

ORDINANCE No. 112895

Law Department

COUNCIL BILL No. 105513

The City of

2/8

AN ORDINANCE relating to Land Use and Zoning; amending Plat 30W, Page 91 of the Official Land Use Map to rezone property located within the I-5 right of way east of Franklin Avenue East, south of East Newton Avenue, west of Lakeview Boulevard East and north of East Galer Street from Residential, Multi-Family, Lowrise 2 (L-2) and Residential, Multi-Family, Lowrise 3 (L-3) to Manufacturing (M), and accepting a Property Use and Development Agreement in connection therewith. (Petition of William L. Schallert, Jr.; C.F. 293057).

Honorable President:

Your Committee on Urban

to which was referred the within C report that we have considered the

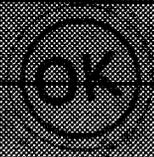
June 4, 1986 - URC Chair - DC Bass

COMPTROLLER FILE No.

Introduced: <u>MAY 12 1986</u>	By: <u>Land Use Committee</u>
Referred: <u>MAY 12 1986</u>	To: <u>UR Committee</u>
Referred: <u>6-9-86</u>	To: <u>Full Council</u>
Referred: <u>6-16-86</u>	To: <u>Full Council</u>
Reported: <u>JUN 9 1986</u>	Second Reading: <u>JUN 23 1986</u>
Third Reading: <u>JUN 23 1986</u>	Signed: <u>JUN 23 1986</u>
Presented to Mayor: <u>JUN 24 1986</u>	Approved: <u>JUN 27 1986</u>
Returned to City Clerk: <u>JUN 27 1986</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D OMB JUN 24 1986

Vote 8-0



# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

President:

Committee on

Urban Redevelopment

was referred the within Council Bill No.

105513

that we have considered the same and respectfully recommend that the same:

NO PASS

6-9-86 Hold one week

6-16-86 Hold one week

Vote 8-0



Committee Chair

105513

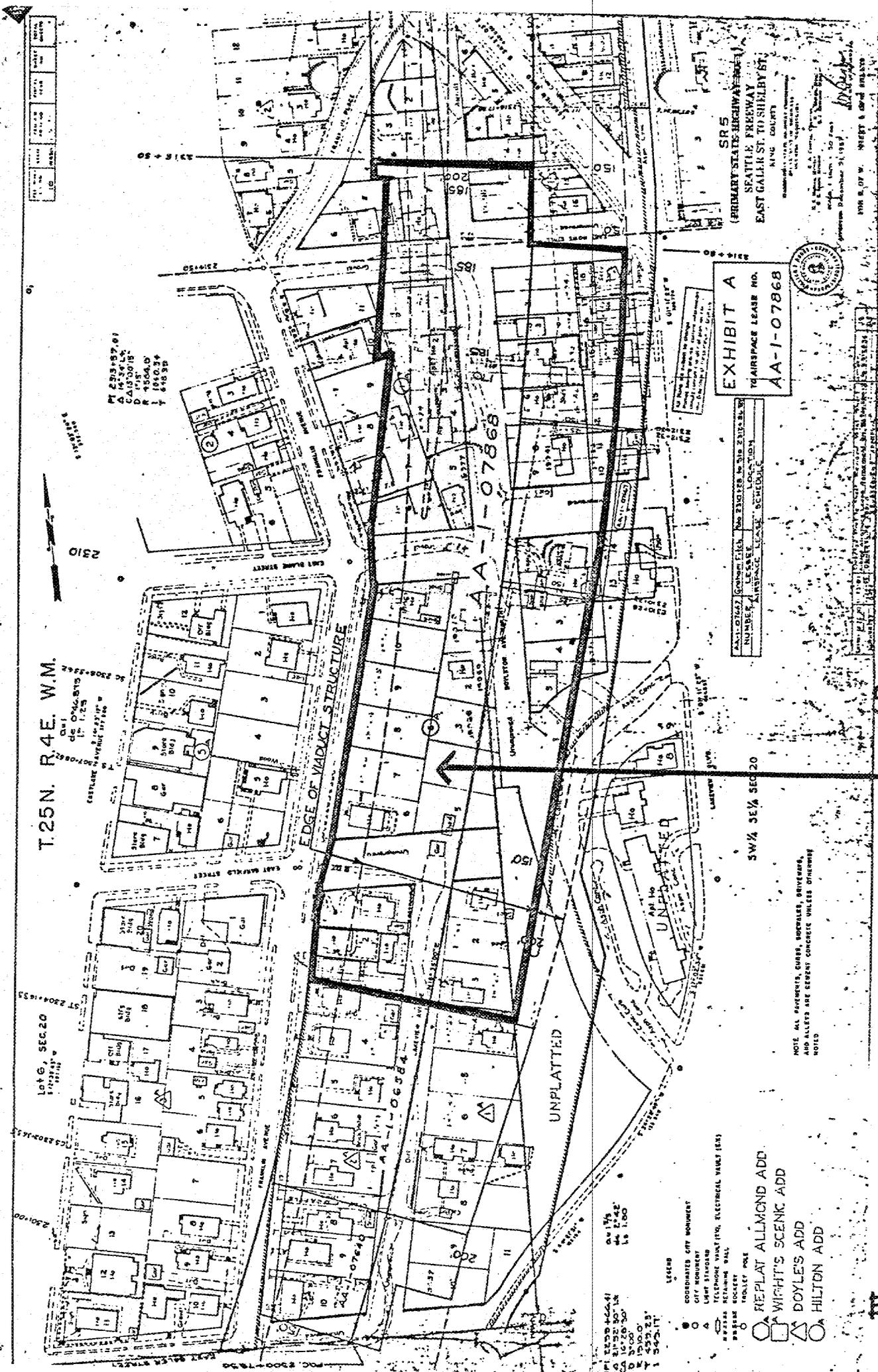
ORDINANCE 112895

AN ORDINANCE relating to Land Use and Zoning; amending Plat 30W, Page 91 of the Official Land Use Map to rezone property located within the I-5 right of way east of Franklin Avenue East, south of East Newton Avenue, west of Lakeview Boulevard East and north of East Galer Street from Residential, Multi-Family, Lowrise 2 (L-2) and Residential, Multi-Family, Lowrise 3 (L-3) to Manufacturing (M), and accepting a Property Use and Development Agreement in connection therewith. (Petition of William L. Schallert, Jr.; C.F. 293057).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Plat 30W, Page 91 of the Official Land Use Map adopted by Ordinance 110669 is amended to rezone the following property:

All that portion of the southeast quarter of the southwest quarter AND of the southwest quarter of the southeast quarter in Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, lying within a tract of land beginning at Highway Engineer's Station (hereinafter referred to as HES) 2315+50 on the SR 5 line survey of SR 5, (PSH No. 1) Seattle Freeway: East Galer St. to Shelby St.; thence westerly to a point opposite said HES 2315+50 and 200 feet distant westerly of, when measured radially from, said line survey; thence southerly parallel with said line survey to the southerly line of Lot 4, Block 1, Lake Union Heights Addition to the City of Seattle, according to plat recorded in Volume 13 of Plats, page 70, records of said county; thence easterly on said southerly line to a point 185 feet distant westerly of, when measured radially from, said line survey; thence southerly parallel with said line survey to the northerly line of Lot 9, Block 1, Hilton Addition to the City of Seattle, according to plat recorded in Volume 3 of Plats, page 157, records of said county; thence easterly on said northerly line to a point 170 feet distant westerly of, when measured radially from, said line survey; thence southerly parallel with said line survey to the southwest corner of Lot 6, said Block, said plat; thence southerly to the northwest corner of Lot 11, Block 6, said Plat; thence southerly on the westerly line of said Block 6 to the southwest corner of Lot 6, said Block, said Plat; thence southerly to the northwest corner of Lot 1, Block 2, Doyle's Addition to the City of Seattle, according to plat recorded in Volume 3 of Plats, page 122, records of said county; thence southerly on the westerly line of said Block 2 to a point opposite HES 2305+04 on said SR 5 line survey of said highway; thence southeasterly through said HES 2305+04 to a point 105 feet distant southeasterly of, when measured at



T.25N. R.4E. W.M.

Lot 6, SEC 20

SW 1/4 SE 1/4 SEC 20

**EXHIBIT A**  
AIRSPACE LEASE NO.  
**AA-1-07868**

ALL OTHER CORNER PINS AND BENCHMARKS AND SURVEY DATA NUMBER, LEASEE, AIRSPACE LEASE, SCHEDULE

SR 5  
(PRIMARY STATE HIGHWAY)  
SEATTLE FREEWAY  
EAST GALEN ST. TO SHELBY ST.  
KING COUNTY

NOTE: ALL PAYMENTS, CURBS, BENCHMARKS, DRIVEWAYS, AND ALLEYS ARE SERVED CONCRETE UNLESS OTHERWISE NOTED

**SUBJECT SITE**

**EXHIBIT A**

- LEGEND
- COUNTRYSIDE CITY MONUMENT
  - LIGHT STATION
  - TELEPHONE WALKING (ELECTRICAL TANKS (E.T.))
  - WATER RETAINING WALL
  - STREET POLE
  - TROUBLE POLE
  - REPLAT ALLMEND ADD.
  - WRIGHT'S SCENIC ADD.
  - DOYLE'S ADD.
  - HILTON ADD.



RECEIVED THIS DAY

105513

GFC:ctb;ndc  
05/07/86  
ORD1.1

JUL 10 4 26 PM '86

BY THE DIVISION OF  
RECORDS & COLLECTIONS  
KING COUNTY

86/07/10

#1415 8

RECD F

7.00

CASHSL

\*\*\*\*7.00

ORDINANCE 112895

AN ORDINANCE relating to Land Use and Zoning; amending Plat 30W, Page 91 of the Official Land Use Map to rezone property located within the I-5 right of way east of Franklin Avenue East, south of East Newton Avenue, west of Lakeview Boulevard East and north of East Galer Street from Residential, Multi-Family, Lowrise 2 (L-2) and Residential, Multi-Family, Lowrise 3 (L-3) to Manufacturing (M), and accepting a Property Use and Development Agreement in connection therewith. (Petition of William L. Schallert, Jr.; C.F. 293057).

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8607101415

1 right angles to, said line survey from said HES 2305+04 on  
2 said line survey; thence northerly parallel with said line  
3 survey to a point opposite HES 2314+50 on said line survey;  
4 thence westerly to said HES 2314+50; thence northerly on said  
5 line survey to HES 2315+50 and the point of beginning; EXCEPT  
6 that portion, if any, lying within that tract of land desig-  
7 nated WSDOT Lease AA-1-06584.

8 The above described tract of land is graphically portrayed on  
9 the attached plan sheet of said highway which is hereby made a  
10 part of this exhibit "A" to airspace lease No. AA-1-07868.  
11 The said plan sheet consists of plan sheet 1 and a portion  
12 plan sheet 2 of SR 5, Seattle Freeway: East Galer St. to  
13 Shelby St.

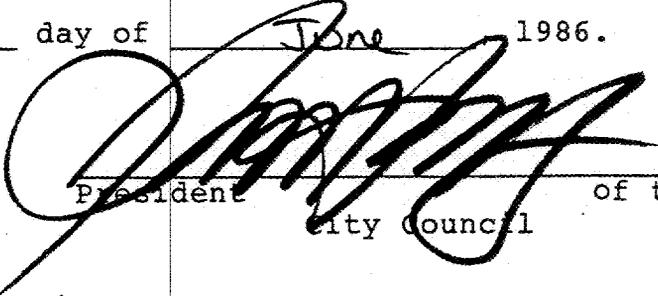
14 from Residential, Multi-Family, Lowrise 2 (L-2) and Residential,  
15 Multi-Family, Lowrise 3 (L-3) to Manufacturing (M) Zone, all  
16 as shown in "Exhibit A"; and the City Clerk is directed to  
17 place a copy of said "Exhibit A" in a volume entitled "Zoning  
18 Map Amendments," all as contemplated in C.F. 293057.

19 Section 2. That the Property Use and Development Agree-  
20 ment which was submitted to the City by the owners of the pro-  
21 perty described in Section 1 hereof, recorded in the records  
22 of the Director of Records and Elections of King County and  
23 filed in C.F. 293057 by which said owners agree to certain  
24 restrictions on the property to ameliorate the impact of uses  
25 and development otherwise permitted in the Manufacturing (M)  
26 Zone upon property in the vicinity is hereby accepted. The  
27 City Clerk is hereby authorized and directed to deliver copies  
28 of the same to the Director of Construction and Land Use and  
Community Development Director.

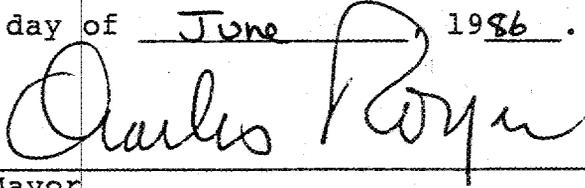
Section 3. This ordinance shall take effect and be in  
force thirty days from and after its passage and approval, if  
approved by the Mayor; otherwise it shall take effect at the  
time it shall become a law under the provisions of the city  
charter.

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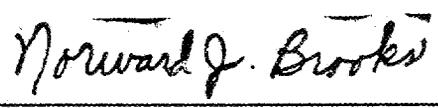
1 Passed by the City Council the 23<sup>rd</sup> day of June,  
2 1986, and signed by me in open session in authentication of  
3 its passage this 23<sup>rd</sup> day of June 1986.

4   
5 President \_\_\_\_\_ of the  
6 City Council

7 Approved by me this 27<sup>th</sup> day of June 1986.

8   
9 Mayor

10 Filed by me this 27<sup>th</sup> day of June, 1986.

11   
12 ATTEST: \_\_\_\_\_  
13 City Comptroller and  
14 City Clerk

14 (SEAL)

15 Published \_\_\_\_\_ By Theresa Dunbar  
16 Deputy Clerk

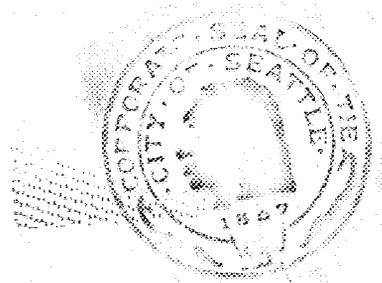
17  
18  
19  
20 STATE OF WASHINGTON )  
COUNTY OF KING ) SS  
CITY OF SEATTLE )

21 I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle,  
22 do hereby certify that the within and foregoing is a true and correct copy of  
23 the original instrument as the same appears on file, and of record in this  
department.

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal  
of The City of Seattle, this 30<sup>th</sup> day of June, 1986

25 NORWARD J. BROOKS  
Comptroller and City Clerk

26 By:   
27 Deputy Clerk



8607101415

GFC:ndc  
05/23/86  
AGR2.1

FILED for Record at Request of  
CITY OF SEATTLE  
912 MUNICIPAL BUILDING  
SEATTLE, WASHINGTON 98104



PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (herein called "City"), by the undersigned fee title owner and lessee of the within described property (herein called "Owners"). The property is owned in fee by the Washington State Department of Transportation (herein called "WSDOT") and by WSDOT leased to William L. Schallert, Jr. (herein called "Lessee"):

W I T N E S S E T H:

WHEREAS, Owners are persons owning a fee simple and a leasehold interest in the following described property (herein called the "Property"):

All that portion of the southeast quarter of the southwest quarter AND of the southwest quarter of the southeast quarter in Section 20, Township 25 North, Range 4 East, W.M., in King County, Washington, lying within a tract of land beginning at Highway Engineer's Station (hereinafter referred to as HES) 2315+50 on the SR 5 line survey of SR 5, (PSH No. 1) Seattle Freeway: East Galer St. to Shelby St.; thence westerly to a point opposite said HES 2315+50 and 200 feet distant westerly of, when measured radially from, said line survey; thence southerly parallel with said line survey to the southerly line of Lot 4, Block 1, Lake Union Heights Addition to the City of Seattle, according to plat recorded in Volume 13 of Plats, page 70, records of said county; thence easterly on said southerly line to a point 185 feet distant westerly of, when measured radially from, said line survey; thence southerly parallel with said line survey to the northerly line of Lot 9, Block 1, Hilton Addition to the City of Seattle, according to plat recorded in Volume 3 of Plats, page 157, records of said county; thence easterly on said northerly line to a point 170 feet distant westerly of, when measured radially from, said line survey; thence southerly parallel with said line survey to the southwest corner of Lot 6, said Block, said plat; thence southerly to the northwest corner of Lot 11, Block 6, said Plat; thence southerly on the westerly line of said Block 6 to the southwest corner of Lot 6, said Block, said Plat; thence southerly to the northwest corner of Lot 1, Block 2, Doyle's Addition to the City of Seattle, according to plat recorded in Volume 3 of Plats, page 122, records of said county; thence southerly on the westerly line of said Block 2 to a point opposite HES 2305+04 on said SR 5 line survey of said

highway; thence southeasterly through said HES 2305+04 to a point 105 feet distant southeasterly of, when measured at right angles to, said line survey from said HES 2305+04 on said line survey; thence northerly parallel with said line survey to a point opposite HES 2314+50 on said line survey; thence westerly to said HES 2314+50; thence northerly on said line survey to HES 2315+50 and the point of beginning; EXCEPT that portion, if any, lying within that tract of land designated WSDOT Lease AA-1-06584.

The above described tract of land is graphically portrayed on the attached plan sheet of said highway which is hereby made a part of this exhibit "A" to airspace lease No. AA-1-07868. The said plan sheet consists of plan sheet 1 and a portion plan sheet 2 of SR 5, Seattle Freeway: East Galer St. to Shelby St.

WHEREAS, Owners have filed a petition (C.F. 293057) with the City to rezone the Property from Residential, Multi-Family, Lowrise 2 (L-2) and Residential, Multi-Family, Lowrise 3 (L-3) to Manufacturing (M) pursuant to the provisions of the Land Use Code; and

WHEREAS, the Hearing Examiner recommended approval of the petition in part, subject to certain conditions relating to landscaping, light and glare, construction impacts, storm water, and use; and

WHEREAS, the Urban Redevelopment Committee recommended to the City Council that the Property be rezoned to the Manufacturing (M) Zone subject to the execution and recording of an agreement with the City pertaining to the use and development of the Property, imposing conditions in order to ameliorate the adverse impact of unrestricted use and development of the Property in the Manufacturing (M) Zone;

NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves and their heirs, successors and assign:

1. That they will comply with the following conditions if the Property is rezoned to the Manufacturing Zone:

CONSTRUCTION IMPACTS

- a. Lessee will provide sprinkling during excavation work to mitigate construction-related dust.
- b. Construction vehicles will be stored on the Property when not in use, and not on adjacent streets.
- c. The cost of improvements and relocation necessary for the development of the Property shall be borne by Owner.
- d. The existing slide area in the vicinity of the freeway centerline and East Blaine Street shall be stabilized by installation of a mortarless interlocking block retaining wall system.

STORM WATER

- e. A temporary onsite stormwater detention system will be provided during construction as required by SMC Ch. 22.802.
- f. A permanent onsite stormwater detention system shall be provided as required by SMC Ch. 22.802.
- g. Lessee will repair all broken freeway drains and remove debris from clogged drains on the Property. The Property will be de-watered along the 96 foot elevation contour, City datum.

USE

- h. Use of the Property shall be limited to a mini-warehouse and accessory uses, including not more than two watchman or caretaker's quarters.
- i. Prior to any construction work, Lessee's plans shall be reviewed and approved by the Washington State Department of

Transportation to assure the structural integrity of the freeway and access for maintenance of the freeway.

j. The facade of the building facing Franklin Avenue East north of the northerly boundary of East Blaine Street shall be set back to the centerline of the third row of freeway columns (approximately 60 feet). Elsewhere the building shall not extend beyond the drip line of the freeway.

k. The height of the building shall not exceed 37 feet.

l. The gross floor area of the building shall not exceed 174,000 square feet.

m. Security lighting shall be installed inside and outside the structure, which shall be directed downward and away from nearby residences to minimize nighttime glare.

n. The mini-warehouse shall not be open for business between the hours of 8:00 p.m. and 8:00 a.m.

o. Offsite vehicular access to the Property shall be limited to that portion of the Property lying south of the north line of East Blaine Street. On site access to the north parking lot is permitted between the first and second columns of the highway facing Franklin Avenue if headlight glare is screened from nearby residences.

#### LANDSCAPING

p. Lessee shall submit a landscaping plan as part of the development plans for approval by the Director of

Construction and Land Use, which shall include the following:

- (a) all existing trees within 20 feet of the east and west property lines shall be preserved;
- (b) additional, fast-growing trees such as maples or poplars or fast-growing evergreens shall be planted in any openings between existing trees more than 20 feet in width, at the rate of one tree for each 20 feet of opening;
- (c) new trees shall be at least 20 feet in height;
- (d) climbing vines shall be planted to conceal the walls of the structure.

2. This Property Use and Development Agreement (hereinafter "Agreement") shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall apply to afteracquired title of the Owners of the Property. The primary responsibility for performing the conditions of this agreement shall be vested in Lessee, but WSDOT or any subsequent lessee or owner shall also be bound thereby if Lessee does not perform said conditions. The term of this agreement shall be thirty years.

3. This Agreement may be amended or modified by agreement between the Owners and the City, provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendment to the Zoning Ordinance or Land Use Code as it may deem necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in a Manufacturing Zone.





# City of Seattle

ORDINANCE 112282

AN ORDINANCE relating to Land Use and Zoning; amending Plat Page 91 of the Official Land Use Map to rezone property located within the 1-5 right of way east of Franklin Avenue East, south of East Newton Avenue, west of Lakeview Boulevard East and north of East Galer Street from Residential, Multi-Family, Lowrise 2 (L-2) and Residential, Multi-Family, Lowrise 3 (L-3) to Manufacturing (M), and accepting a Property Use and Development Agreement in connection therewith. (Petition of William L. Schallert, Jr.; C.F. 293057).

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The above described tract of land is graphically portrayed on the attached plan sheet of said highway which is hereby made a part of this exhibit "A" to airspace lease No. AA-1-07868. The said plan sheet consists of plan sheet 1 and a portion plan sheet 2 of SR 5, Seattle Freeway: East Galer St. to Shelby St.

from Residential, Multi-Family, Lowrise 2 (L-2) and Residential Multi-Family, Lowrise 3 (L-3) to Manufacturing (M) Zone, all as shown in "Exhibit A"; and the City Clerk is directed to place a copy of said "Exhibit A" in a volume entitled "Zoning Map Amendments," all as contemplated in C.F. 293057.

Section 2. That the Property Use and Development Agreement which was submitted to the City by the owners of the property described in Section 1 hereof, recorded in the records of the Director of Records and Elections of King County and filed in C.F. 293057 by which said owners agree to certain restrictions on the property to ameliorate the impact of uses and development otherwise permitted in the Manufacturing (M) Zone upon property in the vicinity is hereby accepted. The City Clerk is hereby authorized and directed to deliver copies of the same to the Director of Construction and Land Use and Community Development Director.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 23rd day of June, 1986, and signed by me in open session in authentication of its passage this 23rd day of June, 1986.

SAM SMITH  
President of the City Council.

Approved by me this 27th day of June, 1986.

CHARLES ROYER  
Mayor.

Filed by me this 27th day of June, 1986.

ATTEST: NICHOLAS J. BRONKS,  
City Comptroller and City Clerk.

Done by: THERESA DUNBAR  
Deputy Clerk.

Publication ordered by NICHOLAS J. BRONKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, July 1, 1986.

(C 309-N)

# Affidavit of Publication

**STATE OF WASHINGTON  
KING COUNTY—SS.**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a .....  
Ordinance No. 112895

.....  
was published on July 3, 1986

*R. Spicuzza*

Subscribed and sworn to before me on  
July 3, 1986

*Burton C. Jones*

Notary Public for the State of Washington,  
residing in Seattle.

CN

L

### SHORELINE MASTER PROGRAM

ENVIRONMENTAL CLASSIFICATION MAP

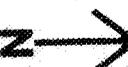
**Environmental Classifications**

CN	Conservancy Natural
CM	Conservancy Management
UR	Urban Residential
US	Urban Stable
US/CW	Urban Stable/Central Waterfront
US/LU	Urban Stable/Lake Union
UD	Urban Development

**Legend:**

- Shoreline District Boundary
- - - - - Shoreline (Ord. No. 106200)



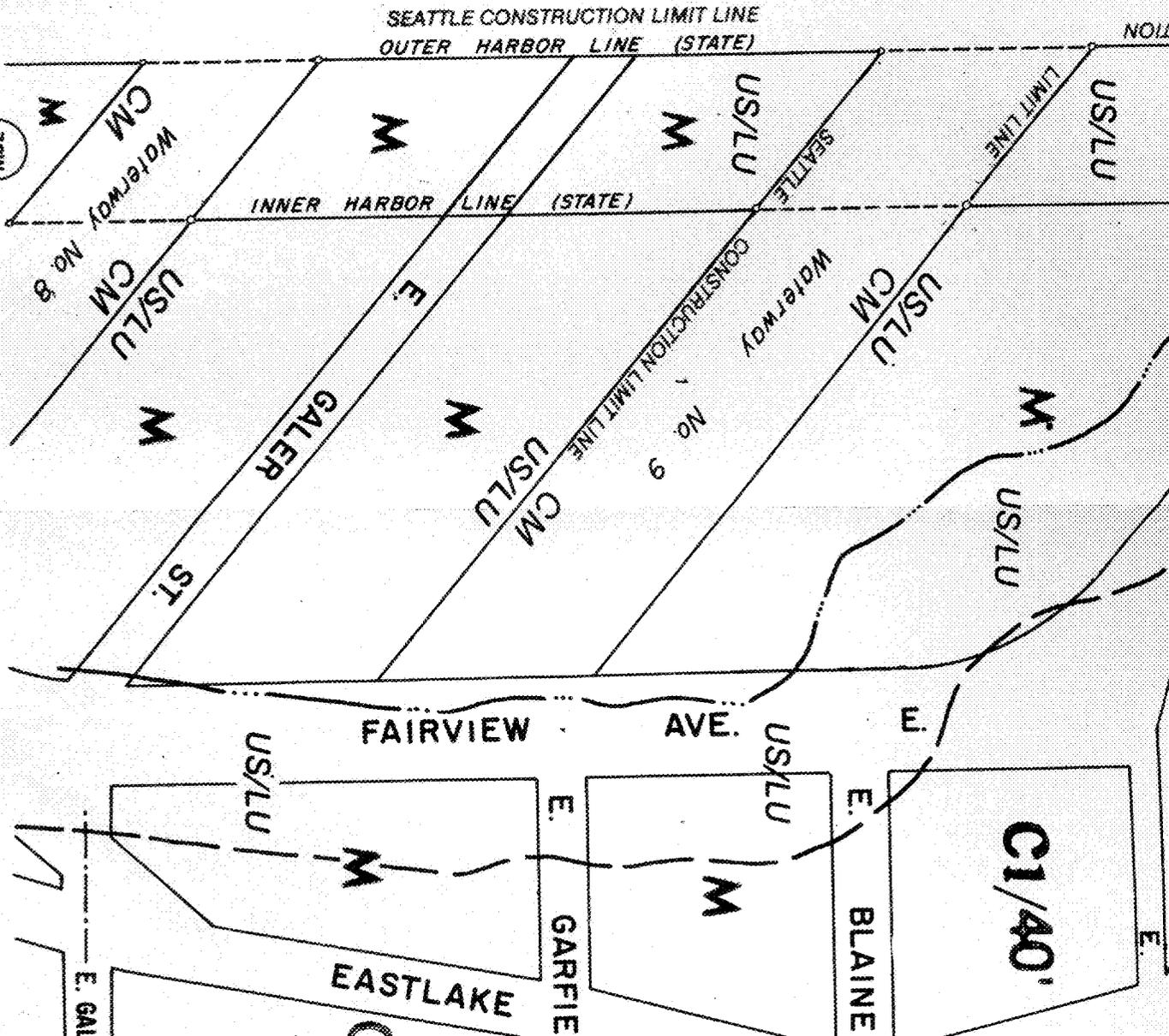




\*For Use and Bulk Regulations, see Municipal Code Chapter 24.60

SEATTLE CONSTRUCTION LIMIT LINE  
 OUTER HARBOR LINE (STATE)

INNER HARBOR LINE (STATE)



91

36W

SCALE: 1 INCH = 200 FEET