

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117854

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.49.178 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.49.178 Pioneer Square Mixed, structure height

* * *

C. In the PSM 100/100-120 zone, a structure within which a streetcar maintenance base has been established by a Master Use Permit (MUP) decision issued before May 31, 2013, may attain a maximum height of 130 feet (~~((if the structure has, in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet.))~~) and the space identified for the streetcar maintenance base in the MUP decision may be changed to other uses permitted in the zone if the following conditions are met:

1. The structure has in residential use, gross floor area equal to the greater of: the gross floor area in the structure above 100 feet, or three times the average gross floor area per story of all stories in the structure;

2. Within the time period specified in the ordinance introduced as Council Bill 117854, the MUP holder acquires and installs a new free-standing manufactured public restroom in the Pioneer Square Preservation District, as shown on Map A for 23.66.100, that meets ADA requirements and City-approved standards;

1 3. The public restroom is connected to City water and sewer mains; and

2 4. The public restroom complies with all applicable permitting requirements

3 including a Certificate of Approval issued by the Pioneer Square Preservation Board.

4 * * *

5 Section 2. Subsection 23.66.140.C.4.j of the Seattle Municipal Code, which section was
6 last amended by Ordinance 123034 is amended as follows:

7 **23.66.140 Height**

8 * * *

9 C. Rooftop ~~((F))~~ features and additions to structures~~((-))~~

10 * * *

11 4. Height limits for rooftop features~~((-))~~

12 * * *

13 j. Enclosed ~~((R))~~ rooftop ~~((Common Recreation Areas))~~ recreational spaces
14 for ~~((N))~~ new ~~((S))~~ structures

15 1) If included on new structures, enclosed rooftop ~~((common~~
16 ~~recreation areas))~~ recreational spaces and solar collectors ~~((incorporated into those areas and~~
17 ~~required under this subsection))~~ may exceed the maximum height limit by up to 15 feet. The
18 ~~((structure must))~~ applicant shall: ~~((include solar collectors that provide 2 percent or more of the~~
19 ~~structure's total electrical energy consumption))~~ make a commitment to achieve a LEED Gold
20 rating or better or meet a substantially equivalent standard and demonstrate compliance with that

21 commitment according to the provisions of subsections 23.48.025.A through 23.48.025.D, and

22 ~~((the structure must))~~ meet a Green Factor requirement of .30 or greater ~~((in accordance~~

23 ~~with))~~ according to the provisions of Section 23.86.019. Each enclosed rooftop ~~((common~~

24 ~~recreation area))~~ recreational space ~~((must))~~ shall include interpretive signage explaining the

25 sustainable features employed on or in the structure ~~((where that area is located)).~~ ~~((No~~

1 ~~commercial~~) Commercial, residential, or industrial ~~((use may))~~ uses shall not be established
2 within enclosed rooftop ~~((common recreational areas))~~ recreational spaces that are allowed to
3 exceed the maximum height limit under this subsection 23.66.140.C.4.j.

4 2) Elevator penthouses serving an enclosed rooftop
5 ~~((common recreation area))~~ recreational space may exceed the maximum height limit by up to 20
6 feet.

7 3) Enclosed rooftop ~~((common recreation~~
8 ~~areas))~~ recreational spaces, mechanical equipment, and elevator and stair penthouses shall not
9 exceed 35 percent of the roof area.

10 4) Enclosed rooftop ~~((common recreation~~
11 ~~areas))~~ recreational spaces, mechanical equipment, and elevator and stair penthouses ~~((must))~~
12 shall be set back a minimum of 30 feet from ~~((the street))~~ all streets and three feet from ~~((the~~
13 ~~alley))~~ all alleys. Solar collectors ~~((must))~~ shall be set back as provided in subsections
14 23.66.140.C.4.c and 23.66.140.C.4.d.

15 5) Owners of structures with enclosed rooftop ~~((common~~
16 ~~recreation areas))~~ recreational spaces permitted pursuant to this subsection 23.66.140.C.4.j shall
17 submit to the Director, the Pioneer Square Preservation Board, and the Director of
18 Neighborhoods ~~((and the Director of the Department of Planning and Development an annual))~~ a
19 report ~~((beginning one year after the date of first occupancy of such structure,))~~ documenting
20 compliance with the ~~((minimum renewable energy generation))~~ LEED Gold rating commitment
21 and ~~((green))~~ Green ~~((factor))~~ Factor ~~((criteria))~~ requirements set forth above.

22 * * *

23 Section 3. The amendments to Seattle Municipal Code subsection 23.49.178.C in Section
24 1 of this Ordinance shall be deemed to be automatically repealed without subsequent Council
25 action six months from the effective date of this Ordinance unless before the repeal date, the
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1 Director of Planning and Development determines that the Master Use Permit (MUP) holder has
2 acquired and installed the public restroom provided for in subsection 23.49.178.C; or based on
3 the criteria provided for in this Section 3, the Director has granted an extension of the time
4 period and the permit holder has complied with subsection 23.49.178.C within the extended time
5 period. The Director shall, six months and one day after the effective date of this Ordinance; or
6 one day after the end of the extended time period, if any; determine if the MUP holder has or has
7 not acquired and installed the public restroom provided for in subsection 23.49.178.C. The
8 Director shall mail to the MUP holder and file with the City Clerk written documentation that the
9 MUP holder has or has not acquired and installed the public restroom. An extension shall be
10 based upon the MUP holder demonstrating to the Director's satisfaction that performance within
11 the time specified was prevented by inability to obtain necessary materials or labor, inability to
12 acquire the restroom structure, or other circumstances related to acquiring or installing the
13 restroom structure that were beyond the control of the MUP holder. If the Director grants an
14 extension, the Director shall mail to the MUP holder and file with the City Clerk written
15 documentation that an extension was granted. The Director shall not grant an extension beyond
16 November 1, 2014.

17 Section 4. Severability. The provisions of this ordinance are declared to be separate and
18 severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of
19 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not
20 affect the validity of the remainder of this ordinance, or the validity of its application to other
21 persons or circumstances.

22 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
23 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
24 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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Passed by the City Council the ____ day of _____, 2013, and
signed by me in open session in authentication of its passage this
____ day of _____, 2013.

President _____ of the City Council

Approved by me this ____ day of _____, 2013.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Kristian Kofoed / 233-7191	Melissa Lawrie / 684-5805

Legislation Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

Summary of the Legislation: The proposal would allow a public restroom facility to be provided in return for an applicant maintaining an existing permit for a building with 130 feet in height. Existing provisions for green building performance and roof-top features would also be amended.

Background:

The City Council adopted amendments to the Land Use Code in 2007 that increased the allowable height of a building, in the Pioneer Square Mixed zone in return for an applicant's provision of a public benefit, accommodating a streetcar maintenance base in the building. The height increase was conditioned on vesting to that use (the maintenance base). It was subsequently decided that King County Metro's streetcar maintenance base was to be sited outside that zone. Therefore, even though an applicant had vested to the use (and thus to the increased height) there was no longer a need for the maintenance base at this location. To give recourse to the applicant, DPD is now proposing that an applicant provide a different public benefit (a public restroom) and retain the increased height to which they are vested. Other amendments are proposed to clarify roof top use and metrics for green building construction.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
The Department of Finance and Administrative Services (FAS) will own the public restroom facility. A lease agreement is being negotiated between FAS and the Pioneer Square Business Improvement Association (BIA) who will be responsible for

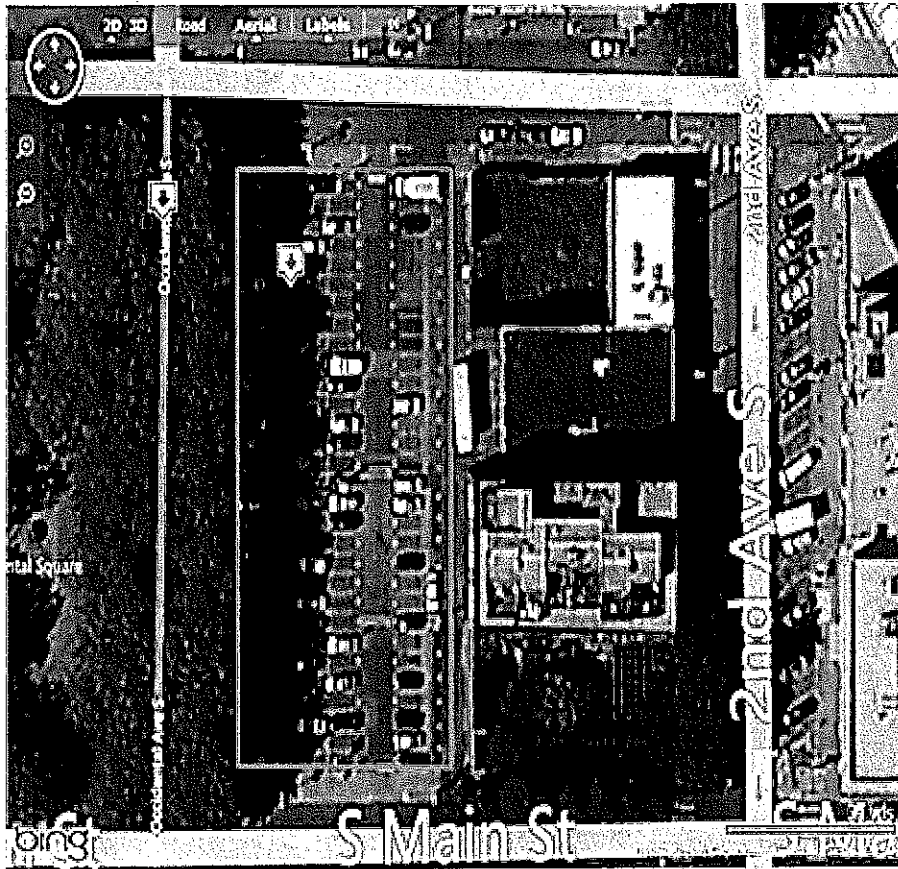
maintenance. In the unlikely event that the BIA should not be able to meet its maintenance responsibilities, there could be indirect financial implications for FAS.

- b) What is the financial cost of not implementing the legislation?**
Existing costs of cleaning up human waste in the Pioneer Square area will remain or increase.
- c) Does this legislation affect any departments besides the originating department?**
As noted above, FAS will own the facility. SDOT will manage the street use permit process for the facility, which is likely to be installed in the right-of-way in Pioneer Square. The staff contacts are Chris Potter (FAS) and Brian dePlace and Angela Steel (SDOT).
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
n/a
- e) Is a public hearing required for this legislation?**
Yes. A public hearing will be held by City Council. The Alliance for Pioneer Square held a community meeting in May 2013. SDOT will post required notice of any street use permit needed for the proposed facility.
- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Publication of SEPA for this legislation was included in the Daily Journal of Commerce.
- g) Does this legislation affect a piece of property?**
One Master Use Permit would qualify under this amendment. A map of 200 Occidental (outlined in green) is attached. The map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.
- h) Other Issues:** None.

List attachments to the fiscal note below:

Map of 200 Occidental (outlined in green) is on the following page and is attached in this fiscal note.

Kristian Kofoed
DPD Pioneer Square Height Amendment FISC
June 12, 2013
Version #3





City of Seattle
Office of the Mayor

July 9, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill to identify a means whereby the Pioneer Square community can foster greater civility and implement a long-desired project on a parking lot. The legislation establishes a public benefit (provision of a public restroom) in addition to the benefits of new development on a key site next to Occidental Park.

The City Council adopted amendments to the Land Use Code in 2007 that increased the allowable height of a Pioneer Square building in return for accommodating a streetcar maintenance base in that building. It was subsequently decided that King County Metro's streetcar maintenance base was to be sited at another location. I am now proposing that the development go forward, retain the increased height that has been previously approved and provide a public restroom. Other amendments are proposed to provisions for roof top penthouse allowances and rigorous green building construction requirements.

Please join me in supporting these amendments in support of the public safety and civility measures called for by the Pioneer Square neighborhood in their *Pioneer Square 2015 - A Strategy for Seattle's First Neighborhood*, a plan emphasizing economic vitality. I believe we can work together to creatively solve a long-standing need for a well-maintained and monitored public restroom as well as an important investment in Seattle's first neighborhood.

Thank you for your consideration of this legislation. Should you have questions, please contact Kristian Kofoed at (206) 233-7191 or Gary Johnson at (206) 615-0587, at the Department of Planning and Development.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn", with a stylized flourish at the end.

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council