

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

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Journal c

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on Monday, May 19, 2014, pursuant to the provisions of the City Charter. The meeting was called to order at 2:00 p.m., with Council President Burgess presiding.

B. ROLL CALL

On roll call the following members were:

Present: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Absent: None.

C. REFERRAL CALENDAR

Motion was made, duly seconded and carried, to adopt the proposed Referral Calendar.

COUNCIL BILLS:

BY CLARK, BAGSHAW, BURGESS, GODDEN, HARRELL, LICATA, O'BRIEN, AND RASMUSSEN:

Council Bill No. 118098, Relating to employment in Seattle; adding a new Chapter 14.19 to the Seattle Municipal Code; establishing minimum wage and minimum compensation rates for employees performing work in Seattle; and prescribing remedies and enforcement procedures.

Referred to Committee on Minimum Wage and Income Inequality Committee.

BY LICATA:

Council Bill No. 118099, Appropriating money to pay certain audited claims and ordering the payment thereof.

Referred to Full Council.

BY BURGESS:

Council Bill No. 118100, Relating to City employment; providing salary increases effective January 1, 2014 for certain non-represented City employees and officers; and ratifying and confirming prior acts.

Referred to Full Council.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

Council Bill No. 118101, Relating to City employment; authorizing the execution of memoranda of understanding between the City of Seattle and members of the Coalition of City Unions; and ratifying and confirming prior acts.

Referred to Full Council.

Council Bill No. 118102, Relating to City employment, to be known as the 2014 Pay Zone Ordinance; adjusting the pay zone structures for the City's discretionary pay programs for the year 2014; and ratifying and confirming prior acts.

Referred to Full Council.

Council Bill No. 118103, Relating to the 2014 Budget; amending Ordinance 124349, which adopted the 2014 Budget; changing appropriations to various departments and budget control levels due to changes in City employment compensation; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

Referred to Full Council.

BY RASMUSSEN:

Council Bill No. 118104, Granting Port of Seattle permission to construct, maintain, and operate a private roadway and electrical utilities; on a portion of South Dakota Street and East Marginal Way South, as part of the Argo Yard Truck Roadway Project; 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.

Referred to Transportation Committee.

CLERK FILE:

BY BAGSHAW:

Clerk File No. 313802, Appointment of Kristi L. Beattie as member, Pike Place Market Public Development Authority Asset Management Committee, for a term of confirmation to May 1, 2016.

Referred to Seattle Public Utilities and Neighborhoods Committee.

D. APPROVAL OF AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

E. PRESENTATIONS

Council President Burgess recognized members from the Federated States of Micronesia, and invited Jefferson Timothy to address the Council, with a special presentation from the Malem Gospel Choir.

F. APPROVAL OF THE JOURNAL

The Journal of the Proceedings of the Seattle City Council meeting of April 14, 2014, was presented for approval. By unanimous consent, the Journal was approved and signed.

G. PUBLIC COMMENT

Zarna Joshi addressed the Council regarding Referral Calendar item 1, **Council Bill No. 118098.**

Roger Valdez addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Paul W. Locke addressed the Council regarding Agenda item 4, **Council Bill No. 118084.**

Brian Rulifson addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Alison Roxley addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Julia Strand addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Dick Miller addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Michael Wells addressed the Council regarding Agenda item 10, **Resolution No. 31520.**

John Nuler addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Erin Miller addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Teri Martine addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Dick Schwartz addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Rita Latsinova addressed the Council regarding Agenda item 2, **Council Bill No. 118052.**

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

Jess Spear addressed the Council regarding Referral Calendar item 1, **Council Bill No. 118098**.

H. PAYMENT OF BILLS, CLAIMS, AND SALARIES

Council Bill No. 118099, Appropriating money to pay certain audited claims and ordering the payment thereof.

Motion was made and duly seconded to pass **Council Bill No. 118099**.

The Motion carried and the Bill passed by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

I. COMMITTEE REPORTS AND FINAL VOTE ON LEGISLATION

FULL COUNCIL:

Agenda Item No. 1. - Council Bill No. 118097, Relating to City employment; authorizing the execution of a collective bargaining agreement between the City of Seattle and the International Brotherhood of Electrical Workers, Local 77 to be effective January 23, 2013 through January 22, 2017; providing payment therefor; and ratifying and confirming prior acts.

ACTION 1:

Motion was made by Councilmember Burgess, duly seconded and carried, to amend **Council Bill No. 118097**, Attachment 1, Article 15.5.5., by deleting "and used" before "accumulated."

ACTION 2:

Motion was made and duly seconded to pass **Council Bill No. 118097** as amended.

The Motion carried and the Bill passed as amended by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

PLANNING, LAND USE, AND SUSTAINABILITY COMMITTEE:

Agenda Item No. 2. - Council Bill No. 118052, Related to land use and zoning; repealing Section 23.24.046 and amending Sections 23.22.062, 23.24.045, 23.34.086, 23.44.010, 23.44.012, 23.44.022, 23.84A.004, 23.84A.024, 23.84A.046, and 23.86.010 of the Seattle Municipal Code to adopt permanent development regulations to promote compatible buildings on undersized single- family-zoned lots.

The Committee recommended that the Bill pass as amended.

ACTION 1:

Motion was made by Councilmember Licata and duly seconded, to amend **Council Bill No.118052**, Section 5, as shown below in double strike through and double underscore language:

Section 5. Subsections A, B, C, D and E of Section 23.44.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 123978, are amended as follows:
23.44.010 Lot requirements

B. Exceptions to ~~((Minimum Lot Area Requirements))~~minimum lot area requirements. The following exceptions to minimum lot area requirements are allowed, ~~((subject to the development standards for undersized lots in subsection 23.44.010.C, except as limited under))~~subject to the requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

1. A lot that does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped ~~((separately))~~ under one of the following circumstances:

a. "The Seventy-Five/Eighty Rule." The Seventy-Five Eighty Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision or lot boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75 percent of the minimum required for the zone and also at least 80 percent of the mean area of the lots within the same block front, subject to the following provisions:

~~((5))~~7 New lots created pursuant to subsection 23.44.010.B.1.a~~((2))~~ ~~or subsection 23.44.010.B.1.b~~ shall comply with the following standards:

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

a) ~~((for))~~ For a lot that is subdivided or short platted, the configuration requirements of subsections 23.22.100.C.3 and 23.24.040.A.9 or with the modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

b) ~~((for))~~ For an existing lot that is reconfigured under the provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with the ~~((or))~~ modification provisions of subsection 23.28.030.A.4.

~~b. "The 100 Percent Rule." The 100 Percent Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision, or lot boundary adjustment. To qualify for this exception, a lot must have an area no less than the mean area of the lots within the same block front, subject to the same provisions provided for under the Seventy-Five-Eighty Rule in subsections 23.44.010.B.1.a.1 through 23.44.010.B.1.a.7. The number of lots that newly qualify for separate development as a result of applying this exception shall not exceed the number of existing lots on the block front that provide the basis for the mean lot area calculation. Any lot that qualifies for separate development as a result of applying this exception shall be at least 2,500 square feet in area. Along any one block front, no more than two lots may qualify for separate development under this exception as a result of demolishing a house, houses or portions of houses in existence on or after February 1, 2013.~~

e. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes, payment was received for only that portion of the lot, and the lot area remaining is at least ~~((50 percent of the minimum required))~~ 2,500 square feet.

~~((c))~~ d. The lot would qualify as a legal building site under subsection 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than 10 percent of the former area of the lot. This exception does not apply to lots reduced to less than ~~((50 percent of the minimum area required under subsection 23.44.010.A))~~ 2,500 square feet.

~~((d))~~ e. "The Historic Lot Exception." The historic lot exception may be applied to allow separate development of lots already in existence if ~~((The))~~ the lot has an area ~~((at least 50 percent of the minimum required under section 23.44.010.A))~~ of at least 2,500 square feet, and was established as a separate building site in the public records of the county or City prior to July 24, 1957, by deed, ~~((contract of sale, mortgage,))~~ platting, or building permit, ~~((, and falls into one of the following categories))~~ The qualifying lot shall be subject to the following provisions:

~~((e))~~ f. The lot is within a ~~((Clustered Housing Planned Development))~~ clustered housing planned development pursuant to Section 23.44.024, a ~~((Planned Residential Development))~~ planned residential development pursuant to Section 23.44.034, or a development approved as an environmentally critical areas conditional use pursuant to Section 25.09.260.

~~((f. The lot is or was created by short subdivision of a lot containing more than one existing single family dwelling unit pursuant to Section 23.24.046.))~~

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

g.f. If a lot qualifies for an exception to the lot area requirement under subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that also qualify for separate development may be adjusted through the lot boundary adjustment process if the adjustment maintains the existing lot areas, increases the area of a qualifying substandard lot without reducing another lot below the minimum permitted lot area, or causes the areas of the lots to become more equal provided the number of parcels qualifying for separate development is not increased. Lots resulting from a lot boundary adjustment that do not meet the minimum lot area requirement must qualify for an exception to that requirement.

The Motion carried by the following roll call vote:

In favor: Bagshaw, Burgess, Godden, Licata, Rasmussen, Sawant - 6

Against: Harrell, O'Brien, Clark - 3

ACTION 2:

Motion was made by Councilmember Rasmussen and duly seconded, to amend **Council Bill No.118052**, Section 6, as shown below in double strike through and double underscore language:

Section 6. Subsections A and B of Section 23.44.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 123978, are amended as follows:
23.44.012 Height ~~((Limits))~~limits

A. Maximum ~~((Height Established))~~height established~~((:-))~~ The provisions of this Section 23.42.012 apply, except as provided elsewhere in the Land Use Code for specific types of structures or structures in particular locations.

1. Except ~~((as permitted in Section 23.44.041.B, and))~~ as provided in ~~((subsection))~~subsections 23.44.012.A.2 and ~~((A.3))~~23.44.012.A.3, the maximum permitted height for any structure not located in a required yard is 30 feet.
2. The maximum permitted height for any structure on a lot 30 feet or less in width is 25 feet.
3. For a lot or unit lot of any width, if the area of the largest rectangle or other quadrilateral that can be drawn within the lot lines of the lot or unit lot ~~((The maximum permitted height for any structure on a lot of any width that))~~ is less than ~~((3,750))~~3,200 square feet ~~((that qualifies for separate development according to the provisions in section 23.44.010.B.1.d))~~ the maximum permitted height for any structure on that lot ~~((is))~~ shall be ~~22~~ 18 feet~~((,))~~. Additional height shall be allowed, subject to the limit that would otherwise apply under subsections 23.44.012.A.1 and 23.44.012.A.2, provided that the elevation at the top of the exterior walls of the structure, exclusive of

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

pitched roofs, does not exceed the average of the elevations at the tops of the walls of single-family residences on abutting lots within the same zone. ((unless the structure's height is further restricted by other code provisions)). The limit of this subsection 23.44.012.A.3 shall not apply to additions to single-family residences existing as of February 1, 2013 that do not exceed the greater of 1,000 square feet of new gross floor area or the amount of gross floor area on any one floor of the existing house.

The Motion carried by the following roll call vote:

In favor: Bagshaw, Godden, Licata, Rasmussen, Sawant - 5

Against: Burgess, Clark, Harrell, O'Brien - 4

ACTION 3:

Council President Burgess announced that **Council Bill No. 118052** as amended was not ready for presentation to the Council, and the final vote on the Bill as amended would occur once the Bill as amended was available.

TRANSPORTATION COMMITTEE:

Agenda Item No. 3. - Council Bill No. 118075, Relating to the East Marginal Way Grade Separation Project; authorizing the Director of the Department of Transportation, on behalf of the City of Seattle, to execute a Memorandum of Agreement with the Port of Seattle regarding the design, permitting, construction, financing, transfer, use, and related aspects of the project.

The Committee recommended passage of the Bill.

The Bill passed by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

PLANNING, LAND USE, AND SUSTAINABILITY COMMITTEE:

Agenda Item No. 2. - Council Bill No. 118052, Related to land use and zoning; repealing Section 23.24.046 and amending Sections 23.22.062, 23.24.045, 23.34.086, 23.44.010, 23.44.012, 23.44.022, 23.84A.004, 23.84A.024, 23.84A.046, and 23.86.010 of the Seattle Municipal Code to adopt permanent development regulations to promote compatible buildings on undersized single- family-zoned lots.

Council President Burgess announced that **Council Bill No. 118052** as amended was ready for presentation to the Council for a final vote.

Motion was made and duly seconded to pass **Council Bill No. 118052** as amended.

The Motion carried and the Bill passed as amended by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

TRANSPORTATION COMMITTEE:

Agenda Item No. 4. - Council Bill No. 118084, Relating to the Seattle Streetcar; authorizing execution of an amended and restated interlocal agreement with King County for operation and maintenance of the Seattle Streetcar system; and ratifying and confirming certain prior acts.

The Committee recommended passage of the Bill.

The Bill passed by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

SEATTLE PUBLIC UTILITIES AND NEIGHBORHOODS COMMITTEE:

Agenda Item No. 5. - Clerk File No. 313669, Reappointment and Oath of Office of Raymond Hoffman as Director, Seattle Public Utilities, for a term to December 31, 2017.

The Committee recommended that the Appointment be confirmed.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

The Appointment was confirmed by the following voice vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The Oath of Office was administered to Raymond Hoffman by LeeAnne Schirato, Deputy City Clerk, and then Mr. Hoffman addressed the Council.

Agenda Item No. 6. - Clerk File No. 313705, Appointment of Japhet Koteen as member, Historic Seattle Preservation and Development Authority Council, for a term of confirmation to November 30, 2015.

The Committee recommended that the Appointment be confirmed.

The Appointment was confirmed by the following voice vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

ENERGY COMMITTEE:

Agenda Item No. 7. - Clerk File No. 313774, Reappointment of Julia M. Ryan as member, Seattle City Light Review Panel, for a term of confirmation to April 11, 2017.

The Committee recommended that the Appointment be confirmed.

The Appointment was confirmed by the following voice vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

FINANCE AND CULTURE COMMITTEE:

Agenda Item No. 8. - Council Bill No. 118073, Relating to City-owned property under the jurisdiction of the Office of Housing, located in Ladd's First Addition to South Seattle, lying east of and immediately adjacent to Airport Way South; transferring jurisdiction of portions of Lots 9-16, Block 7 and portions of Lots 7-12, Block 10 to the Department of Finance and Administrative Services; transferring jurisdiction of portions of Lots 6-10, Block 11, to the Seattle Department of Transportation for street purposes; and laying off, opening, widening, extending, and establishing a portion of Airport Way South.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

The Committee recommended passage of the Bill.

The Bill passed by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

Agenda Item No. 9. - Council Bill No. 118095, Authorizing, in 2014, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Seattle Police Department, Seattle Fire Department, Human Services Department, Department of Parks and Recreation, Department of Planning and Development, and Seattle City Light to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

The Committee recommended passage of the Bill.

The Bill passed by the following roll call vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Bill.

Agenda Item No. 10. - Resolution No. 31520, Of intention to modify the boundaries for the Capitol Hill Business Improvement Area.

The Committee recommended that the Resolution be adopted.

The Resolution was adopted by the following voice vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 9

Against: None.

The President signed the Resolution.

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

Journal of the Proceedings of the Seattle City Council

Monday, May 19, 2014

K. OTHER BUSINESS

Motion was made, duly seconded and carried, to excuse Councilmember Sawant from the June 2, 2014 Full Council meeting.

Motion was made, duly seconded and carried, to excuse Councilmember O'Brien from the June 9, 2014 Full Council meeting.

Motion was made, duly seconded and carried, to excuse Councilmember Harrell from the June 16 and August 11, 2014 Full Council meetings.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 3:23 p.m.

for 

LeeAnne Schirato, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on June 23, 2014.

Tim Burgess, President of the City Council

Monica Martinez Simmons, City Clerk