

Journal of the Proceedings of the Seattle City Council

Monday, October 20, 2014

OF.
Journal

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, October 20, 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 - 8

Absent: Sawant (late arrival) - 1.

C. INTRODUCTION AND REFERRAL CALENDAR

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

COUNCIL BILLS:

BY LICATA:

Council Bill No. 118226, Appropriating money to pay certain audited claims and ordering the payment thereof.

Referred to Full Council.

Council Bill No. 118227, Relating to the Department of Finance and Administrative Services; creating a fund for depositing revenues related to the management of the FileLocal Agency.

Referred to Budget Committee.

Council Bill No. 118228, Relating to the Office of Arts & Culture; authorizing the Director of the Office of Arts & Culture to set fees and charges for the Langston Hughes Performing Arts Institute.

Referred to Budget Committee.

Council Bill No. 118229, Relating to the Seattle Center Department; modifying the fee range schedule from which the Seattle Center Director is authorized to set fees for use of Seattle Center facilities and property; and amending Sections 17.16.005, 17.16.010, 17.16.015, 17.16.020 and 17.16.030 of the Seattle Municipal Code in connection therewith.

Referred to Budget Committee.

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Council Bill No. 118230, Relating to the solid waste system of The City of Seattle; adopting a system or plan of additions and betterments to and extensions of the solid waste system; authorizing the issuance and sale of solid waste system revenue bonds, in one or more series, for the purposes of paying part of the cost of carrying out that system or plan, providing for the reserve requirement and paying the costs of issuance of the bonds; providing for certain terms, conditions, covenants and the manner of sale of the bonds; describing the lien of the bonds; creating certain accounts of the City relating to the bonds; and ratifying and confirming certain prior acts.

Referred to Budget Committee.

Council Bill No. 118231, Relating to economic development; amending the policies of the Community Equity Fund component of the Central Area Capital Fund created in Ordinance 117729 and amended by Ordinance 119224; and approving expenditure of the balance of the Community Equity Fund for economic development and housing activities in the Central Area.

Referred to Budget Committee.

Council Bill No. 118232, Relating to the Golf Master Plan Implementation project in the Department of Parks and Recreation; authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, to the 2015 Multipurpose LTGO Bond Fund for bridge financing of the Golf Master Plan Implementation project; and ratifying and confirming certain prior acts.

Referred to Budget Committee.

Council Bill No. 118233, Relating to City funds; authorizing the Department of Finance and Administrative Services to close certain funds and subfunds; authorizing the transfer of all unexpended and unencumbered balances and other assets and liabilities of those funds and subfunds; and abandoning appropriation authority from those funds and subfunds.

Referred to Budget Committee.

Council Bill No. 118234, Relating to the electric system of The City of Seattle; authorizing the issuance and sale of municipal light and power revenue bonds for the purposes of providing funds for certain additions and betterments to and extensions of the existing municipal light and power plant and system of the City, paying the costs of issuance of those bonds and providing for the reserve fund requirement; providing for the terms, conditions, covenants and manner of sale of those bonds; describing the lien of those bonds; and ratifying and confirming certain prior acts.

Referred to Budget Committee.

Council Bill No. 118235, Relating to the Department of Parks and Recreation; creating a fund for depositing revenues received by the City from the Seattle Park District or other sources.

Referred to Budget Committee.

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Council Bill No. 118236, Creating the Economic and Revenue Forecast Advisory Committee, establishing its membership, setting forth its functions and duties, and adding a new Chapter 3.82 to the Seattle Municipal Code.

Referred to Budget Committee.

Council Bill No. 118237, Related to fees and charges for permits and activities of the Department of Planning and Development and related fees by other departments; amending Seattle Municipal Code Chapter 22.900A, Administration and Enforcement; Chapter 22.900B, General Provisions; Chapter 22.900C, Fees for Land Use Review; Chapter 22.900D, Fees for New and Altered Buildings and Equipment; Chapter 22.900E, Fees for Certificates and Registrations; and Chapter 22.900F, Compliance and Other Inspections.

Referred to Budget Committee.

Council Bill No. 118238, Relating to contracting indebtedness; authorizing and providing for the issuance and sale of limited tax general obligation bonds to pay all or part of the costs of various elements of the City's capital improvement program and other City purposes approved by ordinance, to provide a contribution to the Pike Place Market Preservation and Development Authority for the financing of certain improvements, and to pay the costs of issuance of the bonds; providing for certain terms, conditions and covenants and the manner of sale of the bonds; creating a fund for the deposit of bond proceeds; amending Ordinance 122553 (as previously amended by Ordinance 122696), Ordinance 123156 (as previously amended by Ordinance 124341), Ordinance 123480 (as previously amended by Ordinance 124341), and Ordinance 123751 (as previously amended by Ordinance 124341); and ratifying and confirming certain prior acts.

Referred to Budget Committee.

CLERK FILES:

NO SPONSOR REQUIRED:

Clerk File No. 314114, Application of Rick Gervais to rezone land at 1401 NW 46th Street from Industrial General 2-U/65 (IG2-U/65) to Industrial Commercial C-65 (IC-65). Site is bounded on the north by NW 46th Street, on the east by 14th Ave NW, on the south by NW 45th St and on the west by 15th Ave NW (Project No. 3018133, Type IV).

Referred to Planning, Land Use, and Sustainability Committee.

Clerk File No. 314115, Application of Robert Hardy for a contract rezone at 743 N. 35th Street from Neighborhood Commercial 3-40 (NC3-40) to Neighborhood Commercial 3-65 (NC3-65) to allow a five-story structure containing 56 residential units above ground-floor retail space in an environmentally critical area (Project No. 3016369, Type IV).

Referred to Planning, Land Use, and Sustainability Committee.

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D. APPROVAL OF AGENDA

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

E. PRESENTATIONS

There were none.

F. APPROVAL OF THE JOURNAL

The Journal of the Proceedings of the Seattle City Council meeting of September 29, 2014, was presented to the Chair for approval. By unanimous consent, the Journal was approved and signed.

G. PUBLIC COMMENT

Brian Robinson addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Councilmember Sawant entered the Council Chamber at 2:03 p.m.

Barb Wilson addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Pat Foley addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Joe Ferguson addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Jon Scholes addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Jessie Clawson addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Colby Chester addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Joann Ware addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Sarah Lewontin addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

Ubax Gardheere addressed the Council regarding Agenda item 1, **Resolution No. 31551.**

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Joaquin Uy addressed the Council regarding Agenda item 1, **Resolution No. 31551**.

Erika Malone addressed the Council regarding Agenda item 1, **Resolution No. 31551**.

H. PAYMENT OF BILLS, CLAIMS, AND SALARIES

Council Bill No. 118226, Appropriating money to pay certain audited claims and ordering the payment thereof.

Motion was made and duly seconded to pass **Council Bill No. 118226**.

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

PLANNING, LAND USE, AND SUSTAINABILITY COMMITTEE:

Agenda Item No. 1 - Resolution No. 31551, Stating the City's intent to implement an affordable housing linkage fee program, establishing policy parameters for such a program, and directing the Department of Planning and Development and the Office of Housing to develop regulations implementing an affordable housing linkage fee program.

The Committee recommended that the Resolution be adopted as amended.

ACTION 1:

Motion was made by Councilmember Licata and duly seconded, to amend **Resolution No. 31551**, section 2.b, as shown in the strikethrough and underlined language below:

Section 2. Program Parameters. The Council requests that the Department of Planning and Development (DPD) and the Office of Housing (OH) develop, in cooperation with the Council, a proposed council bill to implement the Program, subject to the following parameters.

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b. Affordable Housing Linkage Fees. Fees should not exceed the maximum supportable level set forth in the nexus analysis, but may be set below that level. Fees should vary based on the extent of impact on the demand for low and moderate income housing. Local market conditions and effects on development feasibility should be considered in setting the fees. Fees should be no lower than ~~the range those~~ set out in the table below for commercial and residential land use categories. While these projected fees are supported by the nexus analysis, the actual fee amounts adopted or the manner in which the fees are structured, could be adjusted based on further analysis or information.

	Commercial Uses	Residential Uses
Higher Cost Areas	\$16- 22 / net square foot of new building area (NSF)	\$16- 22 / NSF
Medium Cost Areas	\$10- 12 / NSF	\$10- 12 / NSF
Lower Cost Areas	\$5- 7 / NSF	\$5- 7 / NS

For the purposes of this Resolution "net square foot of new building area" means rentable area in a building available to a tenant and does not include areas occupied by mechanical equipment, accessory parking, electric closets, walls, or similar structures and spaces.

The Motion failed by the following voice vote:

In favor: Licata, Sawant - 2

Against: Bagshaw, Burgess, Clark, Godden, Harrell, O'Brien, Rasmussen - 7.

ACTION 2:

Motion was made by Councilmember Bagshaw and duly seconded, to amend **Resolution No. 31551**, section 2, as shown in the strikethrough language below:

Section 2. Program Parameters. The Council requests that the Department of Planning and Development (DPD) and the Office of Housing (OH) develop, in cooperation with the Council, a proposed council bill to implement the Program, subject to the following parameters.

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b. Affordable Housing Linkage Fees. Fees should not exceed the maximum supportable level set forth in the nexus analysis, but may be set below that level. Fees should vary based on the extent of impact on the demand for low and moderate income housing. Local market conditions and effects on development feasibility should be considered in setting the fees. Fees should be no lower than the range set out in the table below for commercial and residential land use categories. While these projected fees are supported by the nexus analysis, the actual fee amounts adopted or the manner in which the fees are structured, could be adjusted based on further analysis or information.

	Commercial Uses	Residential Uses
Higher Cost Areas	\$16 - 22 / net square foot of new building area (NSF)	\$16 - 22 / NSF
Medium Cost Areas	\$10 - 12 / NSF	\$10 - 12 / NSF
Lower Cost Areas	\$5 - 7 / NSF	\$5 - 7 / NSF

For the purposes of this Resolution "net square foot of new building area" means rentable area in a building available to a tenant and does not include areas occupied by mechanical equipment, accessory parking, electric closets, walls, or similar structures and spaces.

The Motion failed by the following voice vote:

In favor: Bagshaw, Godden, Harrell, Rasmussen - 4.

Against: Burgess, Clark, Licata, O'Brien, Sawant - 5.

ACTION 3:

Motion was made by Councilmember Licata and duly seconded to amend **Resolution No. 31551**, section 2.g, as shown in the strikethrough and underlined language below:

Section 2. Program Parameters. The Council requests that the Department of Planning and Development (DPD) and the Office of Housing (OH) develop, in

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cooperation with the Council, a proposed council bill to implement the Program, subject to the following parameters.

g. Program Phase-in. To allow real estate markets to adjust to the Program, fees ~~should~~ may be phased in over a three-year period with the first year beginning on October 1, 2015 and ending on September 30, 2016. In the first year an amount equal to approximately one third of the linkage fee established for a given area should apply. In the second year an amount equal to approximately two thirds of the linkage fee for a given area should apply. In the third year, the total linkage fee should apply. The current Affordable Housing Incentive Program should be maintained for the duration of the phase-in period. While both programs operate, the higher applicable fee should apply.

The Motion passed by the following voice vote:

In favor: Bagshaw, Godden, Harrell, Licata, O'Brien, Rasmussen, Sawant - 7

Against: Burgess, Clark - 2.

ACTION 4:

Motion was made by Councilmember Rasmussen and duly seconded to amend **Resolution No. 31551**, title and section 1, as shown in the strikethrough and underlined language below:

A RESOLUTION stating the City's intent to ~~implement~~ develop and consider an affordable housing linkage fee program, establishing policy parameters for such a program, and directing the Department of Planning and Development and the Office of Housing to develop regulations implementing an affordable housing linkage fee program.

Section 1. Intent to ~~implement~~ Develop and Consider an Affordable Housing Linkage Fee Program. The City intends to ~~implement~~ develop and consider an Affordable Housing Linkage Fee Program (Program) to mitigate the demand for low and moderate income housing caused by new commercial and new market rate multifamily residential development.

The Motion failed by the following roll call vote:

In favor: Bagshaw, Clark, Rasmussen - 3

Against: Burgess, Godden, Harrell, Licata, O'Brien, Sawant - 6.

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ACTION 5:

Motion was made by Councilmember Rasmussen and duly seconded to amend **Resolution No. 31551**, section 2.b, as shown in the underlined language below:

Section 2. Program Parameters. The Council requests that the Department of Planning and Development (DPD) and the Office of Housing (OH) develop, in cooperation with the Council, a proposed council bill to implement the Program, subject to the following parameters.

b. Affordable Housing Linkage Fees. Fees should not exceed the maximum supportable level set forth in the nexus analysis, but may be set below that level. Fees should vary based on the extent of impact on the demand for low and moderate income housing. Local market conditions, the potential for future development impact fees, and effects on development feasibility should be considered in setting the fees. Fees should be no lower than the range set out in the table below for commercial and residential land use categories. While these projected fees are supported by the nexus analysis, the actual fee amounts adopted or the manner in which the fees are structured, could be adjusted based on further analysis or information.

	Commercial Uses	Residential Uses
Higher Cost Areas	\$16 - 22 / net square foot of new building area (NSF)	\$16 - 22 / NSF
Medium Cost Areas	\$10 - 12 / NSF	\$10 - 12 / NSF
Lower Cost Areas	\$5 - 7 / NSF	\$5 - 7 / NSF

For the purposes of this Resolution "net square foot of new building area" means rentable area in a building available to a tenant and does not include areas occupied by mechanical equipment, accessory parking, electric closets, walls, or similar structures and spaces.

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The Motion passed by the following voice vote:

In favor: Bagshaw, Burgess, Clark, Godden, Harrell, O'Brien, Rasmussen - 7

Against: Licata, Sawant - 2.

ACTION 6:

Motion was made and duly seconded to pass **Resolution No. 31551** as amended.

The Resolution was adopted as amended by the following voice vote:

In favor: Burgess, Clark, Godden, Harrell, Licata, O'Brien, Sawant - 7

Against: Bagshaw, Rasmussen - 2.

The President signed the Resolution.

Agenda Item No. 2. - Council Bill No. 118176, Relating to Seattle Municipal Code Section 22.420.010; amending Section 110 of the 2012 Seattle Fuel Gas Code regarding administrative review of decisions related to application of the Fuel Gas Code.

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. 3. - Council Bill No. 118177, Relating to Seattle Municipal Code Section 22.150.010; amending Sections R103, R105, R202, and R302 of the 2012 Seattle Residential Code, to clarify regulations and adopt amendments consistent with the Washington Residential Code.

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.

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Agenda Item No. 4. - Council Bill No. 118178, Relating to Seattle Municipal Code Section 22.700.010; amending Seattle Energy Code Sections C101, C109, C402, C403, C404, C405, and C408 of the 2012 Seattle Energy Code, to correct section references, clarify regulations, and make amendments consistent with Washington State Energy Code.

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. 5. - Council Bill No. 118179, Relating to Seattle Municipal Code Section 22.502.016 and amending Sections 110, 205, 225, 604, 1603, 1604 and 1702 of the 2012 Seattle Plumbing Code, to clarify regulations and adopt amendments consistent with the Washington State Plumbing Code.

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. 6. - Council Bill No. 118180, Relating to Seattle Municipal Code Section 22.100.010; amending Sections 103, 106, 907, 908, 911, 1029, 1606, 1805, 3016 and 3107 of the 2012 Seattle Building Code, to clarify regulations and adopt amendments consistent with Washington State regulations.

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.

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Agenda Item No. 7. - Council Bill No. 118181, Relating to Seattle Municipal Code Chapter 22.170; adding Section 22.170.055, and amending Section 22.170.120 of the Seattle Grading Code, to clarify regulations, and adopt amendments consistent with the Seattle Building Code.

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. 8. - Council Bill No. 118182, Relating to the Seattle Municipal Code Section 22.400.010; amending Section 110 of the 2012 Seattle Mechanical Code, regarding administrative review of decisions related to application of the Mechanical Code.

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.

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

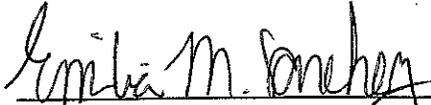
There was none.

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L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 3:32 p.m.



Emilia M. Sanchez, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on December 15, 2014.

Tim Burgess, President of the City Council

Monica Martinez Simmons, City Clerk