

B. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors;

C. When a lot is bounded by more than one (1) street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the predominant view of the water and the availability of actual views of the water.

(Ord. 113466 § 2(part), 1987.)

23.60.956 Calculation of lot depth.

In certain environments, regulation of development differs according to the depth of the dry-land portion of the lot. To qualify for some special regulations, a lot must have less than fifty feet (50') of dry land. To qualify for locating single-family residences over water, a lot must have less than thirty feet (30') but at least fifteen feet (15') of dry land.

A. A lot shall be determined by the Director to have a depth of less than fifty feet (50') of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifty feet (50') waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty percent (50%) of its distance; or

3. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine if the lot has a depth of less than fifty feet (50') of dry land, based upon the intent of the Shoreline Master Program.

B. A lot shall be determined by the Director to have a depth of less than thirty feet (30') but at least fifteen feet (15') of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifteen feet (15') waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses dry land for more than fifty percent (50%) of its distance; and

3. A straight line, parallel to and thirty feet (30') waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty percent (50%) of its distance; or

4. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine whether the lot has a depth of less than thirty feet (30') but at least fifteen feet (15') of dry land, based on the intent of the Shoreline Master Program.

(Ord. 116325 § 7, 1992; Ord. 113466 § 2(part), 1987.)

23.60.958 Calculation of percent of a lot occupied by a specific use.

The following measurement techniques shall be used to calculate the percentage of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban Harborfront. For water-dependent incentive calculations see Section 23.60.960.

A. For purpose of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources and developed or proposed to be developed, but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.

B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one (1) use, the amount of the structure's footprint allocated to any one (1) use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one (1) use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation:

$$A = B \times \frac{C}{D}$$

D

2. The area outside of any structure, occupied by the use or its accessory uses, including the following:

a. The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas;

b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

E. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses as calculated above shall be summed and divided by the lot area.

(Ord. 116791 § 1, 1993; Ord. 116398 § 3, 1992; Ord. 116325 § 8, 1992; Ord. 113466 § 2(part), 1987.)

23.60.960 Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.

The following measurement techniques shall be used to calculate the percent of a lot occupied by a water-dependent use for the purpose of qualifying for water-dependent incentive review.

A. For purposes of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources that is developed or proposed to be developed.

B. All lot area occupied by a water-dependent use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses, provided that if a structure is occupied by more than one (1) use, the percent of floor space of the structure occupied by the water-dependent use shall be used to calculate the percent of the footprint allocated to that use;

2. The area of any required accessory parking spaces including aisles and turning areas;

3. The area of any moorage in excess of the required moorage; including piers, floats, dockage areas, channels and turning basins;

4. The area occupied by any storage accessory to the water-dependent use.

C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.

D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand (1,000) lineal feet of moorage shall be considered required moorage. Marinas providing more than one thousand (1,000) lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.

E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

G. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area. (Ord. 113466 § 2(part), 1987.)

23.60.962 Calculation of lot width for piers accessory to residential development.

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of subsection B3 of Section 23.60.204:

A. Lot width shall be the distance measured in a straight line between the points where the lot lines intersect the ordinary high water mark.

B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master Program. (Ord. 113466 § 2(part), 1987.)

**Chapter 23.64
AIRPORT HEIGHT OVERLAY DISTRICT**

Sections:

23.64.002 Purpose.

23.64.004 Boundaries.

23.64.006 Development standards.

23.64.008 Application of regulations.

23.64.010 Special exception.

23.64.002 Purpose.

The purpose of the Airport Height Overlay District is to ensure safe and unobstructed takeoff and landing approach paths to King County International Airport (Boeing Field). (Ord. 114561 § 1(part), 1989.)

23.64.004 Boundaries.

A. The Airport Height Overlay District shall be divided into five (5) types of overlay areas. The areas shall be the Inner Approach Area (IA), Outer Approach Area (OA), Turning Area (TG), Conical Area (CA), and the Transition Areas (TN). The boundaries shall be based on the imaginary surfaces developed by the Federal Aviation Administration for height limits surrounding airports. For purposes of illustration, the spatial representation of the imaginary surfaces is shown in Exhibit 23.64.004 A. The boundaries of these imaginary surfaces as projected on a map of the City are shown for illustrative purposes only in Exhibit 23.64.004 B. The actual boundary locations of the overlay areas are shown on the Official Airport Height Map, which is part of Exhibit A established pursuant to Chapter 23.32 of the Land Use Code.

B. The "Primary Surface" is defined as a surface longitudinally centered on the King County International Airport runways, which extends two hundred feet (200') beyond the end of the runway and is one thousand feet (1,000') wide. The primary surface is at the elevation of the runway.

C. The "Inner Approach Area" is defined as that area which lies directly below imaginary inclined surfaces (the "Inner Approach Surfaces") longitudinally centered on the extended runway centerline and extending outward and upward from the north and south ends of the primary surface. The inner edges of the inner approach surfaces are one thousand feet (1,000') wide and expand uniformly to a width of four thousand feet (4,000'). The inner approach surfaces extend for a horizontal distance of ten thousand feet (10,000') at a slope of fifty (50) horizontal to one (1) vertical.

D. The "Outer Approach Area" is defined as that area which lies directly below imaginary inclined surfaces (the "Outer Approach Surfaces") longitudinally

Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.

Exhibit 23.64.004 A
Spatial Representation of the Imaginary Surfaces

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

For current SMC, contact
the Office of the City Clerk

LAND USE CODE

**Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.**

Exhibit 23.64.004 B
Boundaries of Imaginary Surfaces
Projected on the City for Illustrative Purposes Only

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

**For current SMC, contact
the Office of the City Clerk**

centered on the extended runway centerline and extending outward and upward from the north and south outer edges of the inner approach surfaces. The inner edges of the outer approach surfaces are four thousand feet (4,000') wide and expand uniformly to a width of eight thousand feet (8,000'). The outer approach surfaces extend for a horizontal distance of forty thousand feet (40,000') at a slope of forty (40) horizontal to one (1) vertical.

E. The "Turning Area" is defined as that area which lies directly below an imaginary horizontal oval surface (the "Turning Surface") one hundred fifty feet (150') above the established airport elevation (which is seventeen feet (17') above sea level), the perimeter of which is constructed by swinging ten-thousand-foot (10,000') radii arcs from the center of the end of the primary surface and by connecting the adjacent arcs with parallel lines tangent to those arcs.

F. The "Conical Area" is defined as that area which lies directly below an imaginary surface (the "Conical Surface") which extends outward and upward from the periphery of the horizontal surface at a slope of twenty (20) horizontal to one (1) vertical for a horizontal distance of four thousand feet (4,000').

G. The "Transitional Areas" are defined as the areas which lie directly below the imaginary inclined surfaces (the "Transitional Surfaces") which extend outward and upward from the edges of the primary surface and the inner and outer approach surfaces. The transitional surfaces extend at a slope of seven (7) horizontal to one (1) vertical at right angles to the runway centerline and extension of the runway centerline. Transitional surfaces for those portions of the approach surfaces which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline. Transitional surfaces for those portions of the inner approach surface and the primary surface extend up to the turning surface. (Ord. 114561 § 1(part), 1989.)

23.64.006 Development standards.

A. No structure shall be erected, or altered, in any area defined in this section to a height in excess of the limits established in this chapter unless otherwise provided.

B. The maximum height permitted for structures and trees in each area shall be as follows, and shall be known as the height limits of the Airport Height Overlay District:

1. In Inner Approach Areas (IA), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the Inner Approach Surface. This shall not restrict heights in Inner Approach Areas to less than thirty-seven feet (37').

2. In Outer Approach Areas (OA), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the Outer Approach Surface.

3. In Turning Areas (TN), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the

Turning Surface. This shall not restrict heights in Turning Areas to less than sixty-five feet (65').

4. In Conical Areas (CA), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the Conical Surface. This shall not restrict heights in Conical Areas to less than sixty-five feet (65').

5. In Transition Areas (TN), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the inclined Transition Surfaces. This shall not restrict heights in Transition Areas to less than thirty-seven feet (37').

C. Trees exceeding the height limits of the Airport Height Overlay District shall not be required to be cut or trimmed to conform to the height limits of the Airport Height Overlay District unless the Director is notified by the Federal Aviation Administration (FAA) that the trees are a potential hazard to aviation. (Ord. 114561 § 1(part), 1989.)

23.64.008 Application of regulations.

All properties located within the Airport Height Overlay District shall be subject to both the requirements of the underlying zone classification and to the requirements imposed for the Airport Height Overlay District. At no time shall the provisions of this chapter be read to modify the provisions of the underlying zoning, other overlay districts or special districts, except for height restrictions stated in this chapter. In any case where the provisions of the Airport Height Overlay District conflict with the provisions of the underlying zone, the more restrictive height limit shall apply. (Ord. 114561 § 1(part), 1989.)

23.64.010 Special exception.

The Director may permit a structure to exceed the limits of the Airport Height Overlay District as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such an exception shall only be permitted if the Director finds that all of the following conditions exist:

A. The Federal Aviation Administration advises the Director that the exception to the height limits does not create a hazard to aviation; and

B. The additional height is necessary for the successful physical function of the structure; and

C. The exception will not result in re-routing of aircraft; and

D. The structure is designed to minimize adverse impacts of lighting on surrounding uses while complying with the lighting requirements of the Federal Aviation Administration.

(Ord. 114561 § 1(part), 1989.)

Chapter 23.66
SPECIAL REVIEW DISTRICTS

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- 23.66.010 Establishment of special review districts.
- 23.66.015 Procedure to establish, alter or abolish special review districts.
- 23.66.018 Director of the Department of Neighborhoods.
- 23.66.020 Special review boards.
- 23.66.025 Use and development standards.
- 23.66.030 Certificates of approval—Application, review and appeals.
- 23.66.035 Other land use decisions.
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Subchapter I General Provisions

23.66.010 Establishment of special review districts.

The Council may establish special review districts by ordinance to control development in such districts. (Ord. 112134 § 1(part), 1985.)

23.66.015 Procedure to establish, alter or abolish special review districts.

A petition to establish, alter or abolish a special review district shall be filed and considered in the same manner as amendments to the Official Land Use Map, Chapter 23.32. A petition or proposal to establish a special review district shall include a statement of purpose. The boundaries of a special review district shall be drawn on the Official Land Use Map. (Ord. 112134 § 1(part), 1985.)

23.66.018 Director of the Department of Neighborhoods.

As used in this chapter, “Department of Neighborhoods Director” and “Director of the Department of Neighborhoods” mean the Director of the department or the Director's designee. (Ord. 118012 § 18A, 1996)

23.66.020 Special review boards.

A. The ordinance establishing a special review district may create a special review board. Unless otherwise specified, a special review board shall consist of seven (7) members. Five (5) of the members shall be chosen at annual elections, called and conducted by the Department of Neighborhoods Director, at which all residents, persons who operate businesses, their employees, and property owners of the special review district shall be eligible to vote. Two (2) of the members shall be appointed by the Mayor and confirmed by the Council. The Mayor shall, in making board appointments, attempt to assure that a diversity of interests in the district is represented on the board. The Department of Neighborhoods Director shall provide twenty (20) days' notice of the board's first meeting in the City's official newspaper, by General Mailed Release, and by publishing notice in one (1) or more community newspapers which are circulated within the district. Thereafter, notice of annual meetings shall be provided to the public by the board's publication of notice in one (1) or more district community newspapers. The Council shall establish terms of service for members of a special review board in the ordinance creating the district. No person shall serve more than two (2) consecutive terms on a special review board.

B. Each special review board shall elect a chairperson and adopt procedures as required to conduct its business. Staff assistance to each special review board shall be provided by the Department of Neighborhoods Director. A majority of all members of the special review board shall constitute a quorum for the purpose of transacting business. All decisions shall be by majority vote of those members present. In the event of a tie vote, a motion shall be defeated. The special review board shall keep minutes of all of its official meetings which shall be maintained by the Department of Neighborhoods Director. The Department of Neighborhoods Director shall also maintain a copy of the procedures of the special review board.

C. When use and development standards for a special review district are not provided in the ordinance creating the district, the special review board shall recommend such standards pursuant to Section 23.66.025 of this chapter.

D. The special review board shall review applications for certificates of approval, and all petitions or applications for amendments to the Official Land Use Map, conditional uses, special exceptions, variances and planned unit developments or planned community developments and shall make a recommendation on any such application or petition to the Department of Neighborhoods Director.

E. The special review board may, in its discretion, make recommendations to the Mayor, the Council, and any public or private agency concerning land use and development in the district.

(Ord. 116744 § 29, 1993; Ord. 112134 § 1(part), 1985.)

23.66.025 Use and development standards.

A. The Council may include use and development standards in the ordinance establishing a special review district. If use and development standards are not included, the special review board may, after at least one (1) public hearing, recommend use and development standards for the special review district to the Department of Neighborhoods Director who shall recommend use and development standards to the Council. If the special review board fails to recommend use and development standards within ninety (90) days after its first meeting, the Department of Neighborhoods Director shall prepare use and development standards and recommend such standards to the Council. The Council shall consider proposed use and development standards in the same manner as Land Use Code text amendments. Use and development standards shall be adopted by ordinance and may thereafter be amended in the same manner as Land Use Code text amendments as provided in Chapter 23.76.

B. The use and development standards shall identify the unique characteristics of the district, shall include a statement of purpose and intent, and shall be consistent with the purposes for creating the special review district. The standards shall identify uses, structures and design features that have positive or negative effects upon the character of the district, and may modify use and development standards and other provisions of the Land Use Code to allow and encourage or to limit or exclude structures, designs, and uses. All provisions of the Land Use Code shall apply in special review districts. Use and development standards shall specify the criteria by which uses, structures and designs will be evaluated. In the event of irreconcilable differences between the use and development standards adopted pursuant to this chapter, and the provisions regulating the underlying zone, the provisions of this chapter shall apply.

C. The Department of Neighborhoods Director, following recommendation by the board, may adopt rules consistent with the use and development standards of the special review district, in accordance with Chapter 3.02 of the Seattle Municipal Code.

(Ord. 118414 § 46, 1996; Ord. 116744 § 30, 1993; Ord. 112134 § 1(part), 1985.)

23.66.030 Certificates of approval—Application, review and appeals.

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of SMC Chapter 22.901T.

C. Application.

1. An application for a certificate of approval shall be filed with the Director of the Department of Neighborhoods. When a permit application is filed with the Director or with the Director of Transportation for work requiring a certificate of approval, the permit application shall not be determined to be complete until the applicant has submitted a complete application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

- a. Building name and building address;
- b. Name of the business(es) located at the site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;
- e. Applicant's telephone number;
- f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;
- g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;
- h. A detailed description of the proposed work, including:
 - (1) Any changes that will be made to the building or the site,
 - (2) Any effect that the work would have on the public right-of-way or other public spaces,
 - (3) Any new construction,
 - (4) Any proposed use, change of use, or expansion of use;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,

(2) A floor plan showing the existing features and a floor plan showing the proposed new features,

(3) Elevations and sections of both the proposed new features and the existing features,

(4) Construction details,

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color,

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

(2) A description of the replacement structure or object and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The Director of the Department of Neighborhoods shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required

before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director of the Department of Neighborhoods shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director of the Department of Neighborhoods does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the Director of the Department of Neighborhoods or the board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

5. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design of a project if the applicant waives in writing the deadline for a board recommendation and decision by the Director of the Department of Neighborhoods on the subsequent design phase or phases of the project, and agrees in writing that the decision by the Director of the Department of Neighborhoods on the preliminary design is immediately appealable by the applicant or any interested person. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection C2, subparagraphs a through h, i(1) through i(3), j, m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection C2, and upon board approval, prior to issuance of permits for work affecting the structure, right-of-way or space.

6. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the application is withdrawn or the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded, except that an application may be made for a certificate of approval for the preliminary design of a project and a later application made for a certificate of approval for a subsequent design phase or phases of the same project.

D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of a determination that an application for a certificate of approval is complete, determine whether the

proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

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b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff, except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use.

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Director of the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative

appeals on the other permits or any environmental determinations have expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately without being consolidated. The appeal of the certificate of approval shall be consolidated with the predecision hearing required for any Type IV Council land use decision, or if one (1) or more appeals are filed regarding the other permits or environmental determinations, the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals or predecision hearing, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed without being consolidated.

2. If the related permit decisions would not be appealable, and no predecision hearing is required, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

3. The applicant for the certificate of approval, not involving approval of preliminary and subsequent design phases also may elect to have the appeal proceed immediately rather than be postponed for consolidation with appeals of related permit applications or with a predecision hearing, if the applicant agrees in writing that the time period for review of those permits or approvals shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capacious.

5. If evidence is presented to the Hearing Examiner that was not presented to the Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of any appeals of related permit decisions is filed provided that, when an appeal of a certificate of approval is consolidated with a predecision hearing, the Hearing Examiner shall issue the decision on the certificate of approval with the recommendation to the City Council on a Type IV Council land use decision, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection E3, then not later than ninety (90) days from the filing of that appeal.

Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications or approvals.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply with this chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extension granted by the Department of Construction and Land Use in writing.

(Ord. 119121 § 2, 1998; Ord. 118409 § 206, 1996; Ord. 118181 §§ 1, 2, 1996; Ord. 118012 § 19, 1996; Ord. 116744 § 31, 1993; Ord. 112134 § 1(part), 1985.)

23.66.035 Other land use decisions.

The Director and the Department of Neighborhoods Director shall deliver copies of petitions for amendments to the Official Land Use Map, copies of applications for planned unit developments and planned community developments, and copies of applications for conditional uses, special exceptions, and variances which affect property within a special review district, to the appropriate special review board for its recommendation. The special review board shall submit any recommendations in writing within thirty (30) days of receipt of copies of the application.

(Ord. 116744 § 32, 1993; Ord. 112134 § 1(part), 1985.)

23.66.040 Enforcement and penalties.

Enforcement of the provisions of this chapter shall be pursuant to Chapter 23.90 of this Land Use Code.

(Ord. 112134 § 1(part), 1985.)

Subchapter II Pioneer Square Preservation District

Part 1 General Purpose and Organization

23.66.100 Creation of district, legislative findings and purpose.

A. During The City of Seattle's relatively brief history, it has had little time in which to develop areas of consistent historical or architectural character. It is recognized that the Pioneer Square area of Seattle contains many of these rare attributes and consequently is an area of great historical and cultural significance. Further, the King County domed stadium (Kingdome), constructed in the Pioneer Square area, and the traffic and activities which it generates has resulted in adverse impacts upon the social, cultural, historic and ethnic values of the Pioneer Square area. To preserve, protect, and enhance the historic character of the Pioneer Square area and the buildings therein; to return unproductive structures to useful purposes; to attract visitors to the City; to avoid a proliferation of vehicular parking and vehicular-oriented uses; to provide regulations for existing on-street and off-street parking; to stabilize existing, and encourage a variety of new and rehabilitated housing types for all income groups; to encourage the use of transportation modes other than the private automobile; to protect existing commercial vehicle access; to improve visual and urban relationships between existing and future buildings and structures, parking spaces and public improvements within the area; and to encourage pedestrian uses, there is established as a special review district, the Pioneer Square Preservation District. The boundaries of the District are shown on Map A¹ and on the Official Land Use Map.

B. The District is depicted on Map A.¹ All property in the entire District shall be developed and used in accordance with the use and development standards established in this chapter and the use and development standards for the underlying zone in which the property is located. In the event of irreconcilable differences between the use and development standards of this chapter and other provisions of this Land Use Code, the provisions of this chapter shall apply.

C. Reasons for Designating the Pioneer Square Preservation District.

1. Historic Significance. The Pioneer Square Preservation District is unique because it is the site of the beginning of The City of Seattle. The area also retains much of the original architecture and artifacts of its early history. The District has played a significant role in the development of Seattle, the Puget Sound region and The State of Washington. It was the first location of industry, business and homes in early Seattle and the focus of commerce and transportation for more than a half century.

2. Architectural Significance. As a collection of late nineteenth and early twentieth-century buildings of similar materials, construction techniques and architectural style, the District is unique, not only to the City but to the country as well. Most of the buildings within the District embody the distinctive characteristics of the Late Victorian style. Many buildings are the work of one architect, Elmer H. Fisher. For these and other reasons, the buildings combine to create an outstanding example of an area that is distinguishable in style, form, character and construction representative of its era.

3. Social Diversity. The District represents an area of unique social diversity where people from many income levels and social strata live, shop and work. It is an area in which social services, including missions, low-income housing and service agencies exist.

4. Business Environment. The District is an area of remarkable business diversity. The street level of the area north of S. King Street is pedestrian-oriented, with its storefronts occupied primarily by specialty retail shops, art galleries, restaurants and taverns. The upper floors of buildings in the historic core are occupied by professional offices, various types of light manufacturing, and housing for persons of many income groups. The area south of S. King Street includes the North Kingdome parking lot, a number of structures occupied by light manufacturing and warehousing use, and several structures converted to office, residential and mixed use. The north Kingdome parking lot may be redeveloped to accommodate a mix of uses, including a substantial amount of housing. The ongoing restoration and sensitive rehabilitation of many District structures, combined with proposed compatible new construction will continue to enhance the District's economic climate.

5. Educational Value. The restoration and preservation of the District will yield information of educational significance regarding the way of life and the architecture of the late nineteenth-century as well as adding interest and color to the City. Restoration of the District will preserve the environment which was characteristic of an important era of Seattle's history.

6. Geographic Location. The District is uniquely situated adjacent to Seattle's waterfront, the central business district, the International District, and the King County domed stadium.
(Ord. 119484 § 34, 1999; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map A is codified at the end of this chapter.

23.66.110 Responsible agency.

A. A special review board for the Pioneer Square Preservation District is created and shall be known as the "Pioneer Square Preservation Board" (hereafter, the "Board" or the "Preservation Board"). The Preservation Board shall be composed of nine (9) members, all of whom shall be appointed by the Mayor and confirmed by the Council, and shall consist of two (2) architects, two (2) owners of property in the District, one (1) District retail business owner, one (1) attorney, one (1) human service representative, one (1) at-large member, and one (1) historian or architectural historian. At least one (1) of the Board's members shall be a resident of the District. Appointments shall be for terms of three (3) years each, except that initial appointments shall be staggered so that three (3) of the appointees shall serve for three (3) years, three (3) for two (2) years, and three (3) for one (1) year each. All members of the Pioneer Square Preservation Board, established by Ordinance 110058¹, are appointed and confirmed as interim members of the Pioneer Square Preservation Board and shall serve until appointments pursuant to this chapter have been completed. Members of the Preservation Board shall serve without compensation.

B. The Department of Neighborhoods Director shall provide staff and clerical support for the Preservation Board and shall assign a member of the Department's staff to act as Preservation Board Coordinator. The Coordinator shall be the custodian of the Board's records, handle official correspondence, and organize and supervise the Board's clerical and technical work. The Coordinator shall also recommend to the Preservation Board such actions, policies, rules and regulations as may be necessary to carry out the purposes of this chapter.

C. The Department of Neighborhoods Director, after receiving the Board's recommendations, shall formulate detailed rules, to be adopted after a public hearing pursuant to Chapter 3.02 of this Code, which will clarify the use and development standards for the District.
(Ord. 116744 § 33, 1993; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Ord. 110058 was repealed by Ord. 112134.

23.66.115 Demolition approval.

A. Demolition or removal of buildings or other structures in the District is prohibited unless approved by the Department of Neighborhoods Director. Except as provided in subsection B below, no approval shall be given for building demolition or removal unless the following prerequisites are met:

1. The Director of Neighborhoods, following a recommendation by the Preservation Board, determines that the building or structure has no architectural or historic significance; and

2. Use and design of the replacement structure has been approved by the Department of Neighborhoods Director; and

3. Proof acceptable to the Department of Neighborhoods Director of a valid commitment for interim and long-term financing for the replacement structure has been secured. In addition to other proof, the Department of Neighborhoods Director may accept a bond, letter of credit or cash deposit as a demonstration

that the project has adequate financial backing to ensure completion; and

4. Satisfactory arrangements have been made for retention of any part of the structure's facade which the Department of Neighborhoods Director, following a recommendation by the Preservation Board, determines to be significant; and

5. Satisfactory assurance is provided that new construction will be completed within two (2) years of demolition.

B. When demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or when the purposes of this ordinance will be furthered by the demolition or removal, then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this section are satisfied or not.

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through 36.70B.090 and the requirements of RCW 36.70B.110 through 36.70B.130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

(Ord. 118012 § 20, 1996; Ord. 116744 § 34, 1993; Ord. 112134 § 1(part), 1985.)

Part 2 Use and Development Standards

23.66.120 Permitted uses.

A. All uses are permitted outright except those that are specifically prohibited by Section 23.66.122 and those that are subject to special review as provided in Section 23.66.124.

B. All uses not specifically prohibited are permitted as both principal and accessory uses except:

1. Gas stations, which shall be permitted as accessory uses only in parking garages; and

2. Principal use parking garages, which shall be permitted only after special review by the Preservation Board pursuant to Section 23.66.124 of this chapter. Accessory parking garages shall be permitted outright.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 117430 § 79, 1994; Ord. 112134 § 1(part), 1985.)

23.66.122 Prohibited uses.

A. The following uses are prohibited in the entire District as both principal and accessory uses:

Retail ice dispensaries;

Plant nurseries;

Frozen food lockers;

Animal services;

Automotive retail sales and service, except gas stations located in parking garages;

- Marine retail sales and service;
- Heavy commercial services;
- Fuel sales;
- Sales, service and rental of commercial equipment and construction materials;
- Adult motion picture theaters;
- Adult panorams;
- Bowling alleys;
- Skating rinks;
- Communication utilities;
- Advertising signs and off-premises directional signs;
- Transportation facilities, except passenger terminals;
- Outdoor storage;
- Jails;
- Work-release centers;
- General and heavy manufacturing uses;
- Salvage and recycling uses, except recycling collection stations; and
- High impact uses.

B. Commercial uses which are automobile-oriented are prohibited. Such uses include but are not limited to the following:

Drive-in businesses, except gas stations accessory to parking garages;

Principal and accessory surface parking areas not in existence prior to August 10, 1981, except that accessory use surface parking lots may be permitted in Subarea B shown on Map C¹ if the lot satisfies the provisions of SMC Section 23.49.020, Screening and landscaping of surface parking areas.

Motels.

(Ord. 119484 § 35, 1999; Ord. 118414 § 47, 1996; Ord. 116744 § 35, 1993; Ord. 114623 § 16, 1989; Ord. 112777 § 33, 1986; Ord. 112303 § 6, 1985; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map B is codified at the end of this chapter.

23.66.124 Uses subject to special review.

A. Principal-use parking garages for long-term parking in areas south of S. King Street, and principal-use short-term parking garages at any location, shall require approval of the Department of Neighborhoods Director after review and recommendation by the Preservation Board.

B. A principal-use parking garage may be permitted if the following conditions are met:

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1. The use will not increase the ambient noise level in existing residences within line of sight of the proposed parking structure; and

2. Exterior materials, height, wall openings and fenestration will reflect, to the extent possible, the character of the adjoining structures or structures on the adjoining block facing the site; and

3. Access will comply with the standards provided in Section 23.66.170 of this chapter; and

4. Automobile circulation within the garage will not be visible from the adjoining public streets.

C. Uses at the street level of approved parking garages shall be limited to those uses permitted in the area, other than parking, to a minimum depth of twenty (20) feet along all street frontages, and along alleys and malls which are limited solely to pedestrian use.

(Ord. 119484 § 36, 1999; Ord. 116744 § 36, 1993; Ord. 112134 § 1(part), 1985.)

23.66.130 Street-level uses.

A. Uses at street level in the area designated on Map D¹ shall require the approval of the Department of Neighborhoods Director after review and recommendation by the Preservation Board.

B. Preferred Street-level Uses.

1. Preferred uses at street level shall be highly visible and pedestrian oriented. Preferred street-level uses either display merchandise in a manner that contributes to the character and activity of the area, and/or promote residential uses, including but not limited to the following uses:

a. Art galleries, restaurants and other retail sales and service uses under three thousand (3,000) square feet in size;

b. Theaters.

2. Accessory parking garages which serve preferred street-level uses on streets or malls, parks or alleys designed for pedestrian uses shall also be preferred.

C. Discouraged Street-level Uses.

1. The following uses are discouraged at street-level in the area designated on Map B:¹

a. Any use occupying more than fifty (50) percent of any block frontage;

b. Retail sales and services over three thousand (3,000) square feet and all other uses over ten thousand (10,000) square feet;

c. Professional services establishments or offices which comprise more than twenty (20) percent of any block frontage;

d. Parking garages which are not accessory to preferred uses.

2. Discouraged uses may be approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board if an applicant demonstrates that the proposed use is compatible with uses preferred at street level.

D. Conditions on Street-level Uses. Approved street level uses in the area designated on Map B¹ shall be subject to the following conditions:

1. No use may occupy more than fifty (50) percent of the street-level frontage of a block that is twenty thousand (20,000) square feet or more in area;

2. Human service uses and personal service establishments, such as hair cutting and tanning salons, may not exceed twenty-five (25) percent of the total street-level frontage of any block front.

E. The following uses shall be prohibited at street-level in the area designated on Map B:¹

Wholesaling, storage and distribution uses;

Vocational and fine arts schools;

Research and development;

Radio and television studios;

Taxidermy shops;

Appliance repair shops;

Upholstery establishments;

Other similar uses.

F. The street-level location of entrances and exits of all vehicular-oriented uses, where permitted, shall be approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board. View-obscuring screening may be required as needed to reduce adverse visual impacts on the immediate area.

(Ord. 119484 § 37, 1999; Ord. 116744 § 37, 1993; Ord. 112134 § 1(part), 1985.)

1.Editor's Note: Maps B and D are codified at the end of this chapter.

23.66.132 Council conditional uses.

City facilities and public projects which do not meet use and development standards may be permitted by the Council pursuant to Chapter 23.76 of this Land Use Code. (Ord. 118012 § 20A, 1996; Ord. 112134 § 1(part), 1985.)

23.66.140 Height.

A. Maximum Height. Maximum structure height is regulated by Section 23.49.178 Pioneer Square Mixed, structure height, and shall be as designated on the Official Land Use Map, Chapter 23.32.

B. Minimum Height. No structure shall be erected or permanent addition added to an existing structure which would result in the height of the new structure of less than fifty (50) feet. Height of the structure is to be measured from mean street level fronting on the property to the mean roofline of the structure.

C. Rooftop Features. The height limits established for the rooftop features described in this subsection may be increased by the average height of the existing street parapet or a historically substantiated reconstructed parapet on the building on which the rooftop feature is proposed. The setbacks required for rooftop features may be modified by the Department of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that the features are minimally visible from public streets and parks within three hundred (300) feet of the structure.

1. Radio and television receiving antennas excluding dishes, religious symbols such as belfries or spires and that portion of the roof which supports them, smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure or the maximum height

limit, whichever is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they are a minimum of ten (10) feet from all lot lines.

2. Open railings, planters, clerestories, sky-lights, play equipment, parapets and firewalls may extend up to four (4) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage.

3. Solar collectors, excluding greenhouses, may extend up to seven (7) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of ten (10) feet from all lot lines.

4. The following rooftop features may extend up to eight (8) feet above the roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed fifteen (15) percent of the roof area:

- Solar collectors, excluding greenhouses;
- Stair and elevator penthouses;
- Mechanical equipment;
- Dish antennas.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to eight (8) feet above the existing roof elevation when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley; or may extend up to twelve (12) feet above the existing roof elevation when they are set back a minimum of thirty (30) feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

6. Residential and Office Penthouses.

a. Residential penthouses may cover a maximum of fifty (50) percent of the total roof surface and may extend up to eight (8) feet above the roof when set back a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. Office penthouses shall be permitted only when the footprint of the existing structure is greater than ten thousand (10,000) square feet and the structure is at least sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the structure and shall be functionally integrated into the existing structure.

c. The combined height of the structure and a residential penthouse or office penthouse, where permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

D. New Structures. When new structures are proposed in the District, the Preservation Board shall review the proposed height of the structure and make recommendations to the Department of Neighborhoods Director who may require design changes to assure reasonable protection of views from Kobe Terrace Park. (Ord. 119484 § 38, 1999; Ord. 119370 § 17, 1999; Ord. 116744 § 38, 1993; Ord. 112303 § 7, 1985; Ord. 112134 § 1(part), 1985.)

23.66.150 Maximum setbacks.

Maximum permitted setbacks for structures are:

A. Structures located within Subarea A on Map C¹ shall cover the full width of the lot along street property lines and shall abut upon street property lines.

B. Structures located within Subarea B on Map C¹ shall abut street property lines for the full width of the structure's street front facade.

C. For both Subareas, modifications to setback standards may be permitted by the Department of Neighborhoods Director following review and recommendation by the Preservation Board when the following criteria are met:

1. A larger setback will be compatible with and not adversely affect the streetscape; and
 2. A larger setback will be compatible with other design elements, such as bulk and profile, of the proposed building.
- (Ord. 119484 § 39, 1999; Ord. 116744 § 39, 1993; Ord. 112134 § 1(part), 1985.)

1.Editor's Note: Map E is codified at the end of this chapter.

23.66.155 Waiver of common recreation area requirements.

The Director of Neighborhoods, after review and recommendation by the Preservation Board, may waive or reduce the common recreation area required by the underlying zoning or modify the required standards for common recreation area under the following conditions:

For current SMC, contact the Office of the City Clerk

**Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.**

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

**For current SMC, contact
the Office of the City Clerk**

A. Allocation of all or a portion of the required gross floor area would adversely affect the visual character of the structure or the District; or

B. Common recreation area requirements would adversely affect the economic feasibility of the project; or

C. It can be shown that the project is reasonably served by existing public or private recreation facilities located nearby.

(Ord. 116744 § 40, 1993; Ord. 112134 § 1(part), 1985.)

23.66.160 Signs.

A. The following signs shall be prohibited throughout the Pioneer Square Preservation District:

Permanently affixed, freestanding signs (except those used to identify areas such as parks);

Roof signs;

Billboards;

Electric signs, excluding neon signs.

B. All flags and banners shall be subject to Preservation Board review, and approval of the Department of Neighborhoods Director.

C. To ensure that flags, banners and signs are of a scale, color, shape and type compatible with the character of the District and the buildings in the district and to ensure that the messages of signs are not lost through undue proliferation or competition with other signs, and to enhance views and sight lines into and down streets, the overall design of a sign including size, shape, typeface, texture, method of attachment, color, graphics and lighting, shall be reviewed by the Board. Building owners shall be encouraged to develop an overall signage plan for their entire buildings. In determining the appropriateness of signs, the Preservation Board shall consider the following:

1. Signs Attached or Applied to Structures.

a. The relationship of the shape of the proposed sign to the architecture of the building and with the shape of other approved signs;

b. The relationship of the texture of the proposed sign to the building for which it is proposed, and with other approved signs;

c. The possibility of physical damage to the structure and the degree to which the method of attachment would conceal or disfigure desirable architectural features or details of the structure. The method of attachment shall be approved by the Director;

d. The relationship of the proposed colors and graphics with the colors of the building and with other approved signs;

e. The relationship of the proposed sign with existing lights and lighting standards, and with the architectural and design motifs of the building;

f. Whether the proposed sign lighting will detract from the character of the building; and

g. The compatibility of the colors and graphics of the proposed sign with the character of the District.

2. Wall signs painted on or affixed to a building shall not exceed ten percent (10%) of the total area of the facade or two hundred forty (240) square feet, whichever is less. Area of original building finish visible within the

exterior dimensions of the sign (e.g., unpainted brick) shall not be considered when computing the sign's area.

3. Signs not attached to structures shall be compatible with adjacent structures and with the District generally.

4. When determining the appropriate size of a sign the Board and the Department of Neighborhoods Director shall consider the purpose of the sign and the character and scale of buildings in the immediate vicinity, the character and scale of the building for which the sign is proposed, the proposed location of the sign on the building's exterior, and the total number and size of signs proposed or existing on the building, as well as the type of sign proposed (e.g., informational, theater marquees, building identification, business identification, address or hours-open signing).

5. Signing displayed on the valance of awnings, canopies or marquees shall be limited to identification of the name or address of the building or of an establishment located in the building.

6. Projecting signs, neon signs, signs which appear to be in motion, and signs with flashing, running or chaser lights may be recommended only if the Preservation Board determines that all other criteria for permitted signs have been met and that historic precedent, locational or visibility concerns of the business for which the signing is proposed warrant such signing.

D. Temporary Signs.

1. The following signs are permitted at all times:

a. Real estate "for sale," "for rent" and "open house" signs, and signs identifying the architect, engineer or contractor for work currently under construction. The total area for these types of signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board, and provided further that the Director may approve up to thirty-six (36) square feet if there is more than one user of real estate signs or if the building abuts more than two (2) streets; and

b. Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, but where there are multiple users of the building, each business establishment and dwelling unit shall be allowed a minimum of eight (8) square feet of signage, regardless of the twenty-four (24) square foot limitation.

2. The following signs are permitted for fourteen (14) consecutive days four (4) times a calendar year:

a. On-premises commercial signs. The total area for on-premises commercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Review Board; and

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b. Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed thirty-two (32) square feet per sixty (60) linear feet of street frontage, provided that each dwelling unit shall be allowed thirty-two (32) square feet of signage.

3. All temporary signs authorized by this section are subject to the following:

a. Wind-animated objects, search lights and devices of a carnival nature are not allowed.

b. No individual sign shall exceed twelve (12) square feet.

c. Temporary signs required by law shall be permitted.

(Ord. 117555 § 4, 1995; Ord. 116744 § 41, 1993; Ord. 112134 § 1(part), 1985.)

23.66.170 Parking and access.

A. Parking shall be required in the Pioneer Square Preservation District, according to Section 23.49.016 of this Land Use Code.

B. To mitigate the potential impacts of required accessory parking and loading on the District, the Director of Neighborhoods, after review and recommendation by the Preservation Board, may waive or reduce required parking or loading in the following circumstances:

1. After incorporating high-occupancy-vehicle alternatives such as carpools and vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

2. Reasonable application of the parking or loading standards will adversely affect the visual character of the District.

C. When parking is provided it shall be subject to the requirements of Section 23.54.030 of this Land Use Code.

D. Standards for Location of Access to Parking.

1. Access to parking and loading from alleys, and from streets which generally run east/west, is preferred to access from avenues. When a lot abuts more than one (1) right-of-way, the location of access shall be determined by the Department of Neighborhoods Director in consultation with the Director of Transportation. This determination shall be made according to the traffic classification of the street, depicted on Map D.¹ Access shall be from rights-of-way classified as follows, from the most to least preferred, except when the Department of Neighborhoods Director, following review and recommendation by the Board, determines that access from the preferred right-of-way would create a hazardous condition: Alleys; Access streets; Class II pedestrian streets—minor arterial; Class II pedestrian streets—principal arterial; Class I pedestrian streets—minor arterial; Class I pedestrian streets—principal arterial; Principal transit street; Street parks.

2. Curbcut width and the number of curbcuts permitted per street frontage shall be governed by Section 23.54.030 of this Land Use Code.

3. The street-level location of entrances and exits of all parking garages, where permitted, shall be permitted only if approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board. View-obscuring screening may be

required as needed to reduce adverse visual impacts on the immediate area.

(Ord. 119484 § 40, 1999; Ord. 118409 § 207, 1996; Ord. 116744 § 42, 1993; Ord. 113279 § 31, 1987; Ord. 112519 § 39, 1985; Ord. 112134 § 1(part), 1985.)

1.Editor's Note: Map F is codified at the end of this chapter.

23.66.180 Exterior building design.

To complement and enhance the historic character of the District and to retain the quality and continuity of existing buildings, the following requirements shall apply to exterior building design:

A. Materials. Unless an alternative material is approved by the Department of Neighborhoods Director following Board review and recommendation, exterior building facades shall be brick, concrete tinted a subdued or earthen color, sandstone or similar stone facing material commonly used in the District. Aluminum, painted metal, wood and other materials may be used for signs, window and door sashes and trim, and for similar purposes when approved by the Department of Neighborhoods Director as compatible with adjacent or original uses, following Board review and recommendation.

B. Scale. Exterior building facades shall be of a scale compatible with surrounding structures. Window

proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the buildings in the immediate area.

C. Awnings. Awnings shall be functional, serving as weather protection for pedestrians at street level, and shall overhang the sidewalk a minimum of five feet (5'). Awnings may be permitted on upper floors for the purpose of climate control. All awnings shall be of a design compatible with the architecture of buildings in the area. (Ord. 116744 § 43, 1993; Ord. 112134 § 1(part), 1985.)

23.66.190 Streets and sidewalks.

A. Review by the Preservation Board shall be required before any changes are permitted to sidewalk prism lights, sidewalk widths or street paving and curbs.

B. New access to underground areaways shall be limited to access from buildings, except that new access through the sidewalks shall be permitted where stair access existed at any time prior to September 17, 1981, or as approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board. (Ord. 116744 § 44, 1993; Ord. 112134 § 1(part), 1985.)

Subchapter III International Special Review District

Part 1 General Purposes and Organization

23.66.302 International Special Review District goals and objectives.

The International District is the urban focal point for the Asian American community. The International Special Review District is established to promote, preserve and perpetuate the cultural, economic, historical, and otherwise beneficial qualities of the area, particularly the features derived from its Asian heritage, by:

- A. Reestablishing the District as a stable residential neighborhood with a mixture of housing types;
- B. Encouraging the use of street-level spaces for pedestrian-oriented retail speciality shops with colorful and interesting displays;
- C. Protecting the area and its periphery from the proliferation of parking lots and other automobile-oriented uses;
- D. Encouraging the rehabilitation of existing structures;
- E. Improving the visual and urban design relationships between existing and future buildings, parking garages, open spaces and public improvements within the International District;
- F. Exercising a reasonable degree of control over site development and the location of off-street parking and other automobile-oriented uses; and
- G. Discouraging traffic and parking resulting from Kingdome events and commuters working outside the District.

All property within the International Special Review District, as designated on the Official Land Use Map, shall be subject to the use and development standards of the underlying zoning and the applicable use

and development standards of this chapter. In the event of irreconcilable differences between the use and development standards of this chapter and the provisions of the underlying zone or other chapters of the Seattle Municipal Code or other City ordinances, the provisions of this chapter shall apply. The boundaries of the International Special Review District are shown on the Official Land Use Map, and on Map A,¹ International Special Review District Boundaries, included at the end of this subchapter. (Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map A is codified at the end of this chapter.

23.66.304 International District Mixed (IDM) Zone goals and objectives.

The IDM zone designation shall recognize and promote the area's unique social mix and urban design character. This area is the core of the International District which exemplifies Asian culture. A wide range of uses, including street-level retail, housing development above street level, and the rehabilitation of existing buildings, shall be encouraged. New residential uses and the rehabilitation of existing structures shall be encouraged to provide a diversity of residential opportunities. Specific objectives include the following:

- A. To maintain and protect the International District core as an Asian cultural, retail and residential center;
- B. To allow flexibility and discretion in land use controls, regulations and guidelines to address present conditions and those which may develop in the future;
- C. To protect, preserve and promote small retail and commercial businesses;
- D. To encourage development of housing above street level;
- E. To encourage the rehabilitation of existing buildings; and
- F. To assure new development compatible in scale and character with existing buildings. (Ord. 112519 § 40, 1985; Ord. 112134 § 1(part), 1985.)

23.66.306 International District Residential (IDR) Zone goals and objectives.

The International District residential area shall be predominantly a residential neighborhood with primarily residential uses. Other compatible uses shall be permitted to the extent that they reinforce and do not detract from the primary use of the area. The IDR designation and the regulations of the International Special Review District shall recognize and promote the area's unique social and urban design character. Special objectives include:

- A. The establishment of the International District hilltop as one of downtown's predominant residential neighborhoods;
- B. The development of flexible land use controls, regulations and guidelines to address present conditions and those which may develop in the future;
- C. The design, siting, and construction of structures which minimize view blockage from Kobe Terrace Park and from existing structures which are used primarily for residential purposes;

D. The design, siting and construction of structures which insure reasonable solar exposure and air circulation to adjacent properties;

E. The design, siting and construction of structures that are aesthetically compatible with the area's steep topography and/or nearby public open spaces. (Ord. 112519 § 41, 1985; Ord. 112134 § 1(part), 1985.)

23.66.308 International district goals and objectives east of the interstate 5 Freeway.

Preferred uses for that portion of the International District that lies east of the Interstate 5 Freeway include residential uses, small-scale commercial processing of food for human consumption, and custom and craft work. Processing of food and the production of arts and crafts with an Asian emphasis are preferred. Permitted uses should contribute to the International District's business core or to the function and purposes of the International District. (Ord. 112134 § 1(part), 1985.)

23.66.310 Union Station Corridor goals and objectives.

The Union Station Corridor is that area bounded by Yesler Way, Fifth Avenue, Airport Way South, and Fourth Avenue. The City, in cooperation with Metro, local property owners and the affected community, should attempt to formulate a strategy for the redevelopment of the Union Station Corridor in coordination with the Downtown Transit Project. Specific objectives for a Planned Community Development in the Union Station Corridor include the following:

A. Preservation. The historic Union Station structure should be retained and rehabilitated with consideration given to a mix of private and public uses.

B. Uses. Development in the Corridor should incorporate a mix of uses, such as office, housing, hotel and retail uses in conformance with the IDM Zone designation and the regulations of the International Special Review District. Retention of existing low-income housing should be given a high priority. Consideration should be given to the inclusion of public open space and public uses serving the community.

C. Planned Community Development. The provisions of Section 23.49.036, Planned Community Developments, shall apply in the area. This procedure shall allow projects to modify the provisions of the IDM designation as long as the entire project is in conformance. All planned community developments shall be reviewed by the International Special Review District Board which shall make a recommendation to the Department of Neighborhoods Director.

D. Open Space. Public open space should be included in the development plan for the area. Consideration should be given to the development of a linear open space along Fifth Avenue south of Jackson Street and of a major focal point at the west end of King Street.

E. Parking. A major parking facility should be considered for development in the area south of the Union Station building. The number of parking spaces provided

should be sufficient to meet the requirements for development in the corridor, as well as to contribute to the long-range needs of the International District.

F. Scale. Building height and bulk should conform to the IDM Zone designation and the regulations of the International Special Review District. Development south of Jackson Street should preserve the Union Station building as the dominant structure.

G. View Corridors. Views from Jackson and King Streets should be retained.

H. Pedestrian Environment. To integrate Union Station and the Kingdome and provide a pedestrian link between the International District retail core and Pioneer Square, a pedestrian connection should be developed south of King Street. Consideration should be given to pedestrian improvements along Jackson Street and along Fifth Avenue between Jackson Street and Airport Way South such as streetscaping, widened sidewalks and benches, to "humanize" what are now vehicular-oriented streets. (Ord. 116744 § 45, 1993; Ord. 112519 § 42, 1985; Ord. 112134 § 1(part), 1985.)

(Ord. 116744 § 45, 1993; Ord. 112519 § 42, 1985; Ord. 112134 § 1(part), 1985.)

23.66.312 Composition of the Special Review Board.

The International District Special Review Board (hereafter, the "Board") shall consist of seven (7) members, five (5) of whom are elected and two (2) of whom are appointed by the Mayor and confirmed by the City Council. The five (5) elected members of the Board shall consist of two (2) members who own property in the International District, or who own or are employed by businesses located in the International District; two (2) members who are either residents (including tenants), or persons with a recognized and demonstrated interest in the welfare of the International District Community; and one (1) member at large. One (1) member of the Pioneer Square Special Review Board shall serve as a nonvoting member appointed by the Pioneer Square Special Review Board to serve at that Board's pleasure. (Ord. 112134 § 1(part), 1985.)

(Ord. 112134 § 1(part), 1985.)

23.66.314 Staff support for the Special Review Board.

The Department of Neighborhoods Director shall provide staff and clerical support for the Board, and shall assign a member of the Department's staff to act as Board Coordinator. The Coordinator shall be the custodian of the Board's records, handle official correspondence, and organize and supervise the clerical and technical work of the Board. The Coordinator shall also recommend such actions, policies, rules and regulations for adoption by the board as may be necessary to accomplish the objectives of this chapter. (Ord. 116744 § 46, 1993; Ord. 112134 § 1(part), 1985.)

(Ord. 116744 § 46, 1993; Ord. 112134 § 1(part), 1985.)

Part 2 Use and Development Standards

23.66.316 Decision on certificate of approval.

The Board shall review all applications for use or development within the International District which require a certificate of approval. The Board's review shall be conducted according to the procedures and timelines set forth in section 23.66.030 D2 of this Land Use Code. The Board shall make a written recommendation based upon the extent to which the proposal is consistent with the goals and objectives of the International Special Review District and the use and development standards of this chapter. The Department of Neighborhoods Director shall make and issue a decision according to the procedures and timelines set forth in section 23.66.030 D of this Land Use Code.

(Ord. 118012 § 21, 1996; Ord. 116744 § 47, 1993; Ord. 112134 § 1(part), 1985.)

23.66.318 Demolition approval.

A. To discourage the unnecessary demolition of useful existing structures which contribute to the District's cultural and social character, an assessment of the structure to be demolished shall be prepared and circulated to the Board prior to its consideration of a certificate of approval. Among other factors, the economic, social and physical consequences and benefits of the requested demolition and any alternatives to demolition shall be assessed. Except as provided in subsection B below, a certificate of approval may be granted only when the requested demolition will not adversely affect the District and no reasonable alternatives to demolition exist, and when:

1. The Director of Neighborhoods, following a recommendation by the Special Review Board, determines that the building or structure has no important architectural or historic significance; and
2. Use and design of a replacement structure have been approved by the Department of Neighborhoods Director; and
3. Proof acceptable to the Department of Neighborhoods Director of a valid commitment for interim and long-term financing for the replacement structure has been secured. In addition to other proof, the Department of Neighborhoods Director may accept a bond, letter of credit, or cash deposit as a demonstration that the project has adequate financial backing to ensure completion; and
4. Satisfactory arrangements have been made for retention of any part of the structure's facade which the Department of Neighborhoods Director and Special Review Board determine to be significant; and
5. Satisfactory assurance is provided that new construction will be completed within two (2) years of demolition.

B. When demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or when the purposes of this chapter will be furthered by the demolition or removal,

then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this section are satisfied or not.

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through 36.70B.090 and the requirements of RCW 36.70B.110 through 36.70B.130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

(Ord. 118181 § 3, 1996; Ord. 116744 § 48, 1993; Ord. 112134 § 1(part), 1985.)

23.66.320 Permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.66.322 and those subject to special review under Section 23.66.324.

B. All uses not specifically prohibited shall be permitted as both principal and accessory uses except:

1. Gas stations, which are not permitted as principal uses and are permitted as accessory uses only in parking garages;
2. Surface parking areas, which are not permitted as principal uses but may be permitted as accessory uses pursuant to Section 23.66.342 of this Land Use Code; and
3. Principal use parking garages, which may be permitted only if approved after special review by the Board pursuant to Section 23.66.324 of this Land Use Code. Accessory parking garages shall be permitted outright.

(Ord. 112134 § 1(part), 1985.)

23.66.322 Prohibited uses.

A. The following uses shall be prohibited as both principal and accessory uses in the entire International Special Review District:

- Adult motion picture theaters;
- Adult panorams;
- All general and heavy manufacturing uses;
- All high-impact uses;
- All salvage and recycling uses, except recycling collection stations;
- Automotive retail sales and service;
- Bowling lanes;
- Communication utilities;
- Sales, service and rental of commercial equipment and construction materials;
- Drive-in businesses;
- Frozen food lockers;
- Heavy commercial services;
- Marine retail sales and services;
- Medical testing laboratories;
- Mortuary services;

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Motels;
Outdoor storage;
Plant nurseries;
Retail ice dispensaries;
Shooting galleries;
Skating rinks;
Mobile home parks;
Transportation facilities except passenger terminals;

Animal services;
Jails;
Work-release centers.

B. In addition to the prohibited uses listed in subsection A, light manufacturing uses that occupy more than ten thousand (10,000) square feet are prohibited in that portion of the International Special Review District west of the Interstate 5 Freeway.

C. All light manufacturing uses are prohibited in that portion of the District in the IDR Zone.
(Ord. 114623 § 17, 1989; Ord. 112777 § 34, 1986; Ord. 112519 § 43, 1985; Ord. 112303 § 8, 1985; Ord. 112134 § 1(part), 1985.)

23.66.324 Uses subject to special review.

A. The following uses shall be subject to special review by the Board:

Fast food restaurants;
Hotels;
Planned community developments;
Principal use parking garages;
Street-level uses subject to special review as provided in Section 23.66.326 C.

B. Nature of Review.

1. The evaluation of applications for uses subject to special review shall be based upon the proposal's impacts on the cultural, economic, social, historical and related characteristics of the International District, particularly those characteristics derived from its Asian heritage; existing and potential residential uses; the pedestrian environment; traffic and parking in the District; noise and light and glare.

2. In reviewing applications for principal-use parking garages, the Board shall consider the potential of the proposal to serve the particular parking needs of the International District. The Board shall encourage participation in an area-wide merchants' parking association.

C. The Board may recommend to the Director that an application for special review be approved, approved with conditions, or denied.
(Ord. 112303 § 9, 1985; Ord. 112134 § 1(part), 1985.)

23.66.326 Street-level uses.

A. To retain and strengthen the King Street business core as a pedestrian-oriented retail shopping district, street-level uses shall be required on streets designated on Map B,¹ the International District Retail Core. Required street-level uses shall satisfy the standards of this section.

B. Preference shall be given to pedestrian-oriented retail shopping and service business uses that are highly visible or prominently display merchandise in a manner

that contributes color and activity to the streetscape, including but not limited to:

Apparel shops;
Bakeries;
Banks;
Barbecue shops;
Bookstores;
Coffee shops;
Floral shops;
Groceries;
Museums;
Oriental crafts shops;
Personal services such as beauty shops and barbershops;
Restaurants;
Sidewalk cafes;
Travel agencies;
Variety stores.

C. The Board may, following a special review of potential impacts, including, but not limited to traffic, parking noise and the scale and character of the pedestrian environment, recommend to the Department of Neighborhoods Director that the following uses at street level be approved when the impacts of such uses are not significantly adverse:

Appliance repair shops;
Experimental laboratories;
Radio and television studios;
Residential uses;
Taxidermy shops;
Upholstery establishments;
Vocational or fine arts schools;
Warehouses or wholesale showrooms, especially when including storage of jewelry, optical or photographic goods, pharmaceuticals, cosmetics, and other similar high-value, low-bulk articles.

The Board may recommend, and the Director may impose, conditions to mitigate the impacts of approved uses.

D. Standards for Required Street-level Uses.

1. Street-level uses designated on Map B,¹ Retail Core, shall not exceed fifty feet (50') of street frontage per use when located within the interior portion of a block, or one hundred forty-five feet (145') of street frontage per use when located on a corner.

2. Street-level uses shall comply with exterior building finish requirements of Section 23.66.336 of this Land Use Code.

E. Nonpedestrian-oriented uses and businesses which are not typically visible from the sidewalk shall not exceed twenty-five feet (25') of street frontage per use when located within the interior portion of a block, or one hundred forty-five feet (145') of street frontage per use when located on a corner. Examples of nonpedestrian-oriented uses include but are not limited to:

Community clubs and centers;
Family associations;
Human service uses;

Nonprofit community service organizations;
Places of public assembly.
(Ord. 116744 § 49, 1993; Ord. 112303 § 10, 1985; Ord.
112134 § 1(part), 1985.)

1.Editor's Note: Map B is codified at the end of this chapter.

23.66.328 Uses above street level.

A. To encourage and facilitate the rehabilitation and renovation of existing structures for housing or other uses not preferred at street level, uses above street level on streets designated on Map B,¹ Retail Core, shall meet the standards of this section.

B. Residential uses and nonvehicular-oriented commercial uses which primarily serve the District and are

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in operation throughout the day shall be preferred. Preferred uses above street level include but are not limited to:

- Community clubs and centers;
- Expansion of existing retail sales and service uses at street level;
- Medical services, such as offices for doctors or dentists;
- Offices;
- Vocational or fine arts schools;
- Wholesale showrooms.

(Ord. 112777 § 35, 1986; Ord. 112134 § 1(part), 1985.)

1.Editor's Note: Map B is codified at the end of this chapter.

23.66.330 Residential Uses east of Interstate 5.

Residential uses shall be permitted in those parts of the International Special Review District east of the Interstate 5 Freeway. This provision shall supersede any prohibition of residential use and Floor Area Ratio established in the underlying zoning for the area.

(Ord. 112134 § 1(part), 1985.)

23.66.332 Height.

A. Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32, for that portion of the International District located west of the Interstate 5 Freeway.

B. For that portion of the International District located east of the Interstate 5 Freeway, maximum structure height shall be sixty-five (65) feet.

C. Rooftop Features.

1. The Special Review Board and the Director shall review rooftop features to preserve views from Kobe Terrace Park.

2. Radio and television receiving aerials excluding dishes, religious symbols such as belfries or spires and that portion of the roof which supports them, smokestacks and flagpoles are exempt from height controls, except as regulated in Chapter 23.64 of this Land Use Code, provided they are at least ten (10) feet from all lot lines.

3. Open railings, planters, clerestories, skylights, dish antennae, play equipment, parapets and firewalls may extend up to four (4) feet above the maximum height limit and may have unlimited rooftop coverage.

4. Solar collectors excluding greenhouses may extend up to seven (7) feet above the maximum height limit and may have unlimited rooftop coverage.

5. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit provided that the combined coverage of all features listed below does not exceed fifteen (15) percent of the roof area:

- Solar collectors, excluding greenhouses;
- Stair and elevator penthouses;
- Mechanical equipment that is set back at least fifteen (15) feet from the roof edge.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Special Review Board and approved by the Department of Neighborhoods Director.

6. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to

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fifteen (15) feet above the existing roof elevation of the structure as long as it is set back at least fifteen (15) feet from the roof edge subject to review by the Special Review Board and approval by the Department of Neighborhoods Director.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Special Review Board and approval by the Department of Neighborhoods Director. The amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C5 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit. (Ord. 119370 § 18, 1999; Ord. 112134 § 1(part), 1985.)

23.66.334 Streets and sidewalks.

Review by the Special Review District Board and approval by the Department of Neighborhoods Director shall be required before any changes may be made to sidewalk prism lights, sidewalk furniture, sidewalk widths, or street paving and curbs. (Ord. 116744 § 50, 1993; Ord. 112134 § 1(part), 1985.)

23.66.336 Exterior building finishes.

A. General Requirements. To retain and enhance the visual order of the District, which is created by existing older buildings that provide unique character and form through their subtle detailing and quarter-block and half-block coverage, new development, including exterior remodeling, should respect the architectural and structural integrity of the building in which the work is undertaken, through sympathetic use of colors, material and style. Exterior building facades shall be of a scale compatible with surrounding structures. Window proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the existing buildings in the immediate area.

B. Asian Design Character District. The Asian Design Character District of the International District shall be the same as the ID Retail Core, as illustrated on Map B.¹ To strengthen and preserve the existing Asian architectural character of the Design District, tiled awnings, recessed balconies, heavy timber construction, and materials and colors as specified below are encouraged.

1. Materials. Building facades shall be limited to earthen materials such as brick, concrete, stucco and wood. Other materials, such as anodized aluminum, may be used if approved by the Board. Brick and concrete may not be painted unless approved by the Board. Stucco may be used in conjunction with other contrasting materials such as dark stained wood. Decorative ceramic glazed roof tiles are encouraged, as are tiled awnings and marquees when appropriately integrated into the overall design.

2. Colors. Building facade colors must be reviewed by the Special Review Board and approved by the Department of Neighborhoods Director. Colors shall be compatible with those of adjacent buildings.

3. Surfaces. Textured concrete, brick and wood surfaces are preferred over nontextured surfaces. Recesses and voids which break up monotonous surface areas and create visual relief are encouraged. The design and location of mechanical equipment visible from the street must be reviewed by the Board and approved by the Department of Neighborhoods Director.

4. Transparency Requirement. Street-level uses shall have highly visible linkages with the street. Transparent surfaces shall be provided for at least fifty (50) percent of the exposed street facade measured between sidewalk level and a height of ten (10) feet or the height of the second floor level, whichever is less. The average height of window sills shall be no greater than three (3) feet above the sidewalk. A decrease in the percentage of required transparency may be permitted by the Board when:

a. There is a design constraint, such as permanent wainscoting, and removal or alteration would detract from the structural or architectural integrity of the building; or

b. The existing layout of the building or other physical constraints such as the placement of load bearing walls or columns creates a hardship. Whenever transparency requirements are reduced, wall murals, landscaping, colored awnings, display cases, or other means appropriate to the setting shall be provided to create visual interest.

5. Awnings. Awnings shall be functional, serving as weather protection for pedestrians at street level. Awnings over sidewalks shall overhang the sidewalk a minimum of five (5) feet. All awnings shall be of a design compatible with the architecture of the area.

C. Exterior Building Design Outside the Asian Design Character District. Outside the Asian Design Character District, earthen colors and masonry construction with nonmetallic surfaces are preferred. Concrete construction will also be permitted when provided in a manner or incorporated into a design that provides visual interest and avoids large unbroken surface areas. (Ord. 116744 § 51, 1993; Ord. 112134 § 1(part), 1985.)

(Ord. 116744 § 51, 1993; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map B is codified at the end of this chapter.

23.66.338 Business identification signs.

To ensure that the scale, shape, color and type of signs within the International Special Review District are consistent with permitted uses and are in keeping with the Asian character of the area, the following sign controls shall apply:

A. Message. Signs shall be limited to those that identify the name of the establishment and/or the primary business or service provided by it. Advertising related to businesses or services not provided on the premises or products not manufactured on the site are prohibited; provided, that product name signs that are incidental to other signs on the premises may be permitted when the establishment or use on the premises is the sole distributor of the product in the District.

B. Permitted Signs. Permitted signs include projecting and nonprojecting signs integrated into the building facade, marquee, awning and window signs that are approved by the Department of Neighborhoods Director following a recommendation by the Board. Banners and flags bearing emblems, symbols or messages shall be permitted on an interim basis only and shall be subject to periodic review and approval to ensure that their appearance is maintained and that they comply with the requirements of this Code.

C. Prohibited Signs. Freestanding signs (except signs in parks or parking lots), roof signs, portable signs, off-premises advertising signs (billboards), and product advertising signs of a permanent nature are prohibited. Flashing signs or signs that appear to be in motion shall be prohibited unless of a public service nature, such as signs indicating the temperature or time of day.

D. Permitted Sign Area.

1. Asian Character Signs. Asian character signs are Asian bilingual or multilingual business identification signs at street level in which at least forty (40) percent of the message area is in a non-English medium, or signs that have recognizable Asian symbols or designs that have been reviewed by the Board and approved by the Department of Neighborhoods Director. The total message area of all such signs for an individual use shall not exceed the area indicated on Table 338 D. For street frontages not listed on Table 338 D, the Maximum Sign Area column shall be interpolated proportionally.

2. Non-Asian Character Signs. The total message area of non-Asian character signs for each street-level use shall not exceed seventy (70) percent of the area authorized in subsection D1 and indicated on Table 338 D.

27	75
28	76
29	77
30	78
35	83
40	87
45	92
50	96
55	99
60	103
65	106
70	109
75	112
80	115
85	118
90	121
95	124
100	126
110	131
120	136
130	140
140	144
150	148

TABLE 338D SIGN AREA PERMITTED

Street Frontage	Maximum Sign Area Permitted
15	59
16	61
17	62
18	64
19	65
20	66
21	68
22	69
23	70
24	71
25	72
26	74

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160	152
170	156
180	160
190	163
200	167
220	173
240	179
260	185
280	190
300	196
320	201
340	206
360	211
380	215
400	220
420	224
440	228
460	232
480	236
500	240

3. The total number of signs permitted per use is not limited; provided, that the total area of all signs for an individual use shall not exceed the area authorized in subsections D1 and D2. The maximum size for any single sign face for Asian and non-Asian character signs at street level shall be seventy-five (75) square feet for a single-faced sign and one hundred and fifty (150) square feet for a double-faced sign, unless the Department of Neighborhoods Director, after review and recommendation by the Board, approves a greater sign area because of hardships resulting from location, topography or similar conditions.

4. Businesses located on or above the second floor may have business identification signs with a total sign area that does not exceed one-half (1/2) of the area authorized in subsection D1 and indicated on Table 338 D. The maximum size for any single sign face above the second floor shall be forty (40) square feet for a single-faced sign and eighty (80) square feet for a double-faced sign unless the Department of Neighborhoods Director, after review and recommendation by the Board, approves a greater sign area because of hardships resulting from location, topography or similar conditions.

5. The total illuminated area of theater marquees shall not exceed eighty (80) square feet in addition to the sign area authorized in subsections D1 and D2.

6. Parking Lot Signage. The total signage area permitted for each accessory parking lot shall not exceed one (1) square foot for each parking space up to a maximum of twenty-four (24) square feet. Existing principal use parking lots shall have a maximum total sign area of one-half (1/2) square foot per parking space in the lot, to a maximum of eighteen (18) square feet.

a. Parking lots shall display a sign with the following message:

(1) For customer parking lots: "Customer Parking for (Principal User or Users) Only. Other cars will be impounded (location)." The sign may also contain the name and address of the principal user or users and mention validation of parking if applicable.

(2) For long-term reserved parking lots: "Reserved Parking Under Contract. Other cars will be impounded (location)." The sign may also contain the name and telephone number of the owner.

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b. Small directional signs, such as those designating the entrance to or exit from accessory parking areas, that are three (3) or fewer square feet in area and are located at a height four (4) or fewer feet above grade at points of egress or ingress are permitted. Such signs shall not be counted against the total permitted sign area.

7. Sign size shall be calculated according to the provisions of Section 23.86.004 of this Land Use Code.

E. Illumination. Neon-lit signs are encouraged to create an exciting and enhanced visual image in the retail core.

1. No sign or light shall move, flash or make noise. Exceptions may be granted by the Department of Neighborhoods Director for indicators of time or temperature, after review and recommendation by the Board.

2. Illuminated signs shall be designed and sited in a manner to minimize glare on floors above grade in nearby residences.

F. Exceptions for Miscellaneous Signs.

1. Signs that are handpainted, goldleafed or decaled onto the glass area of a building facade shall be permitted without the approval of the Department of Neighborhoods Director or review by the Board when the area of such signs does not exceed four (4) square feet per business. Signs in excess of four (4) square feet shall be subject to review by the Board and approval by the Department of Neighborhoods Director for visual interest and compatibility with the surrounding area, and shall be calculated against the total permitted signable area. Nonilluminated symbolic signs painted on wood or other exterior surfaces that are four (4) square feet or less shall be permitted outright.

2. Graphics and paintings are permitted on building walls that do not abut a street lot line only if such graphics and paintings are not primarily used to advertise or identify businesses or products and comply with the building facade provisions of Section 23.66.336 of this chapter. All graphics and paintings on building walls shall be subject to review by the Board and approval by the Department of Neighborhoods Director.

3. Temporary Signs.

a. The following signs are permitted at all times:

(1) Real estate “for sale,” “for rent” and “open house” signs, and signs identifying the architect, engineer or contractor for work currently under construction. The total area for these types of signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Review Board, and provided further that the Director may approve up to thirty-six (36) square feet if there is more than one user of real estate signs or if the building abuts more than two (2) streets; and

(2) Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, but where there are multiple users

of the building, each business establishment and dwelling unit shall be allowed a minimum of eight (8) square feet of signage, regardless of the twenty-four (24) square foot limitation.

b. The following signs are permitted for fourteen (14) consecutive days four (4) times a calendar year:

(1) On-premises commercial signs. The total area for on-premises commercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Review Board; and

(2) Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed thirty-two (32) square feet per sixty (60) linear feet of street frontage, provided that each dwelling unit shall be allowed thirty-two (32) square feet of signage.

c. All temporary signs authorized by this section are subject to the following:

(1) Wind-animated objects, search lights and devices of a carnival nature are not allowed.

(2) No individual sign shall exceed twelve (12) square feet.

d. Temporary signs required by law shall be permitted without review or approval.

G. Criteria for Approval.

1. The overall design of a sign including size, shape, texture, method of attachment, color and lighting, shall be compatible with the use to which the sign refers, with the architecture of the building upon which it is to be installed, and with the District.

2. Signs shall be affixed to structures so that they do not conceal, damage or disfigure desirable architectural features or details of the structure.

3. Projecting signs shall be sited in a manner that minimizes view blockage of abutting business signs.

4. All projecting signs shall be installed or erected so that there are no visible angle iron sign supports above the roof, building face or wall.

(Ord. 117555 § 5, 1995; Ord. 116744 § 52, 1993; Ord. 112519 § 44, 1985; Ord. 112134 § 1(part), 1985.)

23.66.340 Minimum maintenance.

All buildings in the District shall be maintained and preserved against decay and deterioration caused by neglect or defective or inadequate weather protection.

(Ord. 112134 § 1(part), 1985.)

23.66.342 Parking and access.

A. Principal-use Parking Garages. Principal-use parking garages are subject to special review by the Board pursuant to Section 23.66.324 of this Land Use Code. Parking garages shall be designed so that the street-level portion of the garage is committed to pedestrian-oriented uses permitted in the District. When abutting street slopes exceed eight percent (8%) this requirement may be waived by the Department of Neighborhoods Director, following review and recommendation by the Board. View-obscuring screening may be required by the Department of Neighborhoods Director as needed to reduce adverse visual impacts on the area.

B. Accessory Parking and Loading.

1. Parking Quantity. The number of parking spaces required for any use shall be the number required by the underlying zoning, except that restaurants shall be required to provide one space per five hundred (500) square feet for all gross floor area in excess of two thousand five hundred (2,500) square feet; motion picture theaters shall be required to provide one (1) space per fifteen (15) seats for all seats in excess of one hundred fifty (150); and other entertainment uses and places of public assembly shall be required to provide one (1) space per four hundred (400) square feet for all gross floor area in excess of two thousand five hundred (2,500) square feet.

2. Exceptions to Parking Quantity. To mitigate the potential impacts of required accessory parking and loading on the District, the Department of Neighborhoods Director, after review and recommendation by the Special Review Board, may waive or reduce required parking and loading under the following conditions:

a. After incorporating high-occupancy-vehicle alternatives such as carpools and vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

b. Strict application of the parking or loading standards would adversely affect desirable characteristics of the District; or

c. An acceptable parking plan is submitted to meet parking demands generated by the use. Acceptable elements of the parking plan may include but shall not be limited to the following:

- (1) Valet parking service,
- (2) Validation system,
- (3) Lease of parking from parking management company,
- (4) Provision of employee parking.

C. When parking is provided it shall be subject to the requirements of Section 23.54.030 of this Land Use Code.

D. Access to Parking.

1. Access to parking shall be reviewed by the Board on a case-by-case basis, according to the following criteria:

- a. Alley access shall be preferred.
- b. Conflicts with pedestrian traffic, with efforts to provide continuous street facades, and with transit access shall be minimized.

2. The number and width of curbcuts shall be as required in Section 23.54.030 of this Land Use Code.

3. The Board may recommend, and the Department of Neighborhoods Director may require, changes to proposed access to parking in order to meet the criteria of this section.

E. Special Parking Restrictions.

LAND USE CODE

1. All new surface parking areas shall be accessory and may be permitted in connection with customer parking which is determined by the Board to be consistent with District goals and policies or area-wide parking plans.

2. A sign complying with Section 23.66.338 of this Land Use Code shall be required at each parking entrance.

3. Adequate screening shall be required along the perimeter of each new surface parking area.
(Ord. 116744 § 53, 1993; Ord. 113279 § 32, 1987; Ord. 112519 § 45, 1985; Ord. 112134 § 1(part), 1985.)

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Chapter 23.67

SOUTHEAST SEATTLE REINVESTMENT AREA

Sections:

23.67.010 Purpose and intent.

23.67.020 Establishment of Southeast Seattle Reinvestment Area (SESRA).

23.67.030 Application of regulations.

23.67.040 Southeast Seattle Reinvestment Area—Rezones for boundary changes.

23.67.050 Use restrictions—Prohibited uses.

23.67.060 Public notice requirements for rezone applications.

23.67.010 Purpose and intent.

The purpose of this chapter is to implement the Southeast Seattle Reinvestment Area Policy, Resolution 28401 and adopted Land Use Policies by creating a Southeast Seattle Reinvestment Area (SESRA). The intent is to promote community revitalization and investment, and to encourage development which supports business activity and provides employment opportunities and needed services to the residents of Southeast Seattle. (Ord. 116145 § 3(part), 1992.)

23.67.020 Establishment of Southeast Seattle Reinvestment Area (SESRA).

There is established, pursuant to Chapter 23.59 of the Seattle Municipal Code, an overlay district known as the Southeast Seattle Reinvestment Area (SESRA) as shown on the Official Land Use Map, Chapter 23.32. (Ord. 118414 § 48, 1996; Ord. 116145 § 3(part), 1992.)

23.67.030 Application of regulations.

All property within the SESRA boundaries shall be subject to both the requirements of its zone classification and to the requirements of this chapter. In the event of conflict between this chapter and underlying zone requirements, the requirements of this chapter shall prevail. (Ord. 116145 § 3(part), 1992.)

23.67.040 Southeast Seattle Reinvestment Area—Rezones for boundary changes.

A. A rezone pursuant to Chapter 23.34 shall be required to change the established boundaries of the SESRA or to rezone property within the SESRA. A rezone shall be subject to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. SESRA Boundaries.

1. Areas to be included within the SESRA boundaries shall demonstrate all of the following characteristics:

a. An existing concentration of commercial activity or commercial activity and vacant land which abuts Rainier Avenue South or Martin Luther King, Jr. Way South; or has access to these arterials without going through residential zones;

b. Adequate existing infrastructure or improvements are being planned to accommodate increased development; and

c. Adequate buffers or transition areas that can reduce impacts to adjacent residential or otherwise less intensively zoned areas.

2. In addition to the above criteria, one (1) or more of the following conditions shall be met:

a. The area contains vacant land, or vacant or dilapidated structures, parking or open storage uses and is abutting or across the street or alley from an existing concentration of commercial activity; or

b. The area is identified by the City as a Business Improvement Area; or

c. The area is targeted for Federal or State economic development funds; or

d. The area can provide opportunities for expansion of existing businesses or location of new business enterprises within an existing commercial node; or

e. The area has the potential to strengthen or reinforce a concentration of retail activity, personal services, employment centers or business incubators.

C. Rezone Criteria for Property Within SESRA. A rezone within the boundaries of the SESRA shall be subject to the general rezone criteria of Chapter 23.34 and the locational criteria for the proposed classifications. In addition, the criteria contained in this section shall also apply. No single location shall be expected to meet all criteria, nor shall the criteria be ranked in order of importance. A balance shall be sought between the intent of the policies for the underlying land use category and this policy. Specific conditions may be established as part of the rezone process to ensure negative impacts on the area and its surroundings are mitigated.

1. The proposed designation shall strengthen and reinforce existing commercial nodes, and encourage the development and retention of businesses while retaining or providing adequate buffers between commercial and residential areas; or

2. The proposed designation shall enhance the vitality of business activity according to the following:

a. Increase and enhance pedestrian activity, thereby increasing property surveillance and public safety, and

b. Enable an established business to expand rather than relocate outside the Rainier Valley or increase employment and job training opportunities for residents of the surrounding area or

c. Increase retail, entertainment, or personal services for residents of the surrounding area, or

d. Encourage development on land which is vacant or contains abated or dilapidated buildings, or

e. Increase recreational opportunities in Southeast Seattle.

(Ord. 116145 § 3(part), 1992.)

23.67.050 Use restrictions—Prohibited uses.

A. Whether a use is permitted outright, or as a conditional use, or whether a use is prohibited shall be governed by the provisions of the underlying zone; provided that in addition to uses prohibited by the underlying zone, the following principal uses shall be prohibited throughout the Southeast Seattle Reinvestment Area:

1. Outdoor storage (accessory outdoor storage permitted);
2. Animal control shelters;
3. Helistops;
4. Heliports;
5. Adult motion picture theaters;
6. Adult panorams;
7. Salvage yards;
8. Recycling centers;
9. Work release centers;
10. Construction services;
11. Towing services.

(Ord. 116145 § 3(part), 1992.)

23.67.060 Public notice requirements for rezone applications.

In addition to the notice requirements for Type IV rezones contained in Chapter 23.76, public notice shall also be provided by publishing the notice of application in at least one (1) community newspaper in the area affected by the proposal.

(Ord. 116145 § 3(part), 1992.)

Chapter 23.68

INDUSTRIAL OVERLAY DISTRICT

Sections:

Subchapter I Manufacturing Center Overlay District

23.68.002 Establishment of Manufacturing Center Overlay District.

23.68.004 Application of regulations.

23.68.008 Manufacturing Center Overlay—General development plan.

23.68.009 Manufacturing Center Overlay—General use provisions.

23.68.010 Manufacturing Center Overlay—Permitted uses.

23.68.012 Manufacturing Center Overlay—Prohibited uses.

23.68.014 Manufacturing Center Overlay—Conditional uses.

23.68.016 Manufacturing Center Overlay—Development standards.

23.68.018 Manufacturing Center Overlay—Structure height.

23.68.020 Manufacturing Center Overlay—Floor area ratio (FAR).

9. Staging of the development, including timing of proposed infrastructure improvements.

(Ord. 113658 § 5(part), 1987.)

23.68.022 Manufacturing Center Overlay—Screening and landscaping provisions.

Subchapter I Manufacturing Center Overlay District

23.68.002 Establishment of Manufacturing Center Overlay District.

There is established, pursuant to Chapter 23.59 of the Seattle Municipal Code, the Manufacturing Center Overlay District.

(Ord. 118414 § 49, 1996; Ord. 113658 § 5(part), 1987.)

23.68.004 Application of regulations.

All property located within the Manufacturing Center Overlay District shall be subject to both the requirements of its zone classification and to the requirements of the Manufacturing Center Overlay District. In any case where the provisions of the Manufacturing Center Overlay District conflict with the provisions of the underlying zone, the Manufacturing Center Overlay District shall apply.

(Ord. 113658 § 5(part), 1987.)

23.68.008 Manufacturing Center Overlay—General development plan.

A. A General Development Plan shall be submitted for Council approval with the request for a rezone to a Manufacturing Center Overlay. The General Development Plan shall outline the key features of the development including:

1. Site plan including the location of structures, street layout identifying streets to be vacated or improved and parking and loading layout;
2. Landscaping plan showing how the plan will meet the provisions of Subsection 23.68.022;
3. Uses to be accommodated in the development, including the amount of manufacturing and research or development uses proposed in relation to other uses;
4. The location and bulk of structures on the property, and the physical relationship of the development to adjacent areas and the topography;
5. Proposed density and height limit departures required from underlying industrial zoning to accommodate development;
6. Traffic circulation, both within the development and in relation to the general circulation of the surrounding area. This shall include considerations for truck and service vehicle access and storage, vehicular movement and parking, transit access, and pedestrian and bicycle circulation;
7. Integration of the development with surrounding areas, including pedestrian connections, visual and physical access to surrounding amenities and services, compatibility with adjacent activities, and impact of street vacations;
8. Special amenities and infrastructure improvements included in the development; and

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23.68.009 Manufacturing Center Overlay—General use provisions.

Except for those uses listed in Sections 23.68.010, 23.68.012, and 23.68.014, the use provisions of the underlying industrial zones shall apply. (Ord. 113658 § 5(part), 1987.)

23.68.010 Manufacturing Center Overlay—Permitted uses.

The following uses shall be permitted even when they are prohibited by the underlying industrial zone:

- A. Lodging; and
 - B. Colleges and universities.
- (Ord. 113658 § 5(part), 1987.)

23.68.012 Manufacturing Center Overlay—Prohibited uses.

The following uses shall be prohibited, as both principal and accessory uses, in addition to any uses prohibited by the underlying industrial zone:

- A. Salvage yard;
- B. Outdoor storage;
- C. Passenger terminals;
- D. Transit vehicle bases;
- E. Heliports;
- F. Airports;
- G. Solid waste transfer stations;
- H. Solid waste incineration facilities;
- I. Power plants;
- J. Sewage treatment plants; and
- K. High-impact uses.

(Ord. 113658 § 5(part), 1987.)

23.68.014 Manufacturing Center Overlay—Conditional uses.

A. All conditional uses shall be subject to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located;
2. The benefits to the public that would be provided by the use shall outweigh the negative impacts of the use;
3. Landscaping and screening, vehicular access controls and other measures shall insure the compatibility of the use with the surrounding area and mitigate adverse impacts;
4. The conditional use shall be denied if it is determined that the negative impacts cannot be mitigated satisfactorily. However, adverse negative impacts may be mitigated by imposing requirements or conditions

deemed necessary for the protection of other properties in the zone or vicinity and the public interest; and

5. In areas covered by City Council adopted Neighborhood Plans adopted after 1983, uses shall be consistent with the recommendations of the Plans.

B. Helistops may be permitted as Council conditional uses when the criteria of this subsection and subsection A are met:

1. The helistop is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function, is part of a City and regional transportation plan approved by the City Council and is a public facility, or is part of a City and regional transportation plan approved by the City Council and is not within two thousand feet (2,000') of a residential zone;

2. The helistop is located to minimize impacts, such as noise and dust impacts, on surrounding lots;

3. The lot is of sufficient size that the operations of the helistop and the flight paths of the helicopter are buffered from the surrounding area;

4. Open areas and landing pads are hard-surfaced; and

5. The helistop meets all Federal requirements including those for safety, glide angles and approach lanes.

(Ord. 116907 § 12, 1993; Ord. 116616 § 11, 1993; Ord. 113658 § 5(part), 1987.)

23.68.016 Manufacturing Center Overlay—Development standards.

The development standards of Sections 23.68.018 through 23.68.022 shall apply to all structures and uses within the boundaries of a Manufacturing Center Overlay. Development standards may be modified according to approval of a General Development Plan submitted to the Council with the request for a rezone to Manufacturing Center Overlay.

(Ord. 113658 § 5(part), 1987.)

23.68.018 Manufacturing Center Overlay—Structure height.

Structure height within the boundaries of a Manufacturing Center Overlay may be increased above the height limit of the underlying zone up to a maximum height of one hundred and twenty-five feet (125'). The Council shall use the following criteria in reviewing the General Development Plan to determine appropriate increases in the height limit:

A. By allowing additional height, additional landscaping and/or open space within the project would be provided that improves the character of the area;

B. Allowing additional height on portions of the project site will help overall to reduce shadows on open spaces and public rights-of-way and prevent view blockage from these areas;

C. Additional height will help reinforce the special character of the project and promote the desired mix of uses;

D. Additional height, combined with setbacks, reduced lot coverage, view corridors and other features, will allow a design alternative that provides a better scale relationship with surrounding areas and protects important views from these areas.

(Ord. 113658 § 5(part), 1987.)

23.68.020 Manufacturing Center Overlay—Floor area ratio (FAR).

Within the boundaries of a Manufacturing Center Overlay, the floor area ratio (FAR) permitted in the underlying zone may be increased up to a maximum FAR of four (4.0). The Council shall use the following standards and criteria in reviewing the General Development Plan to determine appropriate increases in density:

A. Mixed Use Requirement.

1. In IG1 zones, the project includes a manufacturing use and/or a research and development laboratory which comprises at least forty percent (40%) of the gross floor area of the project;

2. In IG2 and IB zones, the project includes a manufacturing use and/or a research and development laboratory which comprises at least twenty-five percent (25%) of the gross floor area of the project;

3. Mechanical equipment and gross floor area used for parking shall not be included in the calculations of gross floor area for purposes of this section.

B. Criteria for Density Increases. To determine the extent to which the Manufacturing Center Overlay can accommodate additional density, the following criteria shall be considered:

1. Whether the capacity of the existing infrastructure, including transportation, can accommodate the increased density, or, alternatively, whether the development will result in improvements providing additional capacity to accommodate an increase in density;

2. Whether through bulk, siting and setback treatment, the development maintains an appropriate transition in scale and intensity of activity with surrounding development and enhances the character of the area by preventing excessive view blockage and providing additional open space and landscaped areas;

3. Whether increased density will negatively affect existing viable manufacturing uses in the area.

(Ord. 113658 § 5(part), 1987.)

23.68.022 Manufacturing Center Overlay—Screening and landscaping provisions.

A minimum of fifteen percent (15%) of the area included within the boundaries of the Manufacturing Center Overlay shall be landscaped according to a landscaping plan approved by the Council as part of the General Development Plan. The landscaped area may be reduced to a minimum of ten percent (10%) of the area for large sites exceeding eighty thousand (80,000) square feet if the project also provides additional recreational open space for employees. The Council shall use the following guidelines in reviewing the General Development Plan to establish sufficient landscaping conditions:

A. Landscaping shall be used to establish a special character for the project and reinforce the cohesiveness of development, and shall follow guidelines A1 through A3:

1. Landscaping along street rights-of-way should emphasize cohesiveness and establish a special identity for the project area. Generally, planting strips shall be provided, except when the Director determines that unusual circumstances make providing them infeasible. The planting strips shall be landscaped and planted with street trees according to Seattle Transportation Tree Planting Standards. If it is not feasible to plant trees within the planting strip, they should be planted on private property at least two feet (2') from, but within five feet (5') of, the street property line.

2. Landscaping shall be provided to mitigate impacts associated with additional height and density allowed for projects. Such mitigation may include buffering to protect less-intensive uses in abutting areas, view corridors to preserve views through the site, landscaped setbacks to reduce the presence of bulkier structures, and/or recreational open space to compensate for the greater working population associated with the increased densities allowed. Wherever possible, required landscaping and open space shall be integrated with adjacent landscaped areas to create the impression of large open spaces.

3. Open spaces included in the project should provide sufficient landscaping to assure the opportunity for passive and/or active recreational activity. Recreational open space may be landscaped or occupied by sculpture, fountains or pools, benches or other recreational facilities such as game courts.

B. Screening and landscaping shall be used to improve the visual character of the project as follows:

1. Blank facades which are one hundred twenty feet (120') or more in length and twenty feet (20') or less from a street property line shall be screened to a height of at least six feet (6') by trellises and vining plants, or by trees or shrubs planted in front of the facade.

2. All trash disposal areas shall have a solid screen that is at least as high as the material to be screened.

3. Rooftop equipment shall be surrounded with a screen that is at least as high as the equipment to be screened. Screens shall be of a material and design that is compatible with the building.

4. Screening and landscaping for surface parking areas shall be similar to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas. Loading berths should be screened from view as much as possible along principal circulation routes within and bordering the project, either by locating them behind structures or through landscaping and screening on sides visible from the street.

C. Curbs and sidewalks shall be required, unless the Director determines that unusual circumstances make providing them infeasible.

D. Signs and lighting standards shall enhance the quality of the street environment and promote design cohesiveness within the project area.
(Ord. 118409 § 208, 1996; Ord. 116744 § 54, 1993; Ord. 113658 § 5(part), 1987.)

**Chapter 23.69
MAJOR INSTITUTION OVERLAY DISTRICT**

Sections:

Subchapter I Establishment of Overlay District

- 23.69.002 Purpose and intent.
- 23.69.004 Major Institution Overlay District established.
- 23.69.006 Application of regulations.
- 23.69.007 Definition of development.

Subchapter II Use Provisions

- 23.69.008 Permitted uses.
- 23.69.012 Conditional uses.

Subchapter III Nonconforming Structures and Uses

- 23.69.016 Standards for nonconforming structures.
- 23.69.017 Standards for nonconforming uses.

Subchapter IV Development Standards

- 23.69.020 Development standards.
- 23.69.021 Signs in Major Institution Overlay Districts.

Subchapter V Uses Outside a Major Institution Overlay District

- 23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District.
- 23.69.023 Major Institution acquisition, merger or consolidation.

Subchapter VI Procedures

Part 1 Major Institution Designation

- 23.69.024 Major Institution designation.

Part 2 Major Institution Master Plan

- 23.69.025 Intent of Major Institution master plans.
- 23.69.026 Determination to prepare a master plan.
- 23.69.028 Major Institution master plan—General provisions.
- 23.69.030 Contents of a master plan.
- 23.69.032 Master plan process.
- 23.69.033 Approval of master use permits prior to master plan adoption.

- 23.69.034 Effect of master plan adoption.

23.69.035 Changes to a master plan.

23.69.036 Master plan renewal.

Subchapter I Establishment of Overlay District

23.69.002 Purpose and intent.

The purpose of this chapter is to implement the Major Institution policies, contained in Section 23.12.120 by regulating Seattle's major educational and medical institutions in order to:

- A. Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion;
- B. Balance a Major Institution's ability to change and the public benefit derived from change with the need to protect the livability and vitality of adjacent neighborhoods; and
- C. Encourage the concentration of Major Institution development on existing campuses, or alternatively, the decentralization of such uses to locations more than two thousand five hundred (2,500) feet from campus boundaries.
(Ord. 117929 § 8, 1995; Ord. 115002 § 23(part), 1990.)

23.69.004 Major Institution Overlay District established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Major Institution Overlay District, which shall overlay each Major Institution designated according to the provisions of Section 23.69.024. All land within the Major Institution Overlay (MIO) District shall be designated with one (1) of the following height limits as shown on the Official Land Use Map, Chapter 23.32:

Designation	Height Limit
MIO-37	37 feet
MIO-50	50 feet
MIO-65	65 feet
MIO-70	70 feet
MIO-90	90 feet
MIO-105	105 feet
MIO-160	160 feet
MIO-200	200 feet
MIO-240	240 feet

(Ord. 118414 § 50, 1996; Ord. 115002 § 23(part), 1990.)

23.69.006 Application of regulations.

A. All land located within the Major Institution Overlay District shall be subject to the regulations and requirements of the underlying zone unless specifically modified by this chapter or an adopted master plan. In the event of irreconcilable differences between the provisions of this chapter and the underlying zoning regulations, the provisions of this chapter shall apply.

B. For the University of Washington, notwithstanding subsection A of this section above, the following are governed by the agreement between The City of Seattle and the University of Washington; uses on campus; development standards; uses outside the campus bound-

aries; advisory committee responsibilities; and master plan formulation, approval and amendment.
(Ord. 118981 § 3, 1998; Ord. 115002 § 23(part), 1990.)

23.69.007 Definition of development.

A “development” is the establishment of any new Major Institution use or the expansion of an existing Major Institution use, the relocation of an existing Major Institution use for a period of at least one (1) year, or the vacation of streets for such uses.
(Ord. 115002 § 23(part), 1990.)

Subchapter II Use Provisions

23.69.008 Permitted uses.

A. All uses that are functionally integrated with, or substantively related to, the central mission of a Major Institution or that primarily and directly serve the users of an institution shall be defined as Major Institution uses and shall be permitted in the Major Institution Overlay (MIO) District. Major Institution uses shall be permitted either outright or as conditional uses according to the provisions of Section 23.69.012. Permitted Major Institution uses shall not be limited to those uses which are owned or operated by the Major Institution.

B. The following characteristics shall be among those used by the Director to determine whether a use is functionally integrated with, or substantively related to, the central mission of the Major Institution. No one (1) of these characteristics shall be determinative:

1. Functional contractual association;
2. Programmatic integration;
3. Direct physical circulation/access connections;
4. Shared facilities or staff;
5. Degree of interdependence;
6. Similar or common functions, services, or products.

C. Major Institution uses shall be subject to the following:

1. Major Institution uses which are determined to be heavy traffic generators or major noise generators shall be located away from abutting residential zones;
2. Uses which require the presence of a hazardous chemical, extremely hazardous substance or toxic chemical that is required to be reported under Title III of the Superfund Amendments and Reauthorization Act of 1986 or its associated regulations, shall be reviewed by the Director. The Director shall consult with the Seattle-King County Department of Public Health and The City of Seattle Fire Department.

Based on this consultation and review, the Director may prohibit the use, or impose conditions regulating the amount and type of such materials allowed on-site, or the procedures to be used in handling hazardous or toxic materials;

3. Where the underlying zone is commercial, uses at street level shall complement uses in the surrounding commercial area and be located in a manner which provides continuity to the commercial street front.

Where the underlying zoning is a pedestrian-designated zone, the regulations of Section 23.47.042 governing required street level uses shall apply.

D. When a use is determined to be a Major Institution use, it shall be located in the same MIO District as the Major Institution with which it is functionally integrated, or to which it is related, or the users of which it primarily and directly serves. To locate outside but within two thousand five hundred (2,500) feet of that MIO District, a Major Institution use shall be subject to the provisions of Section 23.69.022.

E. Major Institution uses, outside of, but within two thousand five hundred (2,500) feet of the boundary of the MIO District, which were legally established as of January 1, 1989 and are located on sites which are not contiguous with the MIO District shall be permitted uses in the zone in which they are located when:

1. The use is located on a lot which was contained within the boundary of an MIO District as it existed on May 2, 1990; or
2. The site was deleted from the MIO District by master plan amendment or renewal according to the provisions of Sections 23.69.035 and 23.69.036.

F. Uses other than those permitted under subsections A and B of this section shall be subject to the use provisions and development standards of the underlying zone.
(Ord. 118362 § 10, 1996; Ord. 115002 § 23(part), 1990.)

23.69.012 Conditional uses.

A. All conditional uses shall be subject to the following:

1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.
2. The benefits to the public of the use shall outweigh the negative impacts of the use.
3. In authorizing a conditional use, adverse impacts may be mitigated by imposing conditions such as landscaping and screening, vehicular access controls and any other measures needed to mitigate adverse impacts on other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.

B. Administrative Conditional Uses.

1. Development otherwise requiring preparation of a master plan may be permitted by the Director as an administrative conditional use according to the standards of Section 23.69.033.

2. In considering an application for a conditional use, the Director's decision shall be based on the following criteria:

- a. Parking areas and facilities, trash and refuse storage areas, ventilating mechanisms and other noise-generating or odor-generating equipment, fixtures or facilities shall be located so as to minimize noise and odor impacts on the surrounding area. The Director may require measures such as landscaping, sound barriers, fences, mounding or berming, adjustments to parking location or

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setback development standards, design modification, limits on hours of operation or other similar measures to mitigate impacts; and

b. Required landscaping shall be compatible with neighboring properties. Landscaping in addition to that required by the Code may be required to reduce

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the potential for erosion or excessive stormwater runoff, to minimize coverage of the site by impervious surfaces, to screen parking, or to reduce noise or the appearance of bulk and scale; and

c. Traffic and parking impacts shall be minimized; and

d. To reduce the impact of light and glare, exterior lighting shall be shielded or directed away from residentially zoned properties. The Director may require that the area, intensity, location or angle of illumination be limited.

C. Council Conditional Uses. Helistops, when determined to meet the criteria of Section 23.69.008, may be permitted by the Council as a Council Conditional Use when:

1. The helistop is needed to save lives; and
2. Use of the helistop is restricted to life-threatening emergencies; and
3. The helistop is located so as to minimize impacts on the surrounding area.

The Director's report to the Council shall examine alternative locations for the helistop as identified by the major institution, including sites outside the institution's boundaries, which would accomplish the purpose of the helistop with a lesser impact upon the surrounding area. (Ord. 115043 § 14, 1990; Ord. 115002 § 23(part), 1990.)

Subchapter III Nonconforming Structures and Uses

23.69.016 Standards for nonconforming structures.

A. Legally established structures containing Major Institution uses as defined in Section 23.69.008 existing on the effective date of this provision¹ which are not in conformance with one (1) or more of the development standards, for institutions, of the underlying zone in which they are located or as contained in an adopted master plan, may be improved, renovated and/or expanded as long as the expansion does not increase the extent of the nonconformity. Expansion which increases the extent of nonconformity shall be permitted only when necessary to improve access for the elderly or disabled or to make changes otherwise required by law.

B. If a legally established nonconforming structure containing Major Institution uses is destroyed by fire or other act of nature, it may be reestablished to the same or smaller configuration existing immediately prior to the time the structure was destroyed. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include application for a building permit, commencement of construction, or other significant activity directed towards the replacement of the structure.

(Ord. 115002 § 23(part), 1990.)

1. Editor's Note: Ordinance 115002 was passed by the Council on March 26, 1990.

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23.69.017 Standards for nonconforming uses.

A. Legally established uses authorized in accordance with the provisions of former SMC Chapter 23.48 existing on the effective date of this provision¹ that are not in conformance with the use provisions of this chapter may be continued, but not expanded or extended except as otherwise required by law, or as necessary to improve access for the elderly and disabled, or as provided in subsection C of this section.

B. Any nonconforming use that has been discontinued for more than twelve (12) consecutive months shall not be reestablished, recommenced, or changed to another use not otherwise permitted by the underlying zoning or by this chapter. A use shall be considered discontinued when:

1. A permit to change the use of the property or structure has been issued and acted upon; or
2. The structure, or that portion of the structure formerly occupied by the nonconforming use, is no longer used for the use authorized by the most recent permit; or
3. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property.

C. A nonconforming use that is destroyed by fire, act of nature, or other cause beyond the control of the owner may be resumed. The structure containing the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

(Ord. 115002 § 23(part), 1990.)

1. Editor's Note: Ordinance 115002 was passed by the Council on March 26, 1990.

Subchapter IV Development Standards

23.69.020 Development standards.

A. Major Institution uses shall be subject to the development standards for institutions of the underlying zone in which they are located, except for the dispersion requirements of the underlying zoning for institutions.

B. Development standards for Major Institution uses within the Major Institution Overlay District, except the provisions of Chapter 23.52, may be modified through adoption of a Major Institution Master Plan according to the provisions established in Subchapter VI, Part 2 of this chapter.

C. Maximum structure heights for structures containing Major Institution uses may be allowed up to the limits established pursuant to Section 23.69.004 through the adoption of a master plan for the Major Institution. A rezone shall be required to increase maximum structure height limits above levels established pursuant to Section 23.69.004.

D. The demolition of structures containing residential uses which are not Major Institution uses shall be prohibited if the demolition is intended to provide a parking lot or structure to accommodate nonrequired parking or to reduce a parking deficit.

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E. When a pedestrian designation in a commercial zone occurs along a boundary or within a campus, the blank facade standards of the underlying zoning shall apply.
(Ord. 117383 § 10, 1994; Ord. 115002 § 23(part), 1990.)

23.69.021 Signs in Major Institution Overlay Districts.

A. General Standards.
1. Signs shall be stationary and shall not rotate.
2. No flashing, changing-image or message board signs shall be permitted.

3. Signs may be electric, externally illuminated, or nonilluminated.

B. The following signs shall be permitted in all Major Institution overlay districts, regardless of the facing zone:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;
2. Memorial signs or tablets, and the names of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other noncombustible materials;
3. Signs for public facilities indicating danger and/or providing service or safety information;
4. Properly displayed national, state and institutional flags.

C. Signs across a street, alley or easement from a residential zone, and signs which face an abutting lot in a residential zone, shall meet the following standards:

1. Sign area shall be limited to:
 - a. Thirty-five (35) square feet per sign face for main entrance signs;
 - b. Such size as is necessary for emergency entrance signs to be clearly visible; and
 - c. Twenty (20) square feet per sign face for all other signs.
2. The number of signs permitted shall be as follows:
 - a. One (1) identifying sign for each use per street frontage; plus
 - b. One (1) sign for each entrance to the institution; plus
 - c. Emergency entrance and directional signs as necessary.
3. Pole, ground, roof, wall, marquee, under-marquee, projecting or combination signs shall be permitted.
4. The maximum height of any portion of a pole sign shall be twelve feet (12').
5. No portion of a roof sign shall:
 - a. Extend beyond the height limit of the overlay district;
 - b. Exceed a height above the roof in excess of the height of the structure on which the sign is located; or
 - c. Exceed a height of thirty feet (30') above the roof, measured from a point on the roofline directly below the sign or from the nearest adjacent parapet.

- D. Signs across from nonresidential zones shall have no area, type or number limitations.
- E. Off-premises signs shall not be permitted. (Ord. 118362 § 13, 1996; Ord. 115165 § 12, 1990.)

Subchapter V Uses Outside a Major Institution Overlay District

23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District.

A. A Major Institution shall be permitted to lease space, or otherwise locate a use outside a Major Institution Overlay (MIO) District, and within two thousand five hundred feet (2,500') of the MIO District boundary, subject to the following limitations:

- 1. The provisions of this section shall not apply to contractual arrangements with other entities, except for leases or other agreements for occupying space.
- 2. No such use shall be allowed at the street-level in a commercial zone, unless the use is determined to be similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center and is allowed in the zone. If the use is allowed in the zone but is determined not to be similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center, the Director may not allow the use at street level in a commercial zone unless provided otherwise in an adopted master plan or in a Council-approved neighborhood;
- 3. Except as permitted in an adopted master plan, the use shall not result in the demolition of a structure(s) that contains a residential use nor shall it change a residential use to a nonresidential use; and
- 4. The use(s) shall conform to the use and development standards of the applicable zone; and
- 5. The use shall be included in the Major Institution's approved Transportation Management Program if it contains students or employees of the Major Institution; and
- 6. If a Master Use Permit is required for the use, the Director shall notify the Advisory Committee of the pending permit application and the committee shall be given the opportunity to comment on the impacts of the proposed use.

B. A medical service use that is over ten thousand (10,000) square feet shall be permitted to locate within two thousand five hundred feet (2,500') of a medical MIO District only as an administrative conditional use subject to the conditional use requirements of Section 23.47.006 B8 or Section 23.50.014 B13.

C. A Major Institution that leases space or otherwise locates a use in a Downtown zone shall not be subject to the limitations established in subsections A or B of this section, except that subsection A3 and A4 shall apply. (Ord. 118362 § 15, 1996; Ord. 115165 § 3, 1990; Ord. 115043 § 15, 1990; Ord. 115002 § 23(part), 1990.)

23.69.023 Major Institution acquisition, merger or consolidation.

A. Notwithstanding any other provisions of Title 23, one (1) Major Institution may acquire, merge with, or otherwise consolidate with, another Major Institution.

B. Within ten (10) days of the acquisition, merger or consolidation, the new/surviving Major Institution shall notify the Director of the acquisition, merger or consoli-

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dition and the name of the new/surviving Major Institution. Upon receiving this notice, the Director shall adjust the Official Land Use Map to reflect a single, combined Major Institution Overlay (MIO) District, with the single name of the new/surviving Major Institution, but only if the two institutions are contiguous. The entire MIO District of each Major Institution shall be included in the single, combined MIO District.

C. When the determination to prepare a master plan is made pursuant to Section 23.69.026 and after acquisition, merger or consolidation, the new/surviving institution shall prepare the master plan according to the following:

1. If the two former institutions were not contiguous, the new/surviving institution has the option of preparing a joint master plan for both contiguous portions of the Major Institution or a separate master plan for the contiguous portion of the Major Institution for which the master plan requirement is triggered.

2. If the two former institutions were contiguous, the new/surviving institution must prepare a master plan for the single, combined Major Institution. (Ord. 118362 § 16, 1996; Ord. 116744 § 55, 1993; Ord. 115165 § 4, 1990.)

Subchapter VI Procedures

Part 1 Major Institution Designation

23.69.024 Major Institution designation.

A. Major Institution designation shall apply to all institutions which conform to the definition of Major Institution.

B. New Major Institutions.

1. When a medical or educational institution makes application for new development, or when a medical or educational institution applies for designation as a Major Institution, the Director shall determine whether the institution meets, or would meet upon completion of the proposed development, the definition of a Major Institution in Section 23.84.025. Measurement of an institution's site or gross floor area in order to determine whether it meets minimum standards for Major Institution designation shall be according to the provisions of Section 23.86.036.

2. If the Director determines that Major Institution designation is required, the Director shall not issue any permit that would result in an increase in area of Major Institution uses until the institution is designated a Major Institution, a Major Institution Overlay District is established, and a master plan is prepared according to the provisions of Part 2, Major Institution Master Plan.

3. The Director's determination that an application for a Major Institution designation is required shall be made in the form of an interpretation and shall be subject to the procedures of Section 23.88.020.

4. The procedures for designation of a Major Institution shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The Council shall grant or deny the request for Major Institution designation by resolution.

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5. When the Council designates a new Major Institution, a Major Institution Overlay District shall be established by ordinance according to the procedures for amendments to the Official Land Use Map (rezones) in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

6. A new Major Institution Overlay District shall not be established in Single Family or Industrial zones.

7. Boundaries of a Major Institution Overlay District and maximum height limits shall be established or amended in accordance with the rezone criteria contained in the City's Major Institution Policies, except that acquisition, merger or consolidation involving two (2) Major Institutions shall be governed by the provisions of Section 23.69.023.

C. Upon determination that an institution no longer meets the definition of a Major Institution, the Director shall notify the Council. The revocation of a Major Institution designation shall be subject to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for Major Institution designation and revocation.

(Ord. 115165 § 6, 1990; Ord. 115002 § 23(part), 1990.)

Part 2 Major Institution Master Plan

23.69.025 Intent of Major Institution master plans.

The intent of the Major Institution Master Plan shall be to balance the needs of the Major Institutions to develop facilities for the provision of health care or educational services with the need to minimize the impact of Major Institution development on surrounding neighborhoods. (Ord. 115002 § 23(part), 1990.)

23.69.026 Determination to prepare a master plan.

A. Any Major Institution may elect to prepare a master plan.

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B. A Major Institution without an adopted master plan or with a master plan that includes an expiration date and that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance shall be required to prepare a master plan in the following circumstances:

1. The establishment of a new Major Institution Overlay (MIO) District is required according to Section 23.69.024; or

2. Expansion of an MIO District boundary or change in a MIO District height designation is proposed; or

3. An application is filed for a structure containing Major Institution use(s) that is located within the MIO District and would exceed the development standards of the underlying zone and is not permitted under an existing master plan, provided other means of modifying development standards that apply to similar uses located in the zone may also be sought; or

4. A Major Institution proposes to demolish or change the use of a residential structure inside the boundaries of an MIO District, provided that a master plan need not be prepared when:

a. The use is changed to housing for the institution, or

b. Not more than two (2) structures containing not more than a total of four (4) dwelling units are demolished or changed to a nonresidential use within a two (2) year period and are replaced in the general vicinity by the same number of dwelling units.

C. A Major Institution with an adopted master plan that is not subject to subsection B of this section shall be required to prepare a new master plan in the following circumstances:

1. The Major Institution proposes to increase the total amount of gross floor area allowed or the total number of parking spaces allowed within the MIO District; or

2. A master plan has been in effect for at least ten (10) years and the institution proposes to expand the MIO District boundaries; or

3. A master plan has been in effect for at least ten (10) years and the institution proposes an amendment to the master plan that is determined to be major according to the provisions of Section 23.69.035, and the Director determines that conditions have changed significantly in the neighborhood surrounding the Major Institution since the master plan was adopted.

D. A master plan shall not be required for replacement of existing structures where the replacement structure:

1. Would be located on the same lot; and

2. Would not contain uses which would require a change of use and which the Director determines would not result in an increase in adverse impacts on the surrounding area; and

3. Would not exceed the height of the existing structure; and

4. Would not represent a significant increase in bulk over the existing structure; and

5. Would not represent a significant increase in gross floor area over the existing structure; and

6. Would not significantly reduce existing open area or landscaping.

E. If an institution proposes a major amendment of unusual complexity or size, the Advisory Committee may recommend, and the Director may require, that the institution develop a new master plan.

F. The Director shall determine whether a master plan is required. The Director's determination shall be final and shall not be subject to an interpretation or appeal. (Ord. 118362 § 17, 1996; Ord. 115165 § 7, 1990; Ord. 115002 § 23(part), 1990.)

23.69.028 Major Institution master plan—General provisions.

A. A master plan may modify the following:

1. Any development standard of the underlying zone, including structure height up to the limit established by the Major Institution Overlay (MIO) District;

2. Limits on housing demolition or conversion within the boundaries of the MIO District;

3. Limits on Major Institution uses at street level outside, but within two thousand five hundred feet (2,500') of, a MIO District Boundary;

4. Single-occupancy vehicle goals and maximum parking limitations.

B. Except as provided in Section 23.69.033, an application for a permit for development which requires preparation of a master plan shall not be approved prior to adoption of the master plan by the Council.

C. Changes to the boundaries of the MIO District or to a MIO District height limit shall require a rezone in addition to adoption of a master plan or major amendment, except that a boundary adjustment caused by the acquisition, merger or consolidation of two (2) contiguous Major Institutions shall be governed by the provisions of Section 23.69.023.

(Ord. 118362 § 18, 1996; Ord. 115165 § 8, 1990; Ord. 115002 § 23(part), 1990.)

23.69.030 Contents of a master plan.

A. The master plan is a conceptual plan for a Major Institution consisting of three (3) components: the development standards component, the development program component and the transportation management program component.

B. The development standards component in an adopted master plan shall become the applicable regulations for physical development of Major Institution uses within the MIO District and shall supersede the development standards of the underlying zone. Where standards established in the underlying zone have not been modified by the master plan, the underlying zone standards shall continue to apply. Proposed development standards shall be reviewed according to the criteria contained in Section 23.69.032 E, Draft Report and Recommendation of the Director. The development standards component may be changed only through a master plan amendment.

C. The development standards component of a master plan shall include the following:

1. Existing underlying zoning of the area within the boundaries of the MIO District. If a change to the underlying zoning is proposed, the master plan shall identify the proposed zone(s), and the master plan shall be subject to rezoning approval according to the procedures of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions; and

2. If modifications to the underlying zone development standards are proposed, the proposed modifications and reasons for the proposed modifications or for special standards tailored to the specific institution; and

3. Standards in the master plan shall be defined for the following:

a. Structure setbacks along public rights-of-way and at the boundary of the MIO District. In no case shall any setback be less than is required in the underlying zone or by setback requirements applicable to structures on abutting lots or structures directly across a street or alley from a structure in the MIO District, whichever is greater,

b. Height limits as provided for in Section 23.69.004,

c. Lot coverage for the entire MIO District,

d. Landscaping,

e. Percentage of MIO District to remain in open space; and

4. The Major Institution may choose or the Director may require the Major Institution to address the following:

a. Transition in height and scale between development within the MIO District and development in the surrounding area,

b. Width and depth limits for structures or measures by which a reduction in the apparent bulk of a structure may be achieved,

c. Setbacks between structures which are not located on a public right-of-way or along the boundary of the MIO District,

d. Preservation of historic structures which are designated on federal, state or local registers,

e. View corridors or other specific measures intended to mitigate the impact of Major Institution development on the surrounding area,

f. Pedestrian circulation within and through the MIO District.

D. The development program component shall include the information set forth in subsection E of this section. With regard to future development, the development program component shall describe planned physical development, defined as development which the Major Institution has definite plans to construct. The development program may describe potential physical development or uses for which the Major Institution's plans are less definite. The development program may be amended according to the provisions of Section 23.69.035 without

requiring amendment of the development standards component.

E. The development program component shall include the following:

1. A description of alternative proposals for physical development including an explanation of the reasons for considering each alternative, but only if an Environmental Impact Statement is not prepared for the master plan; and

2. Density as defined by total maximum developable gross floor area for the MIO District and an overall floor area ratio (FAR) for the MIO District. Limits on total gross floor area and floor area ratios may also be required for sub-areas within the MIO District but only when an MIO District is over four hundred (400) acres in size or when an MIO District has distinct geographical areas; and

3. The maximum number of parking spaces allowed for the MIO District; and

4. A description of existing and planned future physical development on a site plan which shall contain:

a. The height, description, gross floor area and location of existing and planned physical development, and

b. The location of existing open space landscaping and screening, and areas of the MIO District to be designated open space. Designated open space shall be open space within the MIO District that is significant and serves as a focal point for user of the Major Institution. Changes to the size or location of designated open space will require an amendment pursuant to Section 23.69.035, and

c. Existing public and private street layout, and

d. Existing and planned parking areas and structures; and

5. A site plan showing: property lines and ownership of all properties within the applicable MIO District, or areas proposed to be included in an expanded MIO District, and all structures and properties a Major Institution is leasing or using or owns within two thousand five hundred (2,500) feet of the MIO District; and

6. Three (3) dimensional drawings to illustrate the height, bulk and form of existing and planned physical development. Information on architectural detailing such as window placement and color and finish materials shall not be required; and

7. A site plan showing any planned infrastructure improvements and the timing of those improvements; and

8. A description of planned development phases and plans, including development priorities, the probable sequence for such planned development and estimated dates of construction and occupancy; and

9. A description of any planned street or alley vacations or the abandonment of existing rights-of-way; and

10. At the option of the Major Institution, a description of potential uses, development, parking areas and structures, infrastructure improvements or street or

alley vacations. Information about potential projects is for the purpose of starting a dialogue with the City and the community about potential development, and changes to this information will not require an amendment to the master plan; and

11. An analysis of the proposed master plan's consistency with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of the City of Seattle's Comprehensive Plan; and

12. A discussion of the Major Institution's facility decentralization plans and/or options, including leasing space or otherwise locating uses off-campus; and

13. A description of the following shall be provided for informational purposes only. The Advisory Committee, pursuant to Section 23.69.032 D1, may comment on the following but may not subject these elements to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council:

a. A description of the ways in which the institution will address goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan, and

b. A statement explaining the purpose of the development proposed in the master plan, including the public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution.

F. The Transportation Management Program component shall satisfy the requirements of Section 23.54.016. The Transportation Management Program shall include, at a minimum, the following:

1. A description of existing and planned parking, loading and service facilities, and bicycle, pedestrian and traffic circulation systems within the institutional boundaries and the relationship of these facilities and systems to the external street system. This shall include a description of the Major Institution's impact on traffic and parking in the surrounding area; and

2. Specific institutional programs to reduce traffic impacts and to encourage the use of public transit, carpools and other alternatives to single-occupant vehicles. Any specific agreements with the City for the provision of alternative modes of transportation shall also be included.

G. Environmental information and the master plan may be integrated into one (1) document.

H. Where two (2) or more institutions are located in close proximity to one another, the Director may require their combined land use, traffic and parking impacts on the surrounding area to be evaluated in the master plan for each institution.

(Ord. 118794 § 42, 1997; Ord. 118362 § 19, 1996; Ord. 115002 § 23(part), 1990.)

23.69.032 Master plan process.

A. Not less than sixty (60) days prior to applying for a master plan, the institution shall file a notice of intent to prepare a master plan with the Director.

B. Formation of a Citizens Advisory Committee.

1. Immediately following submittal of a notice of intent to prepare a master plan, the institution shall initiate the establishment of a Citizens Advisory Committee of at least six (6), but no more than twelve (12) members. In addition, all institutions with adopted master plans shall have a standing Advisory Committee.

2. Where there is more than one (1) Major Institution in the same general area, as determined by the Director, a single Advisory Committee serving more than one (1) institution may be permitted.

3. The institution, in consultation with the Director of the Department of Neighborhoods, shall develop a list of potential members to serve on the Advisory Committee. Groups from which members may be selected for appointment to the advisory committee shall include area community groups, residents, property owners, and business persons; consumer groups using the services of the institution; and any other persons or organizations directly affected by the actions of the institution. One member of the Advisory Committee shall be selected from persons in the area participating in neighborhood planning. One member of the Advisory Committee shall be a general community or citywide organization representative. To the extent possible, members of the Advisory Committee should possess expertise or experience in such areas as neighborhood organization and issues, land use and zoning, architecture or landscape architecture, economic development, building development and educational or medical services. A nonmanagement representative of the institution shall be included.

4. Members of the Advisory Committee shall have no direct economic relationship with the institution except as provided in subsection B3.

5. The Director of the Department of Neighborhoods shall review the list of potential members and recommend to the Council those individuals appropriate to achieve a balanced, independent and representative committee. After the recommendation has been submitted, the Department of Neighborhoods may convene the Advisory Committee. The Council may confirm the Advisory Committee composition, make changes in the size and/or composition of the Advisory Committee, or remand the matter to the Director of the Department of Neighborhoods for further action. The Council shall establish the final composition of the committee through a memorandum of agreement with the institution, prepared by the Department of Neighborhoods, and adopted by resolution.

6. Four (4) nonvoting, ex-officio members of the Advisory Committee shall represent the Major Institution, the Department of Construction and Land Use, the Department of Neighborhoods and Seattle Transportation.

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7. The Committee shall be staffed by the Department of Neighborhoods with the cooperation and assistance of the Major Institution. Technical assistance to the committee shall be provided by the Department of Construction and Land Use, Seattle Transportation and the Department of Neighborhoods.

8. During the master plan review and adoption process, the Council may, in the interest of ensuring representative community participation on the Advisory Committee, amend the size and/or composition of the Advisory Committee.

9. The City-University Community Advisory Committee (CUCAC) shall serve as the Advisory Committee for the University of Washington.

10. The Director of the Department of Neighborhoods shall promulgate rules applicable to advisory committees, including terms of office, selection of chairpersons, and methods of conflict resolution.

C. Application for a Master Plan.

1. Within one hundred twenty (120) days of filing a notice of intent to prepare a master plan, the institution shall submit an application and applicable fees for a master plan. This application shall include an environmental checklist and a concept plan. The requirement for the environmental checklist may be waived if the Director and the Major Institution agree that an Environmental Impact Statement (EIS) will be prepared. The concept plan shall consist of the following:

- a. Proposed institution boundaries; and
- b. A proposed site plan including planned development and an estimate of total gross floor area proposed by the Major Institution; and
- c. Planned uses; and
- d. Any planned street vacations and planned parking location and access; and
- e. A description of alternative proposals for physical development and decentralization options, including a detailed explanation of the reasons for considering each alternative; and
- f. A description of the uses and character of the neighborhood surrounding the major institution and how the Major Institution relates to the surrounding area. This shall include pedestrian connections, physical and visual access to surrounding amenities and services, and the relationship of the Major Institution to other Major Institution development within two thousand five hundred (2,500) feet of its MIO District boundaries.

2. The Advisory Committee shall review and may submit comments on the concept plan and if there is one, the environmental checklist.

3. After an application for a master plan has been filed, the Director, in consultation with the institution and the Advisory Committee, shall prepare a schedule for the completion of the master plan. The timelines described in this section shall be goals, and shall form the basis for the master plan schedule. The goal of the City Council shall be to make a decision on the master plan within twenty-four (24) months from the date of application.

4. Notice of application for a master plan shall be provided as required by Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

D. Development of Master Plan.

1. The Advisory Committee shall participate directly in the formulation of the master plan from the time of its preliminary concept so that the concerns of the community and the institution are considered. The primary role of the Advisory Committee is to work with the Major Institution and the City to produce a master plan that meets the intent of Section 23.69.025. Advisory Committee comments shall be focused on identifying and mitigating the potential impacts of institutional development on the surrounding community based upon the objectives listed in the Major Institution policies and Chapter 25.05, SEPA. The Advisory Committee may review and comment on the mission of the institution, the need for the expansion, public benefits resulting from the proposed new development and the way in which the proposed development will serve the public purpose mission of the Major Institution, but these elements are not subject to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council.

2. The Advisory Committee shall hold open meetings with the institution and City staff to discuss the master plan and resolve differences. The institution shall provide adequate and timely information to the Advisory Committee for its consideration of the content and level of detail of each of the specific elements of the master plan.

3. The threshold determination of need for preparation of an Environmental Impact Statement (EIS) shall be made as required by Chapter 25.05, SEPA Policies and Procedures.

4. If an EIS is required and an institution is the lead agency, it shall initiate a predraft EIS consultation with the Director. The Advisory Committee shall meet to discuss the scope of the document. The Advisory Committee shall submit its comments on the scope of the draft EIS to the lead agency and the Director before the end of the scoping comment period. The lead agency shall prepare a final scope within one (1) week after the end of the scoping period.

5. The institution shall prepare a preliminary draft master plan within seventy (70) days of completion of the final scope of the EIS.

6. If an EIS is required, the institution or DCLU, whichever is lead agency, shall be responsible for the preparation of a preliminary draft EIS within seventy (70) days of the completion of the final scope, or approval of an EIS consultant contract, whichever is later.

7. The Advisory Committee, Seattle Transportation, the Director, and the institution shall submit comments on the preliminary draft master plan and the preliminary draft EIS to the lead agency within three (3) weeks of receipt, or on the environmental checklist and supplemental studies if an EIS is not required. If DCLU is the lead agency, a compiled list of the comments shall be submitted to the institution within ten (10) days of receipt of the comments.

8. Within three (3) weeks of receipt of the compiled comments, the institution shall review the comments and revise the preliminary draft master plan, if necessary, discussing and evaluating in writing the comments of all parties. The lead agency shall review the comments and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS is required, the lead agency shall review the comments and be responsible for the annotation of the environmental checklist and revisions to any supplemental studies if necessary. Within three (3) weeks after receipt of the revised drafts, the Director shall review the revised drafts and may require further documentation or analysis on the part of the institution. Three (3) additional weeks may be spent revising the drafts for publication.

9. The Director shall publish the draft master plan. If an EIS is required, the lead agency shall publish the draft EIS.

10. The Director and the lead agency shall hold a public hearing on the draft master plan and if an EIS is required, on the draft EIS.

11. The Advisory Committee, Seattle Transportation and the Director shall submit comments on the draft master plan and if an EIS is required, on the draft EIS within six (6) weeks after the issuance of the draft master plan and EIS.

12. Within thirteen (13) weeks after receipt of the comments, the institution shall review the comments on the draft master plan and shall prepare the final master plan.

13. If an EIS is required, the lead agency shall be responsible for the preparation of a preliminary final EIS, following the public hearing and within six (6) weeks after receipt of the comments on the draft EIS. Seattle Transportation, the Director, and the institution shall submit comments on the preliminary final EIS.

14. The lead agency shall review the comments on the preliminary final EIS and shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall review the revised final document and may require further documentation or analysis on the part of the institution.

15. Within seven (7) weeks after preparation of the preliminary final EIS, the Director shall publish the final master plan and, if an EIS is required, the lead agency shall publish the final EIS.

E. Draft Report and Recommendation of the Director.

1. Within five (5) weeks of the publication of the final master plan and EIS, the Director shall prepare a draft report on the application for a master plan as provided in Section 23.76.050, Report of the Director.

2. In the Director's Report, a determination shall be made whether the planned development and changes of the Major Institution are consistent with the City's Major Institution policies in Section 23.12.120 and in the Land Use Element of The City of Seattle's Comprehensive Plan, and whether the planned development and changes represent a reasonable balance of the public benefits of development and change with the need to

maintain livability and vitality of adjacent neighborhoods. Consideration shall be given to:

a. The reasons for institutional growth and change, the public benefits resulting from the planned new facilities and services, and the way in which the proposed development will serve the public purpose mission of the major institution; and

b. The extent to which the growth and change will significantly harm the livability and vitality of the surrounding neighborhood.

3. In the Director's Report, an assessment shall be made of the extent to which the Major Institution, with its proposed development and changes, will address the goals and applicable policies under Education and Employability and Health in the Human Development Element of the Comprehensive Plan.

4. The Director's analysis and recommendation on the proposed master plan's development program component shall consider the following:

a. The extent to which the Major Institution proposes to lease space or otherwise locate a use at street level in a commercial zone outside of, but within two thousand five hundred (2,500) feet of, the MIO District boundary that is not similar to a personal and household retail sales and service use, eating and drinking establishment, customer service office, entertainment use or child care center but is allowed in the zone. To approve such proposal, the Director shall consider the criteria in Section 23.69.035 D3;

b. The extent to which proposed development is phased in a manner which minimizes adverse impacts on the surrounding area. When public improvements are anticipated in the vicinity of proposed Major Institution development or expansion, coordination between the Major Institution development schedule and timing of public improvements shall be required;

c. The extent to which historic structures which are designated on any federal, state or local historic or landmark register are proposed to be restored or reused. Any changes to designated Seattle Landmarks shall comply with the requirements of the Landmarks Preservation Ordinance.¹ The Major Institution's Advisory Committee shall review any application to demolish a designated Seattle Landmark and shall submit comments to the Landmarks Preservation Board before any certificate of approval is issued;

d. The extent to which the proposed density of Major Institution development will affect vehicular and pedestrian circulation, adequacy of public facilities, capacity of public infrastructure, and amount of open space provided;

e. The extent to which the limit on the number of total parking spaces allowed will minimize the impacts of vehicular circulation, traffic volumes and parking in the area surrounding the MIO District.

5. The Director's analysis and recommendation on the proposed master plan's development standards component shall be based on the following:

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**Seattle Municipal Code
July, 2000 code update file
Text provided for historic reference only.**

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

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the Office of the City Clerk**

a. The extent to which buffers such as topographic features, freeways or large open spaces are present or transitional height limits are proposed to mitigate the difference between the height and scale of existing or proposed Major Institution development and that of adjoining areas. Transition may also be achieved through the provision of increased setbacks, articulation of structure facades, limits on structure height or bulk or increased spacing between structures;

b. The extent to which any structure is permitted to achieve the height limit of the MIO District. The Director shall evaluate the specified limits on structure height in relationship to the amount of MIO District area permitted to be covered by structures, the impact of shadows on surrounding properties, the need for transition between the Major Institution and the surrounding area, and the need to protect views;

c. The extent to which setbacks of Major Institution development at ground level or upper levels of a structure from the boundary of the MIO District or along public rights-of-way are provided for and the extent to which these setbacks provide a transition between Major Institution development and development in adjoining areas;

d. The extent to which allowable lot coverage is consistent with permitted density and allows for adequate setbacks along public rights-of-way or boundaries of the MIO District. Coverage limits should insure that view corridors through Major Institution development are enhanced and that area for landscaping and open space is adequate to minimize the impact of Major Institution development within the MIO District and on the surrounding area;

e. The extent to which landscaping standards have been incorporated for required setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning. Trees shall be required along all public rights-of-way where feasible;

f. The extent to which access to planned parking, loading and service areas is provided from an arterial street;

g. The extent to which the provisions for pedestrian circulation maximize connections between public pedestrian rights-of-way within and adjoining the MIO District in a convenient manner. Pedestrian connections between neighborhoods separated by Major Institution development shall be emphasized and enhanced;

h. The extent to which designated open space maintains the patterns and character of the area in which the Major Institution is located and is desirable in location and access for use by patients, students, visitors and staff of the Major Institution;

i. The extent to which designated open space, though not required to be physically accessible to the public, is visually accessible to the public;

j. The extent to which the proposed development standards provide for the protection of scenic views and/or views of landmark structures. Scenic views

and/or views of landmark structures along existing public rights-of-way or those proposed for vacation may be preserved. New view corridors shall be considered where potential enhancement of views through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for view corridors the Director may require, but not be limited to, the alternate spacing or placement of planned structures or grade-level openings in planned structures. The institution shall not be required to reduce the combined gross floor area for the MIO District in order to protect views other than those protected under City laws of general applicability.

6. The Director's report shall specify all measures or actions necessary to be taken by the Major Institution to mitigate adverse impacts of Major Institution development that are specified in the proposed master plan.

F. Draft Advisory Committee Report.

1. At the same time the Director is preparing a written report on the master plan application, the Advisory Committee shall prepare a written report of its findings and recommendations on the final master plan. The Advisory Committee report shall include, in addition to its recommendations, the public comments it received. The document may incorporate minority reports.

2. The Advisory Committee report shall set forth any issues which the committee believes were inadequately addressed in the final master plan and final EIS and clearly state the committee's position on these issues.

3. The Advisory Committee report shall include a record of committee meetings, including the meetings' minutes.

G. Preparation of Final Director's Report and Final Advisory Committee Report.

1. The Director shall submit the draft Director's report to the Advisory Committee and the institution for their review.

2. Within three (3) weeks after receipt of the draft Director's Report, the Advisory Committee and the institution shall review and submit comments to the Director on the draft Director's Report.

3. Within two (2) weeks after receipt of the Advisory Committee's and institution's comments, the Director shall review the comments, and prepare a final Director's report using the criteria in subsection E of this section. The Director shall address each of the issues in the Advisory Committee's comments on the draft Director's Report. In addition, on those issues where the Director's recommendation differs from the Advisory Committee's recommendations, the Director shall include explanation of the difference.

4. The Director shall submit the final Director's Report to the Advisory Committee.

5. Within two (2) weeks after receipt of the final Director's Report, the Advisory Committee shall finalize its report according to subsection F of this section. The Advisory Committee report shall also include comments on the final Director's Report.

H. Hearing Examiner Consideration of the Master Plan.

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23.69.032 LAND USE CODE

1. The Hearing Examiner shall review the Director's report and recommendation and the Advisory Committee's report on the Director's report, as provided in Section 23.76.052, Hearing Examiner open record predecision hearing and recommendation.

2. If the Hearing Examiner considers the proposed master plan and all recommendations for changes, alternatives, mitigating measures and conditions, and determines that a significant master plan element or environmental issue was not adequately addressed by the proposed master plan, the Hearing Examiner may request the institution to prepare new proposals on the issues identified, may request the Director to conduct further analysis or provide clarification, and may request the Advisory Committee to reconvene for the limited purpose of commenting on the new proposals. The new proposals shall also be submitted to the Director, Advisory Committee and parties of record for comment. After the new proposals and comments have been received, the Hearing Examiner may:

a. Remand the new proposals and Advisory Committee comments and recommendation to the Director for further consideration and report; or

b. Hold the hearing record open for evidence on the new proposals, the Advisory Committee comments and recommendation, and/or any comments pertaining to the limited issues which were presented by other parties of record.

3. The Hearing Examiner shall submit a recommendation to the Council on the proposed master plan within thirty (30) days following the hearing. In addition to the Hearing Examiner's recommendation, the Hearing Examiner shall transmit to the Council the proposed master plan, environmental documentation, the Advisory Committee's reports, and the report and recommendation of the Director.

I. Council Consideration of the Hearing Examiner's Recommendation.

1. The Council shall review and consider the Hearing Examiner's recommendation as provided in Section 23.76.054, Council consideration of Hearing Examiner recommendation. The goal of the Council shall be to take final action on the Hearing Examiner's recommendation no later than three (3) months after the date it receives the recommendation.

2. If the Council examines the proposed master plan and all recommendations for changes, alternatives, mitigating measures and conditions, and determines that a significant master plan element or environmental issue was not adequately addressed by the proposed master plan, the Council may request the institution to prepare new proposals on the issue identified, may request the Director to conduct further analysis or provide clarification, and may request the Advisory Committee to convene for the limited purpose of commenting on the new proposals. The new proposals shall also be submitted to the Director, Advisory Committee and parties of record for comment. After the new proposals and comments have been received, the Council may:

a. Remand the new proposals and Advisory Committee comments and recommendations to the Director for further consideration and report; or

b. Direct the Hearing Examiner to conduct another hearing and to reconsider the recommendation based on the new proposals, the Advisory Committee comments and recommendation, and/or any comments pertaining to the limited issues which were presented by other parties of record; or

c. Open the record for a hearing on the new proposals, the Advisory Committee comments and recommendation, and any comments pertaining to the limited issues which were presented by other parties of record.

J. Council Decision.

1. The Council's decision to adopt, adopt with conditions, or deny an application for a Major Institution Master Plan shall comply with the requirements of Section 23.76.056, Council decision on Hearing Examiner recommendation.

2. Adoption of a master plan shall be by ordinance. A master plan shall not become final until the ordinance approving it becomes law pursuant to the City Charter.²

K. Requirement for Compiled Plan. Within thirty (30) days of adoption of a master plan by the Council, the institution shall submit a draft copy of the compiled adopted plan for the Director's review and approval. This compiled plan shall incorporate all changes and conditions imposed during the plan approval process. The Director shall review the compiled plan within thirty (30) days of receipt of the plan, and may request corrections or clarifications if necessary. Upon the Director's approval, the institution shall submit seven (7) written copies of the compiled adopted plan to the Director. The Director shall keep one (1) copy and distribute the other six (6) copies to the City Clerk's Office, the Strategic Planning Office, the Department of Neighborhoods and the Seattle Public Library (one (1) copy for the main downtown library and two (2) copies to go to the two (2) branch libraries nearest the institution). The institution shall also submit one (1) copy of the compiled adopted plan in electronic format for the City to post on the Public Access Network (PAN). No Master Use Permit for development first permitted in the adopted plan shall be issued until the compiled plan has been reviewed and approved by the Director except as provided in Section 23.69.033.

(Ord. 118981 § 4, 1998; Ord. 118912 § 37, 1998; Ord. 118794 § 43, 1997; Ord. 118409 § 209, 1996; Ord. 118362 § 20, 1996; Ord. 116744 § 56, 1993; Ord. 115906 § 1, 1991; Ord. 115002 § 23(part), 1990.)

- 1.Editor's Note: The Landmarks Preservation Ordinance is set out at Chapter 25.12 of this Code.
- 2.Editor's Note: The City Charter is set out at the front of this Code.

23.69.033Approval of master use permits prior to master plan adoption.

An institution may submit an application for development requiring a master plan prior to the master plan's adoption at any time following application for a master plan. The application may be approved if the following conditions are met:

- A. Development proposed in the Master Plan:
 - 1. The Draft Environmental Impact Statement (DEIS) and the draft master plan have been published; and
 - 2. The development standards shall be established through the conditional use process; and either
 - 3. a. The end of the schedule for submittal to Council of the master plan has been reached, and
 - b. Review of the application has been completed by the advisory committee and it has made a recommendation to the Director, and
 - c. The Council has approved the development as a Council Conditional Use according to the criteria of Section 23.69.012 A; or
 - 4. a. The advisory committee has reviewed the application and has recommended by a three-fourths (3/4) vote of all advisory committee members, with at least six (6) affirmative votes, approval of the application, and
 - b. The Director has approved the development as an Administrative Conditional Use according to the criteria of Section 23.69.012;
- B. Development not proposed in the Master Plan:
 - 1. The conditions of subsection A of this section have been met; and
 - 2. The institution shall provide a statement describing the unforeseen conditions or circumstances which warrant the need to include the proposed development; and
 - 3. An analysis of the environmental impacts of the new proposal shall be incorporated into the environmental analysis of the proposed master plan and shall be reviewed by the advisory committee; and
 - 4. The published final master plan and final EIS shall be amended to include the proposed development. (Ord. 118362 § 21, 1996; Ord. 115002 § 23(part), 1990.)

23.69.034Effect of master plan adoption.

- A. After a master plan has been adopted, the institution may develop in accordance with the adopted master plan.
- B. The Director may approve applications requiring a master plan prior to final adoption of the master plan subject to the provisions of Section 23.04.040 F, Section 23.04.040 G, or Section 23.69.033.
- C. The Director shall not issue any permit for any development which has not been included within the master plan unless the institution has met the requirements of Section 23.69.035, Master plan amendment.
- D. Applications for master use permits for development contained in the adopted master plan shall be subject

to the requirements of Chapter 25.05, Environmental Policies and Procedures.

E. The adopted master plan shall be referenced on the Official Land Use Map and placed on file in the Department.

F. Following adoption of a master plan, the citizens advisory committee shall continue to advise the institution and the City regarding implementation or renewal of the master plan or amendments to the master plan. If more than one (1) major institution is designated within the same general area, individual advisory committees may be consolidated into one (1) committee. The committee shall meet as necessary but no less than once annually to review the status of the master plan.

G. When a master plan has been adopted prior to the effective date of these provisions¹ and there is no standing advisory committee, an advisory committee shall be established in accordance with the provisions of subsection B of Section 23.69.032 at the time an application for an amendment to the master plan, requiring Council approval, is made.

H. The Advisory Committee and the neighborhood planning group from the surrounding area, if applicable, will be notified of master use permit (MUP) applications for Major Institution uses within the Major Institution Overlay (MIO) District and for Major Institution structures outside of but within two thousand five hundred feet (2,500') of the MIO District boundaries, and shall have an opportunity to review and comment on the applications if there is a discretionary decision and formal comment period as part of the MUP.

I. The institution shall provide an annual status report to the Director and the Advisory Committee which shall detail the progress the institution has made in achieving the goals and objectives of the master plan. The annual report shall contain the following information:

- 1. The status of projects which were initiated or under construction during the previous year;
- 2. The institution's land and structure acquisition, ownership and leasing activity outside of but within two thousand five hundred feet (2,500') of the MIO District boundary;
- 3. Progress made in achieving the goals and objectives contained in the transportation management program towards the reduction of single-occupant vehicle use by institution employees, staff and/or students; and
- 4. Progress made in meeting conditions of master plan approval. (Ord. 118362 § 22, 1996; Ord. 116744 § 57, 1993; Ord. 115165 § 9, 1990; Ord. 115002 § 23(part), 1990.)

1.Editor's Note: Ordinance 115002 was passed by the Council on March 26, 1990.

23.69.035Changes to master plan.

A. A proposed change to an adopted master plan shall be reviewed by the Director and determined to be an exempt change, a minor amendment, or a major amendment.

B. Exempt Changes. An exempt change shall be a change to the design and/or location of a planned structure

or other improvement from that shown in the master plan, which the Director shall approve without publishing an interpretation. Any new gross floor area or parking space(s) must be accompanied by a decrease in gross floor area or parking space(s) elsewhere if the total gross floor area or parking spaces permitted for the entire MIO District or, if applicable, the subarea would be exceeded. Each exempt change must meet the development standards for the MIO District. Exempt changes shall be:

1. Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or
2. Twenty (20) or fewer parking spaces not approved in the master plan; or
3. An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or
4. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or
5. Any increase in gross floor area below grade.

C. Amendments. The Advisory Committee shall be given the opportunity to review a proposed minor or major amendment and submit comments on whether it should be considered minor or major, and what conditions (if any) should be imposed if it is minor. The Director shall determine whether the amendment is minor or major according to subsections D and E of this section. The Director's decision that a proposed amendment is minor or major shall be made in the form of an interpretation subject to the procedures of Chapter 23.88, Rules; Interpretation. If the Director and the Major Institution agree that a major amendment is required based on subsection E of this section, the interpretation process may be waived, and the amendment and environmental review process shall be subject to the provisions of subsection G of this section. After the Director makes a decision on whether an amendment is minor or major, the Advisory Committee shall be notified.

D. Minor Amendments. A proposed change to an adopted master plan shall be considered and approved as a minor amendment when it is not an exempt change according to subsection B of this section, when it is consistent with the original intent of the adopted master plan, and when it meets at least one of the following criteria:

1. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or
2. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or

3. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:

- a. Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and
- b. Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and
- c. Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and

d. Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.

E. Major Amendments. A proposed change to an adopted master plan shall be considered a major amendment when it is not an exempt change according to subsection B of this section or a minor amendment according to subsection D of this section. In addition, any of the following shall be considered a major amendment:

1. An increase in a height designation or the expansion of the boundary of the MIO District; or
2. Any change to a development standard that is less restrictive; or
3. A reduction in housing stock outside the boundary but within two thousand five hundred feet (2,500') of the MIO District, other than within a Downtown zone, that exceeds the level approved in an adopted master plan; or
4. A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or
5. A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or
6. The update of an entire development program component of a master plan that was adopted