

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 Martinez 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.

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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.

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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.

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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.

