

ORDINANCE No. 118663

COUNCIL BILL No. 111766

INDEXED

The City

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.090, 23.60.246, 23.60.306, 23.60.365, 23.60.368, 23.60.430, 23.60.544, 23.60.606, 23.60.664, 23.60.666, 23.60.728, and 23.60.848; adding Sections 23.60.248, 23.60.308, 23.60.370, 23.60.436, 23.60.490, 23.60.550, 23.60.612, 23.60.734, 23.60.800, and 23.60.854; and repealing Section 23.60.366 of the Seattle Shoreline Master Program, Chapter 23.60 of the Seattle Municipal (Land Use) Code.

OK

Honorable President:

Your Committee on Pay 3

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No.

Introduced: <u>JUN 9 1997</u>	By: DONALDSON
Referred: <u>JUN 9 1997</u>	To: PARKS, PUBLIC GROUND AND RECREATION COMMITTEE
Referred:	To:
Referred:	To:
Reported: <u>JUL 21 1997</u>	Second Reading:
Third Reading: <u>JUL 21 1997</u>	Signed: <u>JUL 21 1997</u>
Presented to Mayor: <u>JUL 21 1997</u>	Approved: <u>JUL 25 1997</u>
Returned to City Clerk: <u>JUL 25 1997</u>	Published: <u>Full 21 pgs.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

6-30-97 Hob

7-7-97 Hob

7-21-97 Full

INDEXED

*Law Department*

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

ommittee on

Pass 30 Parks Committee 6/25/97

ch was referred the within Council Bill No.

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

6-30-97 Hold 1 week

7-7-97 Hold to 7-21-97 8-0

7-21-97 Full Council Action: Pass 8-0

Caucused Redford

Committee Chair

ORDINANCE 118663

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.090, 23.60.246, 23.60.306, 23.60.365, 23.60.368, 23.60.430, 23.60.544, 23.60.606, 23.60.664, 23.60.666, 23.60.728, and 23.60.848; adding Sections 23.60.248, 23.60.308, 23.60.370, 23.60.436, 23.60.490, 23.60.550, 23.60.612, 23.60.734, 23.60.795, and 23.60.854; and repealing Section 23.60.366 of the Seattle Shoreline Master Program, Chapter 23.60 of the Seattle Municipal (Land Use) Code. **NOW THEREFORE,**

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

**Section 1.** Subsection I of Section 23.60.090 of the Seattle Municipal Code, which Section was last amended by Ordinance 116328, is amended as follows:

**SMC 23.60.090 Identification of principal permitted uses.**

\* \* \*

I. As determined by the Director, uses in ((P))public facilities ((which)) that are most similar to ((ether)) uses ((as determined by the Director)) permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally, or prohibited under this Chapter shall also be permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally or prohibited subject ((on)) to the same ((basis as the similar)) use regulations, development standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar use unless otherwise specified.

**Section 2.** Subsection H of Section 23.60.246 of the Seattle Municipal Code, which Section was last amended by Ordinance 113764, is amended as follows:

**SMC 23.60.246 Prohibited uses in the CN Environment.**

The following uses shall be prohibited as principal or accessory uses in the CN Environment:

\* \* \*

H. Public facilities not authorized by Section 23.60.248;

\* \* \*

**Section 3.** A new Section 23.60.248 is added to the Seattle Municipal Code as follows:

**23.60.248 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 through 23.60.244 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to

1 uses in public facilities allowed in subsections A and B above according to the provisions of  
2 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
3 Type I Master Use Permit when the development standards of the zone in which the public  
4 facility is located are met.

5 D. Essential Public Facilities. Permitted essential public facilities shall also be  
6 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.  
7  
8

9 **Section 4.** Subsection H of Section 23.60.306 of the Seattle Municipal Code, which  
10 Section was last amended by Ordinance 113764, is amended as follows:  
11

12 **23.60.306 Prohibited uses in the CP Environment.**  
13

14 The following uses shall be prohibited as principal or accessory uses in the CP  
15 Environment:  
16

17 \* \* \*

18  
19 H. Public facilities not authorized by Section 23.60.308;  
20

21 \* \* \*

22  
23  
24 **Section 5.** A new Section 23.60.308 is added to the Seattle Municipal Code as  
25 follows:  
26

27 **23.60.308 Public facilities.**  
28

29 A. Except as provided in subsection B1 or B2 below, uses in public facilities that  
30 are most similar to uses permitted as a special use or permitted as a conditional use under  
31 Sections 23.60.302 and 23.60.304 shall also be permitted as a special use or conditional use,  
32 subject to the same use regulations, development standards, special use requirements, and  
33 conditional use criteria that govern the similar uses.

34 B. Public Facilities not Meeting Development Standards Requiring City Council  
35 Approval.

36 1. The City Council, with the concurrence of the Department of  
37 Ecology, may waive or modify applicable special use requirements or conditional use  
38 criteria for those uses in public facilities that are similar to uses permitted as a special use or  
39 permitted as a conditional use under Sections 23.60.302 and 23.60.304 according to the  
40 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public  
41 projects considered as Type IV quasi-judicial decisions and City facilities considered as  
42 Type V legislative decisions.

1                   2.     Other Uses Permitted in Public Facilities. Unless specifically  
2 prohibited, uses in public facilities that are not similar to uses permitted as a special use or  
3 permitted as a conditional use under Sections 23.60.302 and 23.60.304 may be permitted by  
4 the City Council. City Council, with the concurrence of the Department of Ecology, may  
5 waive or modify development standards, special use requirements or conditional use criteria  
6 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions,  
7 with public projects considered as Type IV quasi-judicial decisions and City facilities  
8 considered as Type V legislative decisions.

9           C.     Expansion of Uses in Public Facilities.

10           1.     Major Expansion. Major expansions may be permitted to uses in  
11 public facilities allowed in subsections A and B above according to the same provisions and  
12 procedural requirements as described in these subsections. A major expansion of a public  
13 facility use occurs when the expansion that is proposed would not meet development  
14 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
15 existing area, whichever is greater, including gross floor area and areas devoted to active  
16 outdoor uses other than parking.

17           2.     Minor Expansion. When an expansion falls below the major  
18 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
19 uses in public facilities allowed in subsections A and B above according to the provisions of  
20 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
21 Type I Master Use Permit when the development standards of the zone in which the public  
22 facility is located are met.

23           D.     Essential Public Facilities. Permitted essential public facilities shall also be  
24 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

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26  
27           **Section 6.** Section 23.60.365 of the Seattle Municipal Code, which Section was  
28 adopted by Ordinance 116325, is amended as follows:

29  
30           **23.60.365     Administrative Conditional Uses in the CR Environment.**

31  
32           The following uses may be authorized by the Director, with the concurrence of the  
33 Department of Ecology, as principal or accessory use, if the criteria for administrative  
34 conditional uses in WAC 173-((14-140))27-160 are satisfied:

35  
36           A.     Single((-) family dwelling units constructed partially or wholly over water  
37 and meeting the following conditions:

38           1.     If located on a residentially zoned and privately owned lot established  
39 in the public records of the County or City prior to March 1, 1977 by deed, contract of sale,  
40 mortgage, platting, property tax segregation or building permit; and

41           2.     If the lot has less than thirty feet (30') but at least fifteen feet (15') of  
42 dry land calculated as provided for in measurements Section 23.60.956; and



1  
2 **23.60.370 Public facilities.**  
3

4 A. Except as provided in subsection B1 or B2 below, uses in public facilities that  
5 are most similar to uses permitted outright, permitted as a special use or permitted as a  
6 conditional use under Sections 23.60.360 through 23.60.366 shall also be permitted outright,  
7 as a special use or conditional use, subject to the same use regulations, development  
8 standards, special use requirements, and conditional use criteria that govern the similar uses.

9 B. Public Facilities not Meeting Development Standards Requiring City Council  
10 Approval.

11 1. The City Council, with the concurrence of the Department of  
12 Ecology, may waive or modify applicable development standards, special use requirements  
13 or conditional use criteria for those uses in public facilities that are similar to uses permitted  
14 outright, permitted as a special use or permitted as a conditional use under Sections  
15 23.60.360 through 23.60.366 according to the provisions of Chapter 23.76, Subchapter III,  
16 Council Land Use Decisions, with public projects considered as Type IV quasi-judicial  
17 decisions and City facilities considered as Type V legislative decisions.

18 2. Other Uses Permitted in Public Facilities. Unless specifically  
19 prohibited, uses in public facilities that are not similar to uses permitted outright, permitted  
20 as a special use or permitted as a conditional use under Sections 23.60.364 through  
21 23.60.366 may be permitted by the City Council. City Council, with the concurrence of the  
22 Department of Ecology, may waive or modify development standards, special use  
23 requirements or conditional use criteria according to the provisions of Chapter 23.76,  
24 Subchapter III, Council Land Use Decisions, with public projects considered as Type IV  
25 quasi-judicial decisions and City facilities considered as Type V legislative decisions.

26 C. Expansion of Uses in Public Facilities.

27 1. Major Expansion. Major expansions may be permitted to uses in  
28 public facilities allowed in subsections A and B above according to the same provisions and  
29 procedural requirements as described in these subsections. A major expansion of a public  
30 facility use occurs when the expansion that is proposed would not meet development  
31 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
32 existing area, whichever is greater, including gross floor area and areas devoted to active  
33 outdoor uses other than parking.

34 2. Minor Expansion. When an expansion falls below the major  
35 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
36 uses in public facilities allowed in subsections A and B above according to the provisions of  
37 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
38 Type I Master Use Permit when the development standards of the zone in which the public  
39 facility is located are met.

40 D. Essential Public Facilities. Permitted essential public facilities shall also be  
41 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.  
42



1 as an accessory use, permitted as a special use, or permitted as a conditional use under  
2 Sections 23.60.420 through 23.60.428 may be permitted by the City Council. City Council,  
3 with the concurrence of the Department of Ecology may waive or modify development  
4 standards, accessory use requirements, special use requirements or conditional use criteria  
5 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions,  
6 with public projects considered as Type IV quasi-judicial decisions and City facilities  
7 considered as Type V legislative decisions.

8 C. Expansion of Uses in Public Facilities.

9 1. Major Expansion. Major expansions may be permitted to uses in  
10 public facilities allowed in subsections A and B above according to the same provisions and  
11 procedural requirements as described in these subsections. A major expansion of a public  
12 facility use occurs when the expansion that is proposed would not meet development  
13 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
14 existing area, whichever is greater, including gross floor area and areas devoted to active  
15 outdoor uses other than parking.

16 2. Minor Expansion. When an expansion falls below the major  
17 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
18 uses in public facilities allowed in subsections A and B above according to the provisions of  
19 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
20 Type I Master Use Permit when the development standards of the zone in which the public  
21 facility is located are met.

22 D. Essential Public Facilities. Permitted essential public facilities shall also be  
23 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

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25  
26 **Section 12.** A new Section 23.60.490 is added to the Seattle Municipal Code as  
27 follows:

28  
29 **23.60.490 Public facilities.**

30  
31 A. Except as provided in subsection B1 or B2 below, uses in public facilities that  
32 are most similar to uses permitted as a special use or permitted as a conditional use under  
33 Sections 23.60.484 through 23.60.486 shall also be permitted as a special use or conditional  
34 use, subject to the same use regulations, development standards, special use requirements,  
35 and conditional use criteria that govern the similar uses.

36 B. Public Facilities not Meeting Development Standards Requiring City Council  
37 Approval.

38 1. The City Council, with the concurrence of the Department of  
39 Ecology, may waive or modify applicable special use requirements or conditional use  
40 criteria for those uses in public facilities that are similar to uses permitted as a special use or  
41 permitted as a conditional use under Sections 23.60.484 through 23.60.486 according to the  
42 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public

1 projects considered as Type IV quasi-judicial decisions and City facilities considered as  
2 Type V legislative decisions.

3 2. Other Uses Permitted in Public Facilities. Unless specifically  
4 prohibited, uses in public facilities that are not similar to uses permitted as a special use or  
5 permitted as a conditional use under Sections 23.60.484 through 23.60.486 may be permitted  
6 by the City Council. City Council, with the concurrence of the Department of Ecology, may  
7 waive or modify development standards, special use requirements or conditional use criteria  
8 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions,  
9 with public projects considered as Type IV quasi-judicial decisions and City facilities  
10 considered as Type V legislative decisions.

11 C. Expansion of Uses in Public Facilities.

12 1. Major Expansion. Major expansions may be permitted to uses in  
13 public facilities allowed in subsections A and B above according to the same provisions and  
14 procedural requirements as described in these subsections. A major expansion of a public  
15 facility use occurs when the expansion that is proposed would not meet development  
16 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
17 existing area, whichever is greater, including gross floor area and areas devoted to active  
18 outdoor uses other than parking.

19 2. Minor Expansion. When an expansion falls below the major  
20 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
21 uses in public facilities allowed in subsections A and B above according to the provisions of  
22 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
23 Type I Master Use Permit when the development standards of the zone in which the public  
24 facility is located are met.

25 D. Essential Public Facilities. Permitted essential public facilities shall also be  
26 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

27  
28  
29 **Section 13.** Subsection G of Section 23.60.544 of the Seattle Municipal code, which  
30 Section was last amended by Ordinance 118415, is amended as follows:

31  
32 **SMC 20.60.544 Prohibited uses on waterfront lots in the UR Environment.**

33  
34 The following uses shall be prohibited as principal uses on waterfront lots in the UR  
35 Environment:

36  
37 \* \* \*

38  
39 G. Public facilities not authorized by Section 23.60.550;

40  
41 \* \* \*

1  
2           **Section 14.** A new Section 23.60.550 is added to the Seattle Municipal Code as  
3 follows:

4  
5           **23.60.550     Public facilities.**

6  
7           A.     Except as provided in subsection B1 or B2 below, uses in public facilities that  
8 are most similar to uses permitted outright or permitted as a special use under Sections  
9 23.60.540 through 23.60.542 shall also be permitted outright or as a special use, subject to  
10 the same use regulations, development standards, and special use requirements that govern  
11 the similar uses.

12           B.     Public Facilities not Meeting Development Standards Requiring City Council  
13 Approval.

14                 1.     The City Council, with the concurrence of the Department of  
15 Ecology, may waive or modify applicable development standards or special use  
16 requirements for those uses in public facilities that are similar to uses permitted outright or  
17 permitted as a special use under Sections 23.60.540 through 23.60.542 according to the  
18 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public  
19 projects considered as Type IV quasi-judicial decisions and City facilities considered as  
20 Type V legislative decisions.

21                 2.     Other Uses Permitted in Public Facilities. Unless specifically  
22 prohibited, uses in public facilities that are not similar to uses permitted outright or  
23 permitted as a special use under Sections 23.60.540 through 23.60.542 may be permitted by  
24 the City Council. City Council, with the concurrence of the Department of Ecology, may  
25 waive or modify development standards or special use requirements according to the  
26 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public  
27 projects considered as Type IV quasi-judicial decisions and City facilities considered as  
28 Type V legislative decisions.

29           C.     Expansion of Uses in Public Facilities.

30                 1.     Major Expansion. Major expansions may be permitted to uses in  
31 public facilities allowed in subsections A and B above according to the same provisions and  
32 procedural requirements as described in these subsections. A major expansion of a public  
33 facility use occurs when the expansion that is proposed would not meet development  
34 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
35 existing area, whichever is greater, including gross floor area and areas devoted to active  
36 outdoor uses other than parking.

37                 2.     Minor Expansion. When an expansion falls below the major  
38 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
39 uses in public facilities allowed in subsections A and B above according to the provisions of  
40 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
41 Type I Master Use Permit when the development standards of the zone in which the public  
42 facility is located are met.

1 D. Essential Public Facilities. Permitted essential public facilities shall also be  
2 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.  
3  
4

5 **Section 15.** Subsection G of Section 23.60.606 of the Seattle Municipal Code,  
6 which Section was last amended by Ordinance 113764, is amended as follows:  
7

8 **SMC 23.60.606 Prohibited uses on waterfront lots in the US Environment.**  
9

10 The following uses shall be prohibited as principal uses on waterfront lots in the US  
11 environment:  
12

13 \* \* \*

14  
15 G. Public facilities not authorized by Section 23.60.612 and those that are ((s)) non-  
16 water-dependent;  
17

18 \* \* \*

19  
20  
21 **Section 16.** A new Section 23.60.612 is added to the Seattle Municipal Code as  
22 follows:  
23

24 **23.60.612 Public facilities.**  
25

26 A. Except as provided in subsection B1 or B2 below, uses in public facilities that  
27 are most similar to uses permitted outright, permitted as a special use or permitted as a  
28 conditional use under Sections 23.60.600 through 23.60.604 shall also be permitted outright,  
29 as a special use or conditional use, subject to the same use regulations, development  
30 standards, special use requirements, and conditional use criteria that govern the similar uses.

31 B. Public Facilities not Meeting Development Standards Requiring City Council  
32 Approval.

33 1. The City Council, with the concurrence of the Department of  
34 Ecology, may waive or modify applicable development standards, special use requirements  
35 or conditional use criteria for those uses in public facilities that are similar to uses permitted  
36 outright, permitted as a special use or permitted as a conditional use under Sections  
37 23.60.600 through 23.60.604 according to the provisions of Chapter 23.76, Subchapter III,  
38 Council Land Use Decisions, with public projects considered as Type IV quasi-judicial  
39 decisions and City facilities considered as Type V legislative decisions.

40 2. Other Uses Permitted in Public Facilities. Unless specifically  
41 prohibited, uses in public facilities that are not similar to uses permitted outright, permitted  
42 as a special use or permitted as a conditional use under Sections 23.60.600 through

1 23.60.604 may be permitted by the City Council. City Council , with the concurrence of the  
2 Department of Ecology, may waive or modify development standards, special use  
3 requirements or conditional use criteria according to the provisions of Chapter 23.76,  
4 Subchapter III, Council Land Use Decisions, with public projects considered as Type IV  
5 quasi-judicial decisions and City facilities considered as Type V legislative decisions.

6 C. Expansion of Uses in Public Facilities.

7 1. Major Expansion. Major expansions may be permitted to uses in  
8 public facilities allowed in subsections A and B above according to the same provisions and  
9 procedural requirements as described in these subsections. A major expansion of a public  
10 facility use occurs when the expansion that is proposed would not meet development  
11 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
12 existing area, whichever is greater, including gross floor area and areas devoted to active  
13 outdoor uses other than parking.

14 2. Minor Expansion. When an expansion falls below the major  
15 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
16 uses in public facilities allowed in subsections A and B above according to the provisions of  
17 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
18 Type I Master Use Permit when the development standards of the zone in which the public  
19 facility is located are met.

20 D. Essential Public Facilities. Permitted essential public facilities shall also be  
21 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

22  
23  
24 **Section 17.** Section 23.60.664 of the Seattle Municipal Code, which Section was  
25 last amended by Ordinance 116907, is amended as follows:

26  
27 **23.60.664 Administrative Conditional uses permitted on waterfront lots in the UH**  
28 **Environment.**

29  
30 ((A-)) The following uses may be authorized over water or on dry-land portions of  
31 waterfront lots in the UH Environment by the Director, with the concurrence of the  
32 Department of Ecology, as either principal or accessory uses if the criteria for conditional  
33 uses in WAC 173-14-140 are satisfied:

34 ((+))A. The following commercial uses:

35 ((a))1. Outdoor storage, water-related or water-dependent,

36 ((b))2. Warehouses, water-related or water-dependent,

37 ((e))3. Wholesale showrooms, and

38 ((d))4. Research and development laboratories, non-water-dependent;

39 ((2))B. Non-water-dependent commercial uses on historic ships:

40 ((a))1. The following uses may be permitted on an historic ship when  
41 meeting the criteria in subsection C2 below:

42 ((+))a. Sale of boat parts or accessories,

- 1 ((ii))b. Personal and household retail sales and services,  
2 ((iii))c. Eating and drinking establishments;  
3 ((b))2. ((i))a. The ship is designated as historic by the Landmarks  
4 Preservation Board or listed on the National Register of Historic Places,  
5 ((ii))b. The use is compatible with the existing design and/or  
6 construction of the ship without significant alteration,  
7 ((iii))c. Uses permitted outright are not practical because of ship  
8 design and/or cannot provide adequate financial support necessary to sustain the ship in a  
9 reasonably good physical condition,  
10 ((iv))d. The use shall obtain a certificate of approval from the  
11 Landmarks Preservation Board, and  
12 ((v))e. No other historic ship containing restaurant or retail uses is  
13 located within one-half (1/2) mile of the proposed site, unless the proposed site is within the  
14 Historic Character Area;  
15 ((3))C. Light manufacturing uses, non-water-dependent which:  
16 ((a))1. Are part of a mixed-use development when the light manufacturing  
17 uses occupy no more than twenty-five percent (25%) of the developed portion of the lot,  
18 ((b))2. Contribute to the maritime or tourist character of the area, and  
19 ((e))3. Are located to accommodate water-dependent or water-related uses on  
20 site;  
21 ((4))D. The following non-water-dependent institutions:  
22 ((a))1. Institutes for advanced study,  
23 ((b))2. Museums,  
24 ((e))3. Colleges, and  
25 ((d))4. Vocational schools.  
26 ((B. — The following use may be authorized over water or on dryland portions of  
27 waterfront lots in the UH Environment by the City Council, with the concurrence of the  
28 Department of Ecology, as either principal or accessory uses if the criteria for conditional  
29 uses in WAC 173-14-140 are satisfied:  
30 \_\_\_\_\_ 1. \_\_\_\_\_ Helistops, subject to the following criteria:  
31 \_\_\_\_\_ a. \_\_\_\_\_ The helistop is for takeoff and landing of helicopters which  
32 serve a public safety, news gathering or emergency medical care function, is part of an  
33 approved transportation plan and is a public facility, or is part of an approved transportation  
34 plan and located at least two thousand feet (2,000') from a residential zone;  
35 \_\_\_\_\_ b. \_\_\_\_\_ The helistop is located so as to minimize adverse physical  
36 environmental impacts on lots in the surrounding area, and on public parks and other areas  
37 where substantial public gatherings may be held;  
38 \_\_\_\_\_ c. \_\_\_\_\_ The lot is of sufficient size that operations of the helistop and  
39 flight paths of helicopters can be buffered from the surrounding area;  
40 \_\_\_\_\_ d. \_\_\_\_\_ Open areas and landing pads shall be hardsurfaced, and  
41 \_\_\_\_\_ e. \_\_\_\_\_ The helistop meets all federal requirements including those for  
42 safety, glide angles and approach lanes.))

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2  
3       **Section 18.** Section 23.60.666 of the Seattle Municipal Code, which Section was  
4 adopted by Ordinance 118415, is amended as follows:  
5

6       **23.60.666     Council conditional uses permitted on waterfront lots (~~Water-~~**  
7 **~~Dependent incentive~~) in the UH Environment.**  
8

9       A.     Water-Dependent Incentive.

10       1.     Developments which include major water-dependent uses may be  
11 permitted to increase height and lot coverage and to depart from the other development  
12 standards of Part 2 of this subchapter through the Council conditional use process set forth  
13 in Section 23.60.068, Council conditional use authorization, if the Council finds that such  
14 departures would encourage the retention of existing and/or development of new water-  
15 dependent uses.

16       ~~((B))~~2. The following development standards shall be used as criteria in  
17 evaluating projects which include a major water-dependent use:

18       ~~((+))~~a. The project may be located in any area of a Downtown  
19 Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

20       ~~((2))~~b. Siting of project components shall be designed to facilitate the  
21 operation of the water-dependent component(s). Views from Alaskan Way of activity over  
22 water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way  
23 should contribute to an interesting and inviting pedestrian environment.

24       ~~((3))~~c. The area of the project shall be adequate to accommodate the  
25 operations of a major water-dependent use suited to a downtown harbor area location.

26       ~~((a.))~~(1)Area. A minimum of twenty thousand (20,000) square  
27 feet or square footage equivalent to twenty percent (20%) of the developed lot area,  
28 whichever is greater, shall be dedicated to water-dependent use.

29       ~~((b.))~~(2)Moorage. The moorage required by Section 23.60.698  
30 shall not be calculated as part of the major water-dependent use. Moorage provided in excess  
31 of the requirement shall be credited as part of the minimum square footage requirement for  
32 water-dependent use.

33       ~~((e.))~~(3)Lot coverage. An increase in the base lot coverage  
34 from fifty percent (50%) to a maximum of sixty-five percent (65%) may be permitted by the  
35 Council. Structures excluding floats permitted by Section 23.60.694 C, shall not occupy  
36 more than sixty-five percent (65%) of the submerged land and sixty-five percent (65%) of  
37 the dry land of any lot. To exceed the base lot coverage, development shall be modified to  
38 accomplish the following objectives:

39       ~~((+))~~(a)Prevent building bulk from being  
40 concentrated along the Alaskan Way frontage of the lot;

41       ~~((2))~~(b)Promote an overall massing of the pier  
42 superstructure to reflect some of the qualities of traditional pier development;



1 ((4))(d) To qualify as public access, an area shall be  
2 directly accessible from Alaskan Way and clearly related to public open spaces. Efforts  
3 should also be made to physically and visually link public access areas over water with the  
4 east/west streets providing links to upland areas;

5 ((5))(e) The public access area shall provide the  
6 public with visual and physical access to the shoreline area. Preference shall be given to  
7 perimeter access on over-water structures providing maximum exposure to the bay and  
8 surrounding activity;

9 ((6))(f) Interpretive features such as displays or  
10 special viewing equipment shall be incorporated in public access areas. Maritime museum  
11 space which is fully enclosed will not count as public access space;

12 ((7))(g) Up to fifty percent (50%) of the total public  
13 access area may be covered, provided that at least fifty percent (50%) of the perimeter of any  
14 covered area is open to views of the water;

15 ((8))(h) A portion of the required public access area,  
16 not to exceed fifty percent (50%), may be provided at an elevation exceeding two feet (2')  
17 above or below the grade of Alaskan Way. The area must be open to views of the water  
18 along at least fifty percent (50%) of the perimeter, be easily identifiable as public space and  
19 be fully accessible to the public.

20 ((6))f. View Corridors. View corridors shall be provided equivalent to  
21 thirty percent (30%) of the street frontage of the lot. The following conditions for view  
22 corridors shall be met:

23 ((a-))(1) View corridors shall allow views of the water from the  
24 street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along  
25 traditional view corridors established by submerged street rights-of-way, as well as views  
26 from upland areas along east/west rights-of-way. View corridors shall provide views past  
27 pier development out into the open water of Elliott Bay and to the Olympic Mountains  
28 where possible;

29 ((b-))(2) View corridors shall maximize opportunities for views  
30 of the bay and waterfront activity along Alaskan Way to enhance public open space and  
31 public access areas;

32 ((e-))(3) View corridors through a development site shall be  
33 encouraged to assist in relieving the overall sense of bulk of development over water; and

34 ((d-))(4) Overhead weather protection, arcades or other  
35 architectural features may extend into the view corridor only if they do not obstruct views  
36 from pedestrian areas at Alaskan Way or on upland streets.

37 B. Helistops may be authorized over water or on dryland portions of waterfront  
38 lots in the UH Environment by the City Council according to the procedures of Section  
39 23.60.068, with concurrence of the Department of Ecology, as either principal or accessory  
40 uses if both the criteria for conditional uses in WAC 173-27-160 and the following criteria  
41 are satisfied:



1                   1.       The City Council, with the concurrence of the Department of  
2 Ecology, may waive or modify applicable development standards, special use requirements  
3 or conditional use criteria for those uses in public facilities that are similar to uses permitted  
4 outright, permitted as a special use or permitted as a conditional use under Sections  
5 23.60.720 through 23.60.724 according to the provisions of Chapter 23.76, Subchapter III,  
6 Council Land Use Decisions, with public projects considered as Type IV quasi-judicial  
7 decisions and City facilities considered as Type V legislative decisions.

8                   2.       Other Uses Permitted in Public Facilities. Unless specifically  
9 prohibited, uses in public facilities that are not similar to uses permitted outright, permitted  
10 as a special use or permitted as a conditional use under Sections 23.60.720 through  
11 23.60.724 may be permitted by the City Council. City Council, with the concurrence of the  
12 Department of Ecology, may waive or modify development standards, special use  
13 requirements or conditional use criteria according to the provisions of Chapter 23.76,  
14 Subchapter III, Council Land Use Decisions, with public projects considered as Type IV  
15 quasi-judicial decisions and City facilities considered as Type V legislative decisions.

16                   C.       Expansion of Uses in Public Facilities.

17                   1.       Major Expansion. Major expansions may be permitted to uses in  
18 public facilities allowed in subsections A and B above according to the same provisions and  
19 procedural requirements as described in these subsections. A major expansion of a public  
20 facility use occurs when the expansion that is proposed would not meet development  
21 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
22 existing area, whichever is greater, including gross floor area and areas devoted to active  
23 outdoor uses other than parking.

24                   2.       Minor Expansion. When an expansion falls below the major  
25 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
26 uses in public facilities allowed in subsections A and B above according to the provisions of  
27 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
28 Type I Master Use Permit when the development standards of the zone in which the public  
29 facility is located are met.

30                   D.       Essential Public Facilities. Permitted essential public facilities shall also be  
31 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

32  
33  
34                   **Section 21.** A new Section 23.60.795 is added to the Seattle Municipal Code as  
35 follows:

36  
37                   **23.60.795       Public facilities.**

38  
39                   A.       Except as provided in subsection B1 or B2 below, uses in public facilities that  
40 are most similar to uses permitted outright, permitted as a special use or permitted as a  
41 conditional use under Sections 23.60.780 through 23.60.784 shall also be permitted outright,  
42 permitted as a special use or conditional use, subject to the same use regulations,

1 development standards, special use requirements, and conditional use criteria that govern the  
2 similar uses.

3 B. Public Facilities not Meeting Development Standards Requiring City Council  
4 Approval.

5 1. The City Council, with the concurrence of the Department of  
6 Ecology, may waive or modify applicable development standards, special use requirements  
7 or conditional use criteria for those uses in public facilities that are similar to uses permitted  
8 outright, permitted as a special use or permitted as a conditional use under Sections  
9 23.60.780 through 23.60.784 according to the provisions of Chapter 23.76, Subchapter III,  
10 Council Land Use Decisions, with public projects considered as Type IV quasi-judicial  
11 decisions and City facilities considered as Type V legislative decisions.

12 2. Other Uses Permitted in Public Facilities. Unless specifically  
13 prohibited, uses in public facilities that are not similar to uses permitted outright, permitted  
14 as a special use or permitted as a conditional use under Sections 23.60.780 through  
15 23.60.784 may be permitted by the City Council. City Council, with the concurrence of the  
16 Department of Ecology, may waive or modify development standards, special use  
17 requirements or conditional use criteria according to the provisions of Chapter 23.76,  
18 Subchapter III, Council Land Use Decisions, with public projects considered as Type IV  
19 quasi-judicial decisions and City facilities considered as Type V legislative decisions.

20 C. Expansion of Uses in Public Facilities.

21 1. Major Expansion. Major expansions may be permitted to uses in  
22 public facilities allowed in subsections A and B above according to the same provisions and  
23 procedural requirements as described in these subsections. A major expansion of a public  
24 facility use occurs when the expansion that is proposed would not meet development  
25 standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its  
26 existing area, whichever is greater, including gross floor area and areas devoted to active  
27 outdoor uses other than parking.

28 2. Minor Expansion. When an expansion falls below the major  
29 expansion threshold level, it is a minor expansion. Minor expansions may be permitted to  
30 uses in public facilities allowed in subsections A and B above according to the provisions of  
31 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a  
32 Type I Master Use Permit when the development standards of the zone in which the public  
33 facility is located are met.

34 D. Essential Public Facilities. Permitted essential public facilities shall also be  
35 reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

36  
37  
38 **Section 22.** Subsection G of Section 23.60.848 of the Seattle Municipal Code,  
39 which Section was last amended by ordinance 113764, is amended as follows:

40  
41 **SMC 23.60.848 Principal uses prohibited on waterfront lots in the UI**  
42 **Environment.**

The following principal uses are prohibited on waterfront lots in the UI Environment:

\* \* \*

G. Public facilities not authorized by Section 23.60.854 and those that are ((s)) non-water-dependent or non-water-related;

\* \* \*

**Section 23.** A new Section 23.60.854 is added to the Seattle Municipal Code as follows:

**23.60.854 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public

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facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

**Section 24.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

**Section 25.** This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 21<sup>st</sup> day of July, 1997, and signed by me in open session in authentication of its passage this 21<sup>st</sup> day of July, 1997.

[Signature]  
President of the City Council

Approved by me this 25<sup>th</sup> day of July, 1997.

[Signature]  
Norman B. Rice, Mayor

Filed by me this 25 day of July, 1997.

[Signature]  
City Clerk

(SEAL)



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

CERTIFIED MAIL

November 3, 1997

Rebecca Herzfeld  
City of Seattle – DCLU  
710 2<sup>nd</sup> Ave, Ste. 200  
Seattle, WA 98104-1703

FILED  
CITY OF SEATTLE  
97 NOV -7 PM 11:02  
CITY CLERK  
Ord. # ~~118633~~  
118663

Dear Ms. Herzfeld:

Re: Shoreline Master Program Amendment  
Regulatory Reform/Condition Uses/Public Facilities

It is my pleasure to inform you that the Department of Ecology has approved the City of Seattle's Shoreline Master Program amendment as submitted with one corrected reference to repealed WAC 173-14. The amendment has been determined to be consistent with chapter 90.58 RCW and its implementing regulations. The amendment is effective as of the date of this letter. Enclosed is a copy of the Findings and Conclusions.

As a reminder, please be advised that you are required to give public notice as stated in WAC 173-26-120. Public notice will initiate the appeal period that lasts sixty days. Ecology also requires three copies of easily incorporated amended text. Should you have any questions please contact Bob Fritzen at (425) 649-7274. Thank you.

Sincerely,

Tom Fitzsimmons  
Director - Department of Ecology

RF:rf  
Enclosure

cc: Task Force/Interested Parties  
Ken Davis – City of Seattle



**SHORELINE MASTER PROGRAM AMENDMENT  
CITY OF SEATTLE**

**REGULATORY REFORM/CONDITIONAL USES/PUBLIC FACILITIES**

**FINDINGS AND CONCLUSIONS**

By Robert J. Fritzen  
October, 1997

**AMENDMENT PROPOSAL:** The amendment was passed by the City Council as Ordinance 118663. The proposal addresses regulatory reform related to public notice requirements, conditional use decisions, and clarification of the City's public facilities review process.

**PURPOSE OF AMENDMENT:** The overall purpose of the amendment is part of an ongoing effort by the City to update, clarify, and remove redundancies within the City's Shoreline Master Program. The amendment will:

- (1) Define the City's public notice standards.
- (2) Add public parks and community yacht, boat, and beach clubs to the list of Administrative Conditional uses within the Conservancy Recreational environment (previously these uses required substantial development permits and local Council Conditional use review).
- (3) Attempt to "provide a consistent format and clarify the treatment of public facilities, whether permitted outright, permitted conditionally, or prohibited, throughout the Land Use Code..." and "to clarify how the relationship of public facilities with private uses that are similar, and to address the review process."
- (4) Correct an inadvertent error by requiring Council Conditional use approval of helistops within the Urban Harborfront environment along with existing Administrative Conditional use approval.

**FINDINGS:** Except for the limited use changes from Council Conditional use to Administrative Conditional use, no substantive changes have occurred because of this amendment. One reference to repealed WAC 173-14-140 was not corrected by the submittal. The City has since become aware of this error and corrects it as part of this amendment.

**CONCLUSION:** It is recommended that the amendment be approved as submitted along with the one addition stated above.

Seattle  
Department of Construction and Land Use



R. F. Krochalis, Director  
Norman B. Rice, Mayor

**MEMORANDUM**

**TO:** Jan Drago, City Council President, via  
Judy Bunnell, Director, Office of Management and Planning

**FROM:** *R. F. Krochalis*  
Rick Krochalis, Director

**DATE:** May 23, 1997

**SUBJECT:** Regulatory Reform Legislation

**Transmittal**

With this memorandum we are transmitting for City Council consideration proposed legislation to adopt regulatory reform recommendations amending the Seattle Land Use Code, Regulations for Environmentally Critical Areas, and Shoreline Master Program.

**Background and Summary of Recommendations**

The Department of Construction and Land Use (DCLU) has made regulatory reform a departmental priority over the past few years, working with the Mayor and City Council to balance regulatory reform efforts with the department's other mandate to protect the public health, safety and welfare. One of the City's major regulatory reform efforts came in April 1996 when the City Council and Mayor approved an ordinance amending the Land Use Code to bring the City's permit process into compliance with state regulatory reform legislation (ESHB 1724).

During the development of this legislation, a number of other regulatory reform related issues emerged. Items that were not specifically required by state legislation were postponed. City Council approved Resolution #29316 in April 1996, which required the Executive through DCLU to propose a schedule and work program for review of further measures to implement regulatory reform. Shortly thereafter, City Council approved a work program and schedule for this next phase.

DCLU held three public meetings during 1996 on regulatory reform issues, and in March 1997 issued draft legislation for a 30 day public review period. Public notice for both the public meetings and availability of draft legislation was provided. A regulatory reform

mailing list of over 100 interested individuals and groups was compiled and, several weeks prior to each of the three meetings, notice and issue papers with draft recommendations on each topic were mailed to those on this mailing list. In addition, prior to each meeting DCLU issued a press release, and provided additional public notice through articles in DCLU's monthly publication, the DCLU INFO, along with notice in the DCLU General Mailed Release and the Daily Journal of Commerce.

Based on public and interdepartmental comments, DCLU is recommending legislation to implement regulatory reform improvements related to the following issues: revision of DCLU's public notice requirements to replace the use of placards with a land use sign; reclassification of three Council conditional use decisions to administrative conditional use decisions by the Director of DCLU; and clarification of the public facilities review process. The attached Director's Report and two ordinances provide more detailed information about the proposals.

In light of costs associated with implementation of these amendments, it can also be anticipated that there will be time and cost savings associated with this legislation. Three Council conditional use decisions would become administrative conditional use decisions by the Director of DCLU, which translates in cost and time savings for potential applicants. Also, with adoption of the code amendments clarifying the process and procedures for public facilities, time would be saved by public agencies proposing such uses and for Council and City staff when reviewing and making decisions on public facility applications.

#### **SEPA Environmental Review Determination**

DCLU has completed environmental review and issued a Determination of Non-Significance (no environmental impact statement required) on May 8, 1997. The appeal period for this action runs through May 29, 1997.

#### **Public Hearing Scheduled**

A public hearing on this legislation has been scheduled before the City Council Parks, Public Grounds and Recreation Committee on Wednesday, June 11, 1997 at 2:00 p.m. in the City Council Chamber.

#### **Cost of DCLU Implementation**

- One-Time Implementation Cost: The one-time implementation cost would be approximately \$12,214, based on the following itemized costs:
  - Cost for Staff Training: One staff person will provide training at regularly scheduled staff meetings. The cost for providing training, including copying, training time and preparation would be approximately \$500.

- Cost of Copying Ordinances: The cost of copying the approved ordinances for use by DCLU staff would be approximately \$376.
- Cost of Printing New Land Use Code Pages: The cost of printing new Land Use Code pages by the Book Publishing Company would be approximately \$558.
- Cost of Preparing Director's Rule: Existing Director's Rule 18-93 would need to be revised to reflect proposed changes to the large white (environmental review) sign and new requirements for the proposed land use sign. The cost of completing this work would be approximately \$3,250.
- Cost of Land Use Sign: The proposed land use sign would replace the use of placards. The cost of printing 500 reusable land use signs would be approximately \$1,180. The cost for providing a reusable frame and stand to display the land use sign would be approximately \$750 for 150. The total cost would be \$1,930.
- Cost of Developing New Procedures and Public Information: With implementation of the proposed land use sign requirement, new departmental procedures would need to be developed to provide practical guidance for DCLU staff on how to implement this new public notice requirement - ranging from providing information to applicants about the land use sign requirement to the process for site visits to confirm proper installation and posting additional permit information on the sign. The cost of completing this work would be approximately \$5,000. In addition, DCLU would incur a one-time cost associated with implementing format and design improvements for public notice, which is estimated at approximately \$600. This adds up to a total of approximately \$5,600 for this category.
- Annual Savings and Cost: The on-going annual cost would be approximately \$3,125.

We expect to save approximately \$477 annually over the cost of placards by reusing the land use signs. The proposal would save about 50 hours each year for the Land Use Technicians, since they will not have to spend as much time posting notice at each site, for an annual savings of approximately \$1,172. The proposal would also reduce the number of hours each year necessary for support staff to prepare placards in advance of posting, for an annual savings of approximately \$916. However, the cost of adding mailed notice for short plats is estimated to be \$3,660 for postage and \$2,030 for staff time, for a total of approximately \$5,690 annually. The total annual cost, minus the annual savings, would be approximately \$3,125.

If you have any questions about this proposed legislation, please contact Ken Davis of my staff at 233-3884.



R. F. Krochalis, Director  
Norman B. Rice, Mayor

## DIRECTOR'S REPORT

# Regulatory Reform Recommendations

May 1997

## Introduction

Regulatory reform has been a Department of Construction and Land Use (DCLU) priority over the past few years. One of the City's major regulatory reform efforts came in April 1996 when the City Council and Mayor approved an ordinance amending the Land Use Code to bring the City's permit process into compliance with state regulatory reform legislation (ESHB 1724).

During the development of the 1996 legislation, a number of other regulatory reform related issues emerged. Items that were not specifically required by state legislation were postponed. City Council approved Resolution #29316 in April 1996, which required the Executive through DCLU to propose a schedule and work program for review of further measures to implement regulatory reform. Shortly thereafter, City Council approved a work program and schedule for this next phase.

Since then DCLU has held three public meetings on regulatory reform issues:

### June 12, 1996 Meeting Topics:

- Introduction to Study
- Preliminary Review of DCLU's Public Notice Requirements

### October 22, 1996 Meeting Topics:

- Review of Council Conditional Uses
- Review and Clarification of Public Facilities Review Process
- Review of Downtown SEPA Thresholds (no recommendation in this report - postponed for additional analysis)

### November 7, 1996 Meeting Topics:

- Review and Revision of Public Notice Requirements
- Establishment of an Ongoing Code Maintenance Process

DCLU provided public notice of these meetings through a variety of means. A regulatory reform mailing list of over 100 interested individuals and groups was compiled and, several weeks prior to each of the three meetings, notice and issue papers with draft recommendations on each topic were mailed to those on this mailing list. In addition, prior to each meeting DCLU issued a press release, and provided additional public notice through articles in DCLU's monthly publication, the DCLU INFO, along with notice in the DCLU weekly land use bulletin and the Daily Journal of Commerce.

The remainder of this report explains DCLU's recommendations to amend Seattle's Land Use Code, Regulations for Environmentally Critical Areas, and Shoreline Master Program to implement regulatory reform improvements for each of the topics City Council requested in their resolution (public notice, Council conditional uses, and code maintenance cycle), plus one other (public facilities) added by DCLU over the course of this work. The proposed legislation has been determined to be consistent with the Seattle Comprehensive Plan.

### **How to Comment**

- **Public Hearing**

A public hearing on the proposed legislation is scheduled before the Seattle City Council Parks, Public Grounds and Recreation Committee on Wednesday, June 11, 1997 at 2:00 p.m. in the City Council Chamber, 11th Floor of the Municipal Building, 600 Fourth Avenue. For those who wish to testify, a sign-up sheet will be provided outside the Council Chamber one half hour before the public hearing. Questions concerning the public hearing may be directed to Paula Hoff, Councilmember Sue Donaldson's office, by calling 684-8806.

The City Council Chamber is accessible. Print and communications access is provided on prior request. Please contact Councilmember Sue Donaldson's office at 684-8806 as soon as possible to request accommodations for a disability.

- **Comments**

For those unable to attend the public hearing, comments will be accepted through June 16, 1997 by Councilmember Sue Donaldson, Chair, City Council

Parks, Public Grounds and Recreation Committee. Written comments may be sent to:

City of Seattle  
City Council Parks, Public Grounds and Recreation Committee  
11th Floor, Municipal Building, 600 Fourth Avenue  
Seattle, Washington 98104  
Attention: Paula Hoff

Comments may also be sent via FAX at **684-0299** or EMAIL addressed at **sue.donaldson@ci.seattle.wa.us**.

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## I. Public Notice of Land Use Applications

This phase of regulatory reform includes the examination of DCLU's public notice requirements to determine whether improvements can be made to enhance public notice while simplifying the requirements to benefit both the citizens of Seattle and permit applicants.

### Background

State regulatory reform legislation (ESHB 1724) specifies that at a minimum two types of public notice for land use applications be provided: 1) posting a sign on the property for site-specific proposals; and 2) publishing notice of the application in "the newspaper of general circulation" or in a local land use newsletter published by the local government. DCLU's current public notice process exceeds this; however, in response to issues related to the effectiveness of and costs associated with public notice, DCLU is reviewing its current practices.

### DCLU's Current Types of Public Notice

Depending on the type of proposed action, DCLU provides public notice through a variety of means. Typically, proposals having potentially greater impacts require more types of notice, including one or more of the following:

- **Large (Environmental Review) White Sign:** This outdoor notice is provided primarily for projects subject to State Environmental Policy Act (SEPA) environmental review, although it is also used for projects subject to design review and those requiring Council approval. This 4' X 8' sign is posted on the development site, and includes a project description, site plan and public comment period.

- **Placards:** This outdoor notice is provided for a number of permit applications such as short plats, variances, administrative conditional uses, the pre-design phase of design review, and several shoreline applications. Four brightly colored placards, measuring 11" X 17", are posted on utility poles around the project site. This notice includes a project description and public comment period.
- **Mailed Notice:** Mailed notice is always combined with either a large white sign or placards. This notice is provided on an 8 1/2" X 11" information sheet that includes a project description and a public comment period. It is mailed to property owners and tenants within a 300' radius from the project site.
- **General Mailed Release (GMR):** This type of public notice is required for all land use applications, in addition to other forms of notice as described above. The GMR is a weekly DCLU newsletter of current discretionary land use actions, including notices of applications, decisions, appeals, and meetings. The GMR is mailed to over 345 subscribers (free of charge to community groups), and it is available at DCLU, public libraries, community centers, and on the City's Public Access Network (PAN).
- **Newspaper Publication:** Public notice is also provided in the Daily Journal of Commerce (DJC), the newspaper used by the City for official notice, including notice of land use applications and decisions. In addition, many community newspapers also provide notice of land use actions.

### Recommendations

Based on the comments received from the public, applicants and staff, the analysis of the advantages and disadvantages associated with the different notice mechanisms in terms of effectiveness in providing information, and comparison of the public and private costs and benefits of each type of notice, DCLU has developed the following recommendations.

- **Eliminate Posting of Placards on Utility Poles**

Although a specific ordinance provision makes an exception for land use notices, posting placards on utility poles does not meet the spirit of the City ordinance prohibiting use of utility poles for handbills. In addition, the effectiveness of placards is limited compared to other types of signs because they can be removed more easily, they quickly deteriorate in Seattle's wet weather, and they cannot be read at a distance. Also, posting placards is not cost effective for DCLU, requiring more staff time to prepare (approximately one hour) and post the sign than posting a large white sign. It takes approximately 18 minutes to post a large sign, which involves checking for proper location and adding the end

of the comment period date on the sign, and approximately 30 minutes to post four placards.

- **Replace Placards with One Land Use Sign Posted on the Site**

DCLU would provide durable, reusable land use signs no smaller than 18" x 24" to replace the use of placards. The signs would be formatted to be highly visible and contain the same pertinent information that is currently included on the placard.

When an application requiring this type of notice is submitted, generally one land use sign would be provided to the applicant at the end of the application intake appointment. The number of signs to be posted on the site would be at the Director's discretion based on the size, shape, and topography of the site and surrounding area; and visibility from public rights-of-way surrounding the site. The applicant would receive instructions on how to install the land use sign in a prominent location. DCLU may consider charging a deposit for the sign, which would be refundable once it was returned in a reusable condition. The applicant would also be given a notice card to return to DCLU stating that the land use sign had been installed properly and describing its location on the site.

Once DCLU receives this notice card, the specifics related to the permit application and review dates and deadlines would be prepared for posting. DCLU staff would make a site inspection to confirm proper sign placement and to attach this additional information to the land use sign. This information would be prepared in a weather-resistant format.

The following types of permit applications which now require placards would require the land use sign if this proposal is implemented:

Type II Temporary Use*	Sidewalk Café
Short Plat**	Structural Building Overhang
Variance*	Areaways-
Special Exception	Shoreline Substantial Development Permit
Pre-Design Review*	Shoreline Variance*
Administrative Conditional Use*	Shoreline Administrative Conditional Use*
School Development Standard Departure*	School Use Advisory Committee (SUAC) Formation*

*\*Also Currently requires 300' mailed notice*

*\*\*DCLU is recommending that short plats be added to the list of project types that require 300' mailed notice. Comments received at public meetings support this recommendation. Since*

*platting actions are often proposed on vacant property where few people would be likely to walk by and see the signs, mailed notice is proposed because it would reach more people and provide more effective notice.*

- **Other Public Notice Improvements Under Consideration**

This year DCLU will continue to improve the content and format of other forms of public notice. The following improvements are anticipated:

- **Large (Environmental Review) White Sign:** This sign is required for projects subject to environmental review, design review, and those requiring Council approval. DCLU Director's Rule 18-93, Large Sign Standards for Applications Requiring Environmental Review, will be revised to include new standards for this type of public notice. The size and posting requirements will remain the same. However, changes will be made to make the sign more reader-friendly and informative. These changes will likely include a new format providing a clear and concise description of the proposed land use action, with emphasis on how to receive more information about the project from DCLU. Redesign of the sign by rearranging, highlighting and enlarging the most significant information will improve this form of public notice. An opportunity for public review of proposed changes to this Director's Rule will be provided later this year.
- **Mailed Notice:** The Land Use Code requires that DCLU send notice to both property owners and tenants. To improve the accuracy of mailings to owners, DCLU is now using a service which provides a monthly update of the computerized King County Assessor's ownership data. Previously, this information was updated yearly on microfiche. DCLU also now uses its computerized geographic information (GIS) system to generate mailing lists, which has increased both accuracy and speed. However, there continue to be problems with mailed notice not reaching tenants in multifamily buildings. While the Assessor's Office provides the number of units in a building, it does not give the actual numbering system used for the units. For example, for a 20 unit apartment building, the units could be addressed by floor (1A, 1B, 1C) or by three digit numbers (#201, 202, 203), or any number of ways. Because Post Office addressing standards have become more stringent, many notices without the exact unit numbers are now returned as undeliverable which used to be deliverable. Mailing to multifamily tenants is also hampered by the lack of a directory, such as the old Polk Directory, which listed units by address. DCLU is working with the Post Office and a mailing service to improve our system, and has purchased as a pilot a software program intended to match apartment units with deliverable addresses.

- **General Mailed Release (GMR):** The GMR is a weekly DCLU newsletter of current discretionary land use actions, including notices of applications, decisions, appeals, and meetings. DCLU is working with graphic designers to improve the look of the GMR, placing high priority on providing clear, concise and more comprehensible descriptions of proposed land use actions. Although there are legal and procedural requirements about what must be contained in public notice, DCLU is committed to clarifying this information as necessary to make this form of notice more user-friendly. Changes are also proposed for the mailed notices sent to neighbors about individual projects.
- **Newspaper Publication:** Public notice is also provided in the Daily Journal of Commerce (DJC), the newspaper used by the City for official notice, including notice of land use applications and decisions. Legal and procedural requirements may limit what DCLU can do to simplify and clarify this official form of public notice. However, DCLU is reviewing these requirements and consulting with other City and state agencies to determine whether there is some flexibility in altering and hopefully improving this official notice. If so, many of the improvements under consideration for GMR notice may be duplicated here.

## II. Review of Council Conditional Uses

Type IV Council land use decisions were reviewed to determine whether any should be reclassified as administrative Type II Master Use Permit decisions. Existing Type IV decisions include land use map revisions (rezones), public project approval, major institution master plans, Council conditional uses, and downtown planned community development. From initial discussions with City Council staff and comments and direction from the public, a decision was made by DCLU to focus on Council conditional uses during this phase of regulatory reform. It was determined that the remaining Type IV decisions should remain quasi-judicial decisions by City Council.

### Relationship to State Regulatory Reform Legislation

Regulatory reform legislation approved by the state legislature in 1995 includes a requirement that local jurisdictions issue land use and building permits within 120 days (of City review time) after submission of a complete application. The City of Seattle amended its Land Use, Building and other City codes to ensure this requirement could be met.

In the weeks preceding adoption of the City regulatory reform legislation in 1996, it became apparent that land use decisions requiring Council approval could not be completed within the 120 day timeline. State legislation does allow limited exceptions to this timeline. However, in order to meet the intent of the state law to the greatest extent possible, DCLU and City Council reviewed the uses requiring Council conditional use approval to determine whether the administrative conditional use process would adequately serve the public interest. Administrative conditional use review must be and can be completed within the 120 day timeline.

However, after several public meetings about the scope and content of code amendments under consideration, City Council decided to continue review of this topics as part of this third phase of regulatory reform work.

#### Background Information on Council Conditional Uses

There are currently over 56 uses in various zones throughout the Land Use Code that require Council conditional use approval. A decision on whether a conditional use should require Council approval or approval by the Director of DCLU depends on the magnitude, scope and effects of the proposed use on the environment and the public health, safety and welfare. Generally, Council conditional use provisions apply to proposed uses that have broader citywide policy implications and environmental significance, and/or are larger projects with possible detrimental environmental impacts on surrounding property and neighborhoods; and/or have potentially greater incompatibility issues with the underlying zoning.

Over the years, the Land Use Code has evolved incrementally, and uses requiring conditional use approval have been added. In some cases, due to the controversial nature of a use at the time it was introduced, it may have been added as a Council conditional use. However, as situations have changed and the City Land Use Code has evolved, what was once considered a use warranting classification as a Council conditional use may not be so today.

#### Recommendations

DCLU has reviewed the list of Council conditional uses (CCU) and proposes that the majority be retained as quasi-judicial City Council decisions, due to the magnitude, scope and effects of the use on the environment and the public health, safety and welfare.

This same analysis led to a determination that the following uses no longer meet the scope and purpose for classification as Council conditional uses and should be considered for reclassification as administrative conditional uses. The same

standards of approval would continue to be used in rendering a decision, but the decision would be administrative rather than a Council action.

- **Rooftop Features in Downtown Zones**

In the following downtown zones, a Council conditional use is required for rooftop features over 50 feet above the roof of the structure on which they are located:

- Downtown Office Core 1
- Downtown Office Core 2
- Downtown Retail Core
- Downtown Mixed Commercial
- Downtown Mixed Residential
- Downtown Harborfront 2

Rooftop features that require a CCU include:

- Radio and Television Receiving Antennas
- Religious Symbols, and that portion of the roof which support them, such as belfries or spires
- Smokestacks
- Flagpoles

The rooftop feature listed above as "radio and television receiving antennas" falls under the definition for a major communication utility, which is defined as follows in Section 23.84.006:

"Communication utility, major" means a business use in which the means for radiofrequency transfer of information are provided by facilities with significant impacts beyond their immediate area. These utilities are FM and AM radio, UHF and VHF television transmission towers, and earth stations. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

Land Use Code regulations in subsection 23.57.006B2 state that new major communication utilities may be permitted in the downtown zones listed above by administrative conditional use rather than Council conditional use. It appears that when the communication regulations were adopted by City Council in 1992 this section on rooftop features in downtown zones was not amended to reflect either the new communications terminology or the requirement for approval by administrative rather than Council conditional

use. In this context, this proposal to change "radio and television receiving antennas" to an administrative conditional use is a correction of an inadvertent omission when the communication regulations were adopted.

- **Major Retail Store & Performing Arts Theater as a Public Benefit Feature**

Major retail stores and performing arts theaters in the Downtown Retail Core (DRC) zone may currently be granted a public benefit feature bonus through a Council conditional use process. Through the bonus system, increases in permitted height and floor area ratios, and changes in development standards may be granted if the desired quality of the public environment can be maintained according to specific standards: (1) standards for major retail store; (2) standards for performing arts theater; (3) restrictions on demolition and alteration of existing structures; (4) height and scale; (5) design treatment; (6) scale of surrounding development; and (7) combined lot option. (Details are in subsection 23.49.096B of the Land Use Code.)

DCLU recommends changing this type of public benefit feature decision to an administrative conditional use. Due to a successful citizen initiative in 1989 limiting downtown office development (both by square footage permitted per year and by more restrictive height limits), the potential impacts of allowing this type of public benefit feature have been reduced. Consequently, the processing of and decision-making for this type of application is now more similar to a MUP Type II administrative decision rather than a Council conditional use decision. As a result, the department believes this decision does not meet the broader citywide policy and environmental impact criteria to continue Council review.

- **Shoreline Conservancy Recreation (CR) Environment, Land Use Code Chapter 23.60.366**

The following uses may currently be authorized in the CR environment through a Council conditional use process:

1. The following uses when associated with a public park:
  - a. Small craft center;
  - b. Boat launching ramp for auto-trailed boats;
  - c. The following non-water-dependent commercial uses
    - (1) Sale of boat parts or accessories;
    - (2) Personal and household retail sales and services;and
    - (3) Eating and drinking establishments;
2. Community yacht, boat and beach clubs when:
  - a. No eating and drinking establishments are included in the use;
  - b. No more than one (1) pier or float is included in the use, and;

- c. Any accessory pier or float meets the standards of Section 23.60.204 for piers and floats accessory to residential development.

DCLU recommends that a decision on these uses be changed to an administrative conditional use. It is the department's conclusion that a decision on these uses does not meet the broader citywide policy and environmental impact criteria to continue Council review. In addition, although administered locally, a decision must also be consistent with state shoreline rules, regulations and guidelines whether a Council or administrative decision is rendered. This provides the Director of DCLU, along with state shoreline oversight, sufficient authority and decision-making expertise over these uses.

### **III. Review of Land Use Code Provisions for Public Facilities**

The City of Seattle Land Use Code specifies how City facilities, public facilities and public projects are reviewed and processed. However, it has become evident that revisions to the Land Use Code are necessary to standardize the Land Use Code's organization of these uses among zoning categories and clarify how applications for different types of public facilities are processed.

#### Relationship to State Regulatory Reform Legislation

State regulatory reform legislation does not directly address how the City of Seattle regulates City facilities, public facilities or public projects. However, clarifying how these uses are treated in the Land Use Code is consistent with the City's commitment to regulatory reform. The result would promote a more streamlined and consistent approach for City facility and public project review and permit processing, and make it easier for the general public and applicants to understand the process.

The primary intent of the changes is to provide a consistent format and clarify the treatment of public facilities, whether permitted outright, permitted conditionally or prohibited, throughout the Land Use Code by zoning category. Another reason for the changes is to clarify the relationship of public facilities with private uses that are similar, and to address the review process. This is done by stating that when a public facility is most similar to a use permitted by the zone, the public facility is allowed when meeting the development standards for that permitted use. Also, the proposed amendments provide more explanation about how public facilities, whether a public project or City facility, are treated when not meeting development standards of a zone. A City facility is a City of Seattle project and, when not meeting development standards, is a Type V Council land

use decision. However, a public project is a project of governmental entity other than the City of Seattle and, when not meeting development standards, is a Type IV Council land use decision.

#### Background Information

Among the provisions for different zones, the treatment of City facilities is not consistently applied. This is not to say that the same facilities should be permitted under the same circumstances in each zone, but parallel provisions in Land Use Code chapters governing different zones should be worded and formatted in the same way unless a difference in the regulations is intended. Also, it is not currently clear whether City facilities or public projects require special consideration or review even when a similar private use would be permitted outright.

#### Recommendations

DCLU recommends that the listing of both City facilities and public projects in the Land Use Code be revised for each zone in order to: 1) clarify the process and circumstances under which they may be permitted outright, conditionally or prohibited; 2) provide a clear and consistent listing of examples of these uses by revising the format; and 3) clarify the process for review of City facilities or public projects when the use is similar to a permitted private use. The proposed code amendments to implement this recommendation are non-substantive changes.

### **IV. Proposed Bi-annual Code Maintenance Cycle - Land Use Code**

In order to help ensure regular review and maintenance of the Land Use Code and a continuous effort to improve clarity and simplicity of regulations, DCLU has now implemented a twice yearly schedule of amendments to the Land Use Code. This also allows the opportunity to better assess how well the various requirements are helping to achieve citywide and neighborhood goals under the Comprehensive Plan,

#### Relationship to State Regulatory Reform Legislation

Recent focus on regulatory reform in both state and local forums has directed attention to the need to monitor regulatory programs and initiatives. The effectiveness of local regulations and their integration with state and regional programs has resulted in a growing awareness of the effects regulations have on the health, and the economic viability and well-being of communities. Seattle's land use regulations are complex, as they address the varied issues of a large

metropolitan area. Some complexity cannot be avoided if difficult issues are to be addressed effectively. However, through careful review and evaluation, it should be possible to streamline regulations, clarify intent, promote understanding, ensure consistency among disparate programs, and avoid duplication while protecting the quality of life and the health, safety and welfare of Seattle's citizens.

### Background

This regular cycle of amendments has been referred to as "omnibus amendments" due to their disparate nature and secondary level of material change they would make to zoning requirements. The source of such amendments emerge from citizens who have confronted rules that forestall development or activity plans or are just difficult to understand. Developers or property owners may question a code provision and seek redress for effects which may not have been foreseen in terms of development costs or results. Amendments also arise from staff experience with administering the Land Use Code, discovering regulatory redundancy, provisions lacking clarity, unnecessarily burdensome or troublesome requirements.

Code development can result in regulations that are subject to misinterpretation, have unintended consequences, or simply lack clarity or precision. Given the length and complexity of the Land Use Code and the frequency with which certain words, phrases or concepts are used, it is also unavoidable that words or phrases are inadvertently omitted, changed or misused and in need of correction in order to maintain a coherent set of land use regulations.

### Recommendation

The bi-annual code maintenance proposal is consistent with City Council direction provided in Council Resolution 29316 in which the Council calls for the establishment of an ongoing process for development and implementation of regulatory reform and code maintenance measures. DCLU will evaluate proposed amendments for inclusion in omnibus legislation based on established criteria. Experience dictates that the following criteria are useful in making this assessment. In general, the proposed amendments should meet any one or more of the following:

- The amendment is consistent with established City policy and the Comprehensive Plan; and
- has gained sponsorship of one or more Councilmembers or the Mayor; or
- is of limited applicability not warranting a separate, distinct process; or
- would eliminate redundancy or ambiguity in regulatory requirements; or
- would correct clerical errors and omissions.

## **Ordinances Implementing Report Recommendations**

Two proposed ordinances which implement the recommendations of this report are attached for your review. The first ordinance contains amendments to the Land Use Code and Regulations for Environmentally Critical Areas; the second and shorter ordinance contains amendments to Seattle's Shoreline Master Program.\*

\*One non-substantive amendment in the proposed shoreline ordinance (Sections 17 and 18) corrects an inadvertent error by moving Council approval of helistops in the Urban Harborfront (UH) shoreline environment from the administrative conditional use section to the Council conditional use section where it belongs.

### **Attachments**

kd  
rr3-dr  
5/2/97



# City of Seattle

97-131

Norman B. Rice, Mayor  
Executive Department - Office of Management and Planning  
Judy Bunnell, Director

May 28, 1997

The Honorable Mark Sidran  
City Attorney  
City of Seattle

OK MK  
6/5/97

COPY RECEIVED  
97 MAY 28 PM 3:22  
SEATTLE CITY ATTORNEY

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING Department of Construction and Land Use  
DEPARTMENT:

SUBJECT: AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.090, 23.60.246, 23.60.306, 23.60.365, 23.60.368, 23.60.430, 23.60.544, 23.60.606, 23.60.664, 23.60.666, 23.60.728, and 23.60.848; adding Sections 23.60.248, 23.60.308, 23.60.370, 23.60.436, 23.60.490, 23.60.550, 23.60.612, 23.60.734, 23.60.800, and 23.60.854; and repealing Section 23.60.366 of the Seattle Shoreline Master Program, Chapter 23.60 of the Seattle Municipal (Land Use) Code. **NOW THEREFORE,**

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Pascal St. Gerard at 684-8085.

Sincerely,

Norman B. Rice  
Mayor

by

JUDY BUNNELL  
Director

h: legis\lawltr\gerard17

Enclosure

Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826

Tel: (206) 684-8080, TDD (206) 684-8118, FAX: (206) 233-0085

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**STATE OF WASHINGTON - KING COUNTY**

83400  
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

**Affidavit of Publication**

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

CT:ORD 118663

was published on

08/01/97

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*R. Patterson*

Subscribed and sworn to before me on

08/01/97

*M. [Signature]*

Notary Public for the State of Washington  
residing in Seattle

1. The following uses when associated with a public park:

- a. Small craft center.
- b. Boat launching ramp for auto-trailer boats.
- c. The following non-water-dependent commercial uses:
  - (1) Sale of boat parts or accessories.
  - (2) Personal and household retail sales and services, and
  - (3) Eating and drinking establishments.

2. Community yacht, boat and beach clubs when:

- a. No eating and drinking establishments are included in the use.
- b. No more than one (1) pier or float is included in the use, and
- c. Any accessory pier or float meets the standards of Section

23.60.204 for piers and floats accessory to residential development.

Section 7. Section 23.60.366 of the Seattle Municipal Code, which Section was adopted by Ordinance 113466, is repealed.

Section 8. Subsection H of Section 23.60.368 of the Seattle Municipal Code, which Section was last amended by Ordinance 117571, is amended as follows:

SMC 23.60.368 Prohibited uses in the CR Environment.

The following uses shall be prohibited as principal uses in the CR Environment:

\*\*\*

H. Public facilities not authorized by Section 23.60.370.

\*\*\*

Section 9. A new Section 23.60.370 is added to the Seattle Municipal Code as follows:

23.60.370 Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.366 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.366 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.364 through 23.60.366 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven-hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 10. Subsection I of Section 23.60.430 of the Seattle Municipal code, which Section was last amended by Ordinance 113764, is amended as follows:

SMC 23.60.430 Prohibited principal uses on waterfront lots in the CM Environment.

The following uses are prohibited as principal uses on waterfront lots in the CM Environment:

\*\*\*