



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119093

Record No.: CB 119093

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125425

In Control: City Clerk

File Created: 09/22/2017

Final Action: 10/05/2017

**Title:** AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, or processing of applications for the establishment, expansion, or change of use for certain uses on parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village; declaring an emergency and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

**Attachments:** Ex A - Aurora-Licton Comprehensive Plan Goals and Policies, Ex B - Aurora-Licton Urban Village Zoning

**Drafter:** Emilia.Sanchez@seattle.gov

**Filing Requirements/Dept Action:**

**History of Legislative File**

Legal Notice Published:

Yes

No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	09/25/2017	sent for review	Council President's Office			
	<b>Action Text:</b>		The Council Bill (CB) was sent for review. to the Council President's Office				
	<b>Notes:</b>						
1	Council President's Office	09/25/2017	sent for review	Full Council			
	<b>Action Text:</b>	The Council Bill (CB) was sent for review. to the Full Council					
	<b>Notes:</b>						
1	Full Council	09/25/2017	referred	Full Council			
	<b>Action Text:</b>	The Council Bill (CB) was referred. to the Full Council					
	<b>Notes:</b>						

1 Full Council 10/02/2017 passed Pass

Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes: Motion was made and duly seconded to pass Council Bill 119093.

In Favor: 7 Councilmember Bagshaw, Councilmember González , Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1 City Clerk 10/04/2017 submitted for Mayor  
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1 Mayor 10/05/2017 Signed

1 Mayor 10/05/2017 returned City Clerk

1 City Clerk 10/05/2017 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

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**CITY OF SEATTLE**

**ORDINANCE** 125425

**COUNCIL BILL** 119093

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, or processing of applications for the establishment, expansion, or change of use for certain uses on parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the Aurora-Licton Urban Village; declaring an emergency and establishing an immediate effective date; all by a 3/4 vote of the City Council.

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

Section 1. The City Council hereby makes the following legislative findings of fact and declarations:

A. The City's Comprehensive Plan incorporates neighborhood plan goals and policies for the Aurora-Licton Urban Village that include those shown in Exhibit A to this ordinance.

B. Land uses permitted by Title 23 on lots with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation located within the Aurora-Licton Urban Village, as shown in Exhibit B, include uses that are not the types of development envisioned by these neighborhood plan goals and policies, such as auto-oriented uses, warehouses, and heavy commercial and manufacturing uses.

C. Since 2014, half of permit applications for new development within those zones in the Aurora-Licton Urban Village have included uses, such as mini-warehouses, that are not envisioned by these neighborhood plan goals and policies.

D. Proliferation of these types of uses could preclude development that is more aligned with the neighborhood plan goals and policies.

1 E. A work plan for analyzing permitted uses on commercially zoned parcels within  
2 the Aurora-Licton Urban Village will inform permanent controls and other relevant issues that  
3 the Council may wish to address in permanent regulations.

4 F. The work plan calls for developing and recommending permanent regulations to  
5 replace these interim regulations by June of 2018.

6 G. If the right to develop specific uses vests before the analysis described in the work  
7 plan is performed and final controls are adopted, the City's goals as identified in the  
8 Comprehensive Plan may be thwarted. Accordingly, it is necessary for the City to temporarily  
9 foreclose new applications for permits to establish or expand specific uses, either as principal or  
10 accessory, or applications for a change of use to one of these specific uses, either as principal or  
11 accessory, in the Aurora-Licton Urban Village that are not consistent with adopted neighborhood  
12 goals and policies.

13 H. Limiting the controls in this ordinance to only those lots with Commercial 1,  
14 Commercial 2, and Neighborhood Commercial 3 zoning designations within the Aurora-Licton  
15 Urban Village will help ensure that there are still opportunities for these uses to be allowed  
16 elsewhere in the City.

17 I. Moreover, this ordinance exempts from the moratorium complete but pending  
18 applications for the establishment, expansion, or change of use for certain uses with Commercial  
19 1, Commercial 2, or Neighborhood Commercial 3 zoning within the Aurora-Licton Urban  
20 Village.

21 J. The City has legal authority to establish moratoria and interim measures pursuant  
22 to the authority granted by Article 11, Section 11 of the Washington Constitution; the Growth  
23 Management Act, RCW 36.70A.390; and *Matson v. Clark County*, 79 Wn. App. 641 (1995).

1           Section 2. Unless expressly excluded under Section 4 of this ordinance, the Council  
2 hereby adopts a moratorium on the filing, acceptance, processing, and/or approval of new  
3 applications to establish or expand the following uses, either as principal or accessory, or change  
4 of use to any of the following uses, either as principal or accessory for parcels with a  
5 Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning designation within the  
6 Aurora-Licton Urban Village. The moratorium applies to all such uses whether as components of  
7 a project or as the entire project for which a permit is sought.

- 8           A.     Drive-in businesses;
- 9           B.     Dry boat storage;
- 10          C.     General manufacturing;
- 11          D.     Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- 12          E.     Sales and rental of large boats;
- 13          F.     Vessel repair (major or minor);
- 14          G.     Mini-warehouse;
- 15          H.     Principal use, nonresidential long-term parking;
- 16          I.     Outdoor storage;
- 17          J.     Heavy commercial sales;
- 18          K.     Sales and rental of motorized vehicles, except within an enclosed structure;
- 19          L.     Solid waste management;
- 20          M.     Recycling uses;
- 21          N.     Towing services;
- 22          O.     Principal use vehicle repair (major or minor);
- 23          P.     Wholesale showroom; and

1 Q. Warehouse.

2 Section 3. The moratorium set forth in this ordinance shall be in effect for a period of one  
3 year from the date this ordinance is effective and shall automatically expire after the one-year  
4 period unless the same is extended as provided by statute, or unless terminated sooner by the  
5 City Council.

6 Section 4. Exemptions. The moratorium imposed under Section 2 of this ordinance shall  
7 apply prospectively only, and shall operate to prevent acceptance and processing of any permit  
8 application to establish, expand, or change a use in the Aurora-Licton Urban Village to any use  
9 listed in Section 2, for which application is made after the effective date of this ordinance.

10 Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe upon any  
11 current applicant's vested development rights, as defined by state law and City of Seattle  
12 regulations.

13 Section 5. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60  
14 days of adoption of this moratorium to take public testimony and to consider adopting further  
15 findings.

16 Section 6. Under RCW 36.70A.390, the Council approves the following work plan for  
17 the development of regulations to address the issues in this ordinance and directs the Office of  
18 Planning and Community Development and the Seattle Department of Construction and  
19 Inspections to transmit proposed legislation to the Council by June 2018.

Analyze Current Land Uses and Development Trends, Draft legislation, and Conduct State Environmental Policy Act (SEPA) Review on Proposed Permanent Controls	November 2017 – March 2018
Publish SEPA Threshold Determination	April 2018
Mayor Transmits Legislation to Council	June 2018

Council Deliberations and Public Hearing on Proposed Permanent Controls	July 2018
Permanent Controls Effective	August 2018

1           Section 7. Under Seattle Municipal Code Section 25.05.880, the Council finds that an  
2 exemption from conducting SEPA review before adopting a moratorium is necessary to prevent  
3 new vesting of development rights leading to development that is incompatible with City goals  
4 on parcels with a Commercial 1, Commercial 2, or Neighborhood Commercial 3 zoning  
5 designation within the Aurora-Licton Urban Village. SEPA review of any permanent regulations  
6 modifying existing zoning will be conducted according to the work plan cited in Section 6 of this  
7 ordinance.

8           Section 8. Based on the authority of RCW 36.70A.390 and the findings in Section 1 of  
9 this ordinance, Section 23.76.062 of the Seattle Municipal Code is waived for the adoption of  
10 this ordinance.

11           Section 9. Based on the findings of fact set forth in Section 1 of this ordinance, the City  
12 Council hereby finds and declares this ordinance is a public emergency ordinance that shall take  
13 effect immediately and is necessary for the protection of the public health, safety, and welfare.  
14 The City Council may, in its sole discretion, renew said moratorium for one or more six-month  
15 periods in accordance with state law.

16           Section 10. By reason of the findings set out in this ordinance, and the emergency that is  
17 declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4  
18 vote of the Council, and its approval by the Mayor, as provided by Article 4, Subsection 1.I of  
19 the Charter of the City.

1           Section 11. The provisions of this ordinance are declared to be separate and severable.  
2           The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this  
3           ordinance, or the invalidity of its application to any person or circumstance, does not affect the  
4           validity of the remainder of this ordinance or the validity of its application to other persons or  
5           circumstances.



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Passed by a 3/4 vote of all the members of the City Council the 2nd day of October, 2017, and signed by me in open session in authentication of its passage this 2nd day of October, 2017.

Rob Johnson

President Pro Tem of the City Council

Approved by me this 5th day of October, 2017.

Tim Burgess

Tim Burgess, Mayor

Filed by me this 5th day of October, 2017.

Monica M. Simmons

for Monica Martinez Simmons, City Clerk

(Seal)

- Exhibits:  
Exhibit A – Aurora-Licton Comprehensive Plan Goals and Policies  
Exhibit B – Aurora-Licton Urban Village Zoning

1                                   **Exhibit A: Aurora-Licton Residential Urban Village – Selected**  
2                                   **Comprehensive Plan Goals and Policies**

3   **AL-G1** An Aurora-Licton Residential Urban Village that is a vibrant residential community,  
4   with a core of multifamily housing, pedestrian-oriented neighborhood retail shops and services,  
5   and open space clustered immediately east of Aurora Avenue North.

6  
7   **AL-P1** Maintain the current balance of residential and commercial areas within the urban village  
8   boundaries. Consider future zoning changes that would reduce conflicts between adjacent areas;  
9   promote the development of a neighborhood-serving and pedestrian-oriented commercial core  
10   and promote transitions between single family areas and commercial areas.

11  
12   **AL-G5** One or more vibrant, safe, and attractive mixed-use commercial area that provides the  
13   immediate neighborhood with convenient access to retail goods and services, and that minimizes  
14   impacts, such as parking, traffic, crime, and noise, to adjacent residential areas.

15  
16   **AL-P12** Encourage neighborhood-oriented retail stores and services in the urban village that are  
17   attractive and accessible to the surrounding community. Recognize the importance of and  
18   support existing businesses in the community.

19  
20   **AL-P13** Encourage the development of pedestrian-friendly pathways, which will enhance and  
21   support new pedestrian-oriented commercial activity and maximize pedestrian access to public  
22   facilities.

23  
24   **AL-P14** Encourage new pedestrian-oriented commercial activity to locate near pedestrian  
25   crossings, transit facilities, and along pedestrian routes. New development should provide safe  
26   and attractive pedestrian access.

27  
28   **AL-P18** Work with the community toward providing safe and attractive pedestrian and bicycle  
29   access, including sidewalks, on all streets throughout the urban village, providing connections to  
30   destinations such as the future Northgate Sound Transit Station, Northgate Mall, the future  
31   Northgate library, the Greenwood Library, Green Lake Park, and Bitter Lake Community Center.

