Initiative 42; authorizing the Superintendent of Parks and Recreation to accept a deed from West Seattle Acquisition Co., L.L.C., for certain property meeting the criteria of Initiative 42; and authorizing the Superintendent to execute and record a Quit Claim Deed for certain City-owned West Duwamish Greenbelt property to West Seattle Acquisition Co., L.L.C., all to eliminate an existing private, non-park use of park property.

Summary of the Legislation:

This legislation authorizes a land trade exchanging currently held greenbelt property that has an existing private, non-park use for comparable, unencumbered private property, contiguous to other park property in the West Duwamish Greenbelt.

Background:

Greenbelt property acquired by the City, under authority of Ordinance 88399 (July 1959) as tax title property from King County, was transferred to the jurisdiction of the Parks Department in 2000 (Ordinance 119826) for open space, park and recreation purposes. While the property was held under the jurisdiction of the Building Department in 1980, that department issued a permit allowing a driveway across the City property to adjacent private property (4704 – 14th Avenue SW), which is now being redeveloped. The steep terrain and Environmentally Critical Area designation make development of abutting unopened street rights-of-way infeasible.

An equal land exchange is proposed that meets all requirements of Initiative 42 and results in the driveway being located on private property.

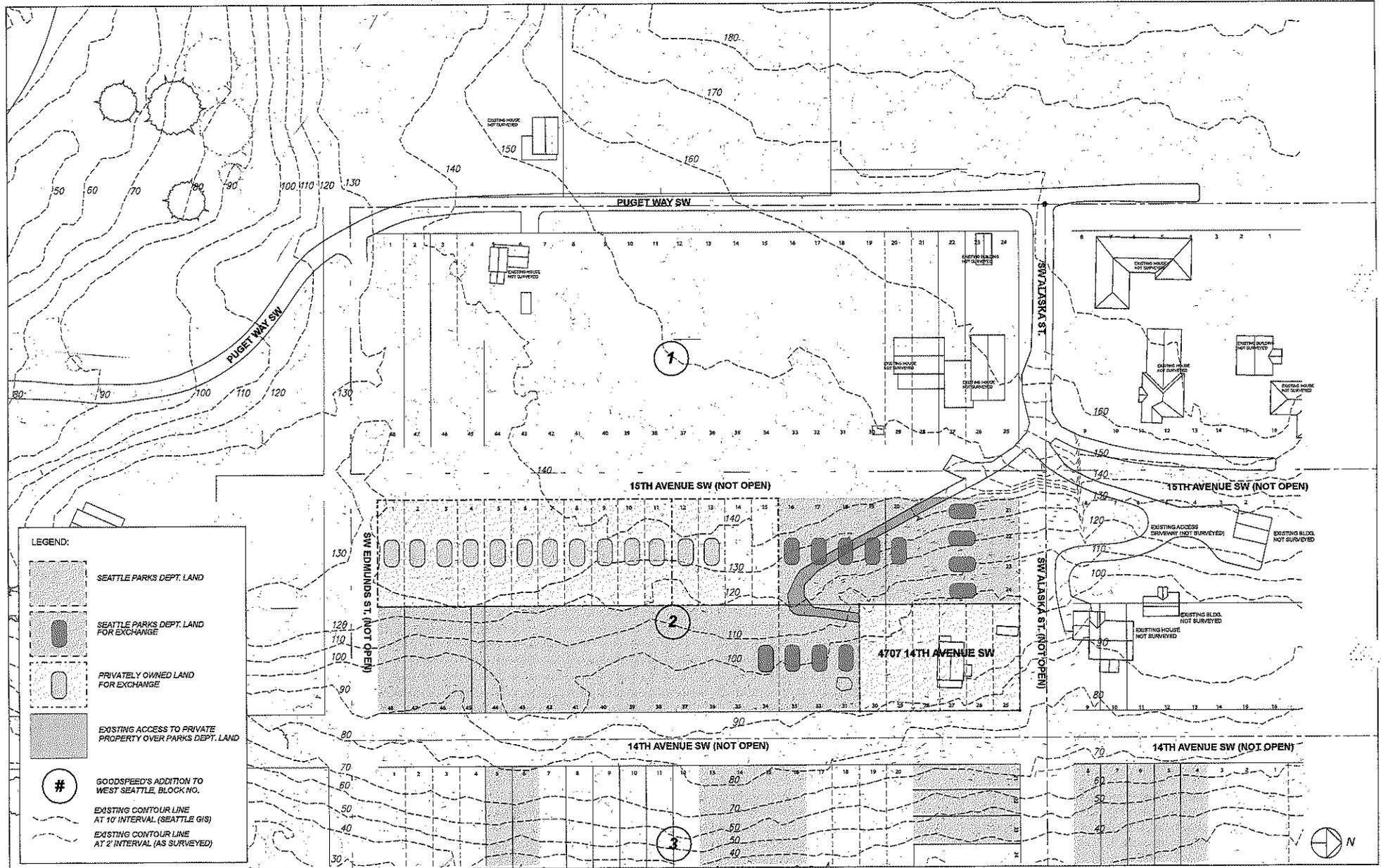
X This legislation does not have any financial implications.

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?**
There is none.
- 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?**
There are none.
- e) **Is a public hearing required for this legislation?**
Yes.
- 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, park land will be exchanged for equivalent property in the immediate area. See attached exhibits illustrating property to be exchanged.
- h) **Other Issues:**
There are none.

List attachments to the fiscal note below:

- Attachment A: Map of Land Exchange
- Attachment B: Aerial View of Land Exchange Property



LEGEND:

- SEATTLE PARKS DEPT. LAND
- SEATTLE PARKS DEPT. LAND FOR EXCHANGE
- PRIVATELY OWNED LAND FOR EXCHANGE
- EXISTING ACCESS TO PRIVATE PROPERTY OVER PARKS DEPT. LAND
- # GOODSPEED'S ADDITION TO WEST SEATTLE, BLOCK NO.
- EXISTING CONTOUR LINE AT 10' INTERVAL (SEATTLE GIS)
- EXISTING CONTOUR LINE AT 2' INTERVAL (AS SURVEYED)

**EXHIBIT 1
 AREA MAP LAND EXCHANGE**



Lots 16 through 24 and Lots 31 through 34, Block 2, Goodspeed's Addition to West Seattle, as recorded in Volume 3, page 59, Records of King County, Washington, to be deeded by the City of Seattle to West Seattle Acquisition Co., L.L.C.



Lots 1 through 13, Block 2, Goodspeed's Addition to West Seattle, as recorded in Volume 3, page 59, Records of King County, Washington, to be deeded by West Seattle Acquisition Co., L.L.C., to the City of Seattle



City of Seattle
Edward B. Murray
Mayor

August 19, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed legislation concerning a land exchange in the West Duwamish Greenbelt. The legislation authorizes the Superintendent of Parks and Recreation to execute a quit claim deed for approximately three-quarters of an acre of park property and accept a deed for the same square-footage of comparable, adjacent private property. Because an existing driveway providing access to private property crosses the park property, the land exchange will have the effect of eliminating a significant private non-park use of park land.

Passage of the legislation includes a finding that the proposed land exchange meets the requirements of Ordinance 118477, also known as Initiative 42, establishing that the exchange is necessary because there is no reasonable and practical alternative and that the land received is equivalent or better in size, value, location and usefulness, in the same vicinity, serving the same community and the same park purposes. All conditions are met by the proposed replacement property.

The existing driveway was constructed prior to the City-owned land being placed under the jurisdiction of Seattle Parks and Recreation. The private property accessed by the driveway is now being redeveloped, and the owners seek to obtain ownership and control over the land the driveway crosses. Allowing the existing driveway to continue to serve the private property avoids the need to improve unopened rights-of-way in this Environmentally Critical Area, thereby preserving more of the desirable characteristics of the greenbelt including tree canopy, bird habitat, and wildlife corridor.

Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 110206

AN ORDINANCE relating to land use and zoning, amending Sections 23.47A.004, 23.51A.004, 23.84A.020 and 23.84A.046 of the Seattle Municipal Code, to establish a definition for and allow youth service centers, and provide development standards for youth service centers existing as of January 1, 2013 in public facilities operated by King County.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.47A.004 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to Division 3, Overlay Districts, of this subtitle III of Title 23.

* * *

D. Public ~~(F)~~ facilities ~~(-)~~

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7. Youth service centers existing as of January 1, 2013, in public facilities operated by King County within Urban Center Villages and replacement, additions, or expansions to such King County public facilities are permitted in NC3 zones.

Department of Planning and Development

Director's Report

Youth Service Center Amendments

Introduction

The Department of Planning and Development (DPD) is proposing amendments to the Land Use Code to define a new land use for Youth Service Center (YSC) and allow the use in Neighborhood Commercial 3 (NC3) and Lowrise (LR3) zones in existing public facilities operated by King County. The amendments would also authorize the Director to waive or modify standards for structure setbacks and maximum width limits for YSCs in LR3 zones.

Proposal Summary

DPD is proposing to define a new use – a “Youth Service Center” – to address a unique and existing use. Although the Land Use Code definition of a jail is somewhat similar to a YSC, it only describes an incarceration function. A YSC includes multiple programs for diversion, education, courtrooms and family assistance, some of which fall into the description of uses excluded from the Land Use Code definition of “jail,” such as facilities for programs providing alternatives to imprisonment. Courtrooms are also included in a YSC.

In addition, an existing facility (the King County Youth Service Center) is operating in the city, and King County’s plans to replace it will add other programs and activities that are not commensurate with the definition of “jail.” These other activities are consistent with uses currently allowed in NC3 and LR3 zones.

In NC3 zones, YSCs would be required to meet the standards of the zone, which are intended to accommodate a wide range and mix of uses including those anticipated to be part of a YSC. In LR3 zones, YSCs would be required to meet the standards for institutions as is the case with other public facilities allowed in the zone. Consistent with the relevant Comprehensive Plan policies, the Council’s action on the proposal would authorize waiver or modification of certain development standards for institutions in the LR3 zone. Development standards for structure setbacks and maximum width limits could be waived or modified by DPD when based on a finding of public necessity and consistent with proposed Urban Design Objectives as specified in the Code. The Director would be required to impose any needed mitigating conditions.

Background - King County YSC

While the proposed amendments are consistent with Comprehensive Plan Policies that are more general in nature, King County will likely use the amendments for redevelopment of an existing facility located in Seattle's Central District and Squire Park neighborhood, within the 12th Avenue Urban Center Village. Information about King County's current design, which is subject to change, is shown on the attached existing and proposed site plans, illustrating what could be developed under the proposed legislation.

The existing King County Youth Service Center is on an approximately 9-acre site. It is bounded by 12th Avenue on the west, E. Remington Court on the north, 14th Avenue on the east, and E. Spruce Street on the south. King County would demolish the existing three buildings on the site and replace them with a new Children and Family Justice Center, consisting of a new courthouse and juvenile detention facility and other associated uses, as well as a parking garage that will consolidate existing surface parking, providing up to 440 parking spaces.

In 2011 and early 2012, King County undertook a study of different options for replacing the existing facility. The Study recommended full replacement of the facility. Based on that recommendation, the King County Council placed a levy lift lid measure on the August 2012 ballot. King County voters approved the measure, providing nine-year property tax funding or \$210 million for construction of the new Youth Service Center also called the Children and Family Justice Center (CFJC).

Public Participation

King County conducted extensive outreach to the community on the proposed project. A full project history, projected timeline and record of community input in King County's process is available on King County's website:

<http://www.kingcounty.gov/operations/FacilitiesManagement/currentProjects/CFJCProposal.aspx>.

As part of the outreach, DPD participated in several meetings focusing on the proposed Code amendments including representatives of the 12th Avenue Stewardship Committee and the Squire Park Community Council. Draft code amendments were made available on DPD's and King County's websites in December of 2013. Environmental (SEPA) review of the amendments and the project action was conducted by King County. The SEPA determination was not appealed. Both the design of the facility and the content of the code amendments have been shaped by public input.

Land Use Analysis

YSC - Definition and Allowance in NC3 and LR3

DPD is recommending that a new definition and use classification be established in the Land Use Code.

“A youth service center means youth detention facility, holding cells, courtrooms, classroom space, a gymnasium for detained youth, and related uses, including but not limited to administrative offices and meeting rooms.” (proposed amendment to 23.84A.046.”Y”)

It is appropriate to define distinct uses and establish YSCs as a sub-classification of jail to recognize the different characteristics of the two uses. Although both YSCs and jails have a common activity of incarceration, many activities in a YSC are clearly distinct from a jail, including both the uses included in the proposed definition.

The new classification “YSC” is proposed to be a permitted use in the NC3 and LR3 zones. In the ordinance, the relevant changes can be found at 23.47A.004.D. and in Table A for 23.47A.004 for the NC3 zone, and in 23.51A.004.B for the LR3 zone. The following tables compare the component uses anticipated in the YSC and applicable use provisions in the NC3 and LR3 zones.

NC3

Youth Service Center Uses – program components	Land Use Code – Use or Use Category	Notes
Counseling	Office or Medical service	Currently allowed
Courtroom and offices	Office	Currently allowed
Education for inmates	Institution	Currently allowed
Gymnasium	Sports and recreation, indoors	Currently allowed
Holding cells	Jail	Currently not allowed, but existing on the King County site

LR3

Youth Service Center Uses – program components	Land Use Code – Use or Use Category	Notes
Counseling	Office or Medical services	Currently allowed when part of an institution or public facility permitted in the zone, or in an existing or former public school
Courtroom and offices	Office	Same as above
Education	Institution	Same as above
Gymnasium	Sports and recreation, indoors	Same as above
Holding cells	Jail	Currently not allowed, but existing on the King County site

Permit Approach and Development Standards

Current provisions in NC3 and LR3 zones allow for public facilities that do not meet development standards to be permitted by the City Council as a quasi-judicial (Type IV) decision. The intent is to recognize that development standards are not necessarily adopted with these facilities in mind. Flexibility in how standards are applied allows for public facilities to be located in the city and account for the unique nature of their programming, service delivery, and scale (public facilities often occupy large structures on large sites).

The standards in the NC3 zone are anticipated to be sufficient to accommodate YSCs. The standards for institutions in LR3 zones are also anticipated to be sufficient, except for the fixed numerical limits used for structure setbacks and width limits. Other standards for institutions are expressed as percentages of lot dimensions or performance based. The proposal is to allow waiver or modification of setbacks and maximum structure width balanced with appropriate design-related performance objectives and authority to require mitigating conditions to create a smooth transition to the nearby residential area. For example, for commercial and residential development, these standards are available for departure pursuant to Design Review. The limited number of standards proposed to be waived or modified in conjunction with the use of performance objectives and required mitigation make this decision an appropriate one for DPD's administrative review and decision, rather than a City Council decision.

Front Lot Line Setback Requirement (23.45.570.F)

As an example of how the amendments could be used in King County's project, current setback standards require a front setback at least five feet from a front lot line. Although the project would provide a more generous 15 foot setback from most of the 14th Avenue lot line, there are three places along the 14th Avenue frontage where the property lot line is irregular. The project would be set back less than five feet at those places. The County would meet or exceed the required setback for 85 percent of the lot line.

Maximum Width Requirement (23.45.570.D.1)

As stated above, the unique needs of public facilities often require larger structures. As an example, the internal dimensions of space required by County programming and public service delivery will create a structure width that exceeds the maximum width limit of 150 feet.

Compliance with the urban design objectives and the authority to require mitigating conditions is intended to meet the spirit and purpose of the two standards and would reduce the resulting appearance of bulk and enhance the public experience of nearby residents. For both of these standards, application of the urban design objectives by DPD is intended to result in an appropriate and carefully limited modification to the development standards.

DPD Waiver or Modification of Development Standards

The proposal would allow applicants to apply for a Type II (a DPD decision that requires public notice

and comment, and is appealable to the Hearing Examiner) waiver or modification of these setback and maximum width standards. As provided in the amendment, the DPD decision must be based on a finding that such waiver or modification:

“is needed to accommodate unique programming, public service delivery, or structural needs of the facility and that the...urban design objectives are met.” (23.51A.004.B.6)

The proposed Urban Design Objectives are as follows:

Objective 1 - calls for design that creates visual interest along and activates each street frontage. Specific examples for achieving this objective include incorporating prominent entrances and architectural detailing of the façade to welcome pedestrians.

Objective 2 – calls for creating a continuous pedestrian environment by incorporating overhead weather protection, such as awnings and building overhangs, and providing pedestrian amenities like benches or free-standing pavilions.

Objective 3 - calls for design treatments that transition to the scale of nearby development. Examples of these design treatments include modulation of the walls and adding decorative facade elements, like architectural detailing, screening, artwork, or vegetated walls.

Consistency with the Comprehensive Plan

The following are excerpts from applicable Comprehensive Plan policies.

LU 14: “In recognition of the positive contributions many institutions and public facilities have made [such as] providing necessary services...allow...public facilities...determined to be compatible with the function, character and scale of the area in which they are located.

LU 15: “Development standards for small institutions and public facilities affecting building height, bulk, setbacks, open space, landscaping, and screening shall be similar to those required of other development, but should be allowed to vary somewhat because of the special structural requirements of some institutional and public facility uses. Establish criteria limiting variation, in order to achieve design compatibility with the scale and character of the surrounding area.

LU 16: “Public facilities uses not similar to those permitted for the private sector shall be permitted or prohibited depending on the intended function of the area. Evaluate parking and transportation impacts and consider the relationship with surrounding uses in the design, siting,

landscaping and screening of such facilities. Allow changes by the Council to development standards that cannot be met for reasons of public necessity.

LU 77: "Establish multifamily residential use as the predominant use in multifamily areas ...

LU 78: "Limit the number and type of non-residential uses permitted in multifamily residential areas..."

LU 14 - Analysis - The amendments would authorize DPD to condition the project so that it meets Urban Design Objectives appropriate for the character and scale of the area. These objectives specifically address how the public would experience the bulk and scale of the structures. The decision is required to include conditions that would mitigate all substantial impacts caused by a waiver or modification of the development standards, thus creating compatibility with the "function, character and scale of the area." Generally, the proposed definition of YSC is consistent with the function, character and scale of designated Urban Center in the City's Comprehensive Plan, which is a fully developed urban area, served by transit and near other similarly scaled facilities such as a large university campus.

LU 15, LU 16 - Analysis of policies related to development standards - The development standards are the same that apply to all other uses in NC3. The same is true of the proposal to apply the standards for institutions in LR3 zones with exceptions for standards for structure setbacks and maximum width limits. The proposed Urban Design Objectives would carry out the provision in the second sentence of LU 15 by "establish[ing] criteria limiting variation from development standards in order to achieve design compatibility with the scale and character of the surrounding area.

Consistent with LU 16, which provides that development standards can be modified for reasons of public necessity, the Code amendments require that the DPD decision be based on a finding of public necessity. The last sentence of LU 16 provides that the Council can authorize these changes to development standards. The Code amendments allow the Council to delegate the determination of necessity to the DPD Director. In addition, the amendments add specificity in how the standards are met, appropriately limiting that delegation of authority.

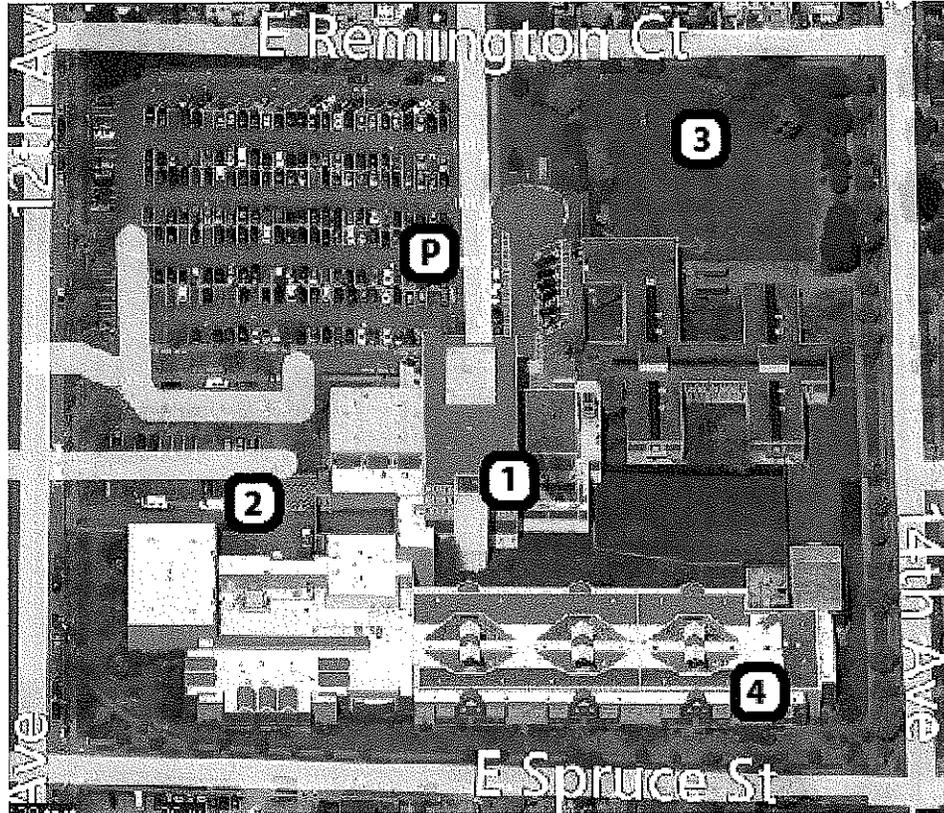
LU 16, LU 77 and LU 78 - Analysis of policies related to uses – LU 16 provides that public facilities uses "not similar to those permitted for the private sector shall be permitted or prohibited depending on the intended function of the area." While "jail" is not allowed in the NC3 and LR3 zones, a YSC is different from jail in that it is made up of multiple uses and provides an array of services. Many of the uses will be similar to those currently permitted in the NC3 and LR3 zones as shown in the Table on page 3.

Allowing a YSC would not change the predominant use of an LR3 area from multi-family. The definition of YSC as an existing facility operated by King County as of January 2013 in an urban center village carries out the policy of LU 77 and 78 to “Limit the number and type of non-residential uses permitted in multifamily residential areas...” since there is only one instance of this use in the city, maintaining residential use as predominant in the LR3 zone. With respect to the NC3 portion of the site, the proposed use of a courthouse, similar to an office, would be consistent with the intended mixed-use and commercial function of the area.

Recommendation

The proposed amendments would establish an accurate definition of a YSC and provide DPD with flexibility in how standards for structure setbacks and maximum width limits are applied, consistent with applicable Comprehensive Plan Land Use Policies. These amendments, if used for King County’s current Youth Service Center project, would allow that public facility to be revitalized as a community asset, recognizing the County’s programming and service delivery needs, integrated through high quality urban design with the diverse character of the neighborhood surrounding the site. DPD recommends approval of the proposed amendments.

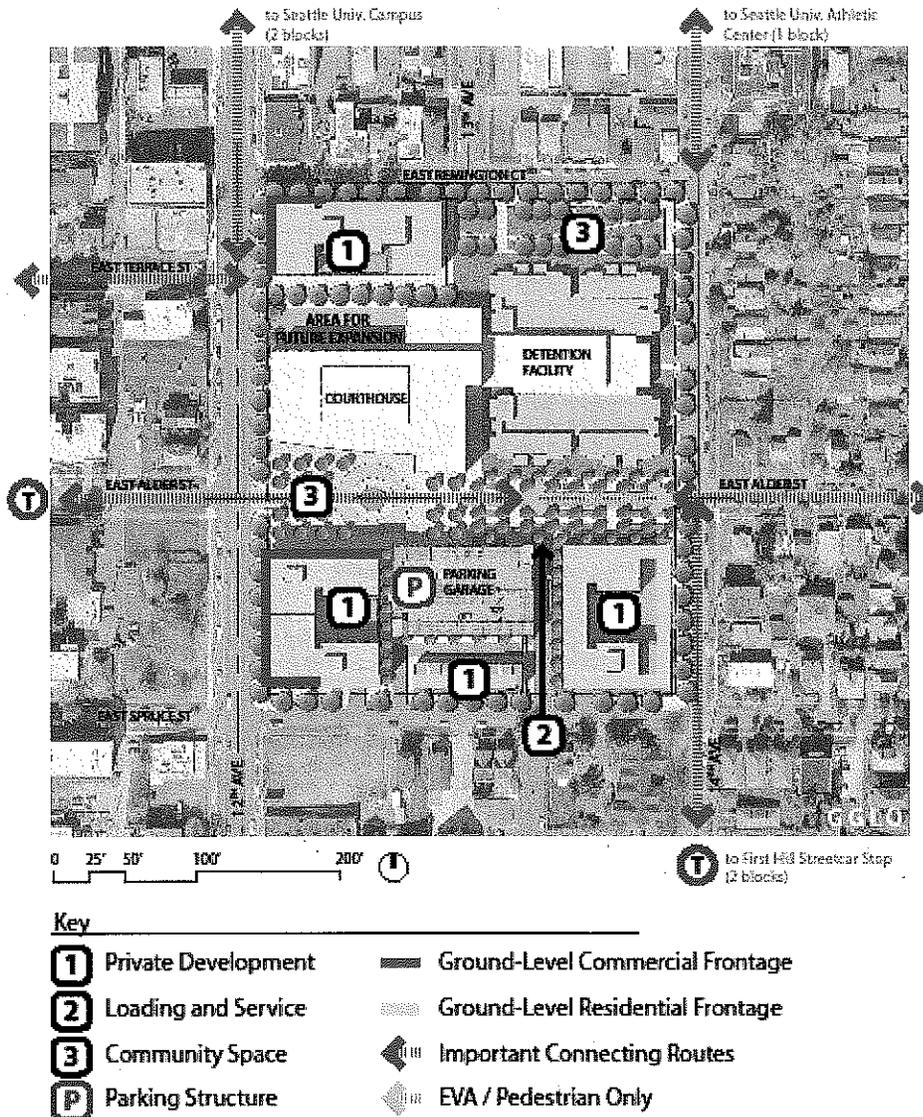
Existing Site Plan



Key - Existing Site Plan

- | | |
|------------------------------|-----------------------------|
| 1 Courthouse | 4 Detention facility |
| 2 Loading and Service | P Surface parking |
| 3 "Whale Fin" artwork | |

Proposed Site Plan



The proposed amendments would, as an example, address the design and programming needs of the Courthouse and Detention Facilities shown. Except for the Parking Garage, other development shown on the proposed site plan is not part of the levy funded project and is shown for informational purposes only.