

ORDINANCE No. 118672

COUNCIL BILL No. 111765

*Law*  
The City

**AN ORDINANCE** relating to land use and environmental protection; amending Chapter 23.44 and Sections 23.41.008, 23.44.036, 23.44.041, 23.45.106, 23.47.004, 23.47.006, 23.49.008, 23.49.042, 23.49.046, 23.49.060, 23.49.066, 23.49.090, 23.49.096, 23.49.116, 23.49.122, 23.49.142, 23.49.148, 23.49.318, 23.49.324, 23.49.336, 23.50.012, 23.76.004, 23.76.011, 23.76.012, 23.76.036, 23.76.052, 23.76.058, 23.76.062, 23.76.064, 23.78.006, 23.79.006, 23.84.024, 23.84.025, and 23.84.036, and repealing Section 23.66.132 of the Seattle Municipal Code (Title 23, Land Use Code); and amending Section 25.09.080 (Chapter 25.09, Regulations for Environmentally Critical Areas) of the Seattle Municipal Code.

Honorable President:  
Your Committee on Parks

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

COMPTROLLER FILE No.

|   |   |
|---|---|
| Introduced: <u>JUN 9 1997</u>             | By: <u>DONALDSON</u>                                      |
| Referred: <u>JUN 9 1997</u>               | To: <u>PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE</u> |
| Referred:                                 | To:   |
| Referred:                                 | To:   |
| Reported: <u>7-21-97</u>                  | Second Reading:   |
| Third Reading: <u>7-21-97</u>             | Signed: <u>8-4-97</u>                                     |
| Presented to Mayor: <u>8-4-97</u>         | Approved: <u>AUG 7 1997</u>                               |
| Returned to City Clerk: <u>AUG 7 1997</u> | Published: <u>45 pp. Full</u>                             |
| Voted by Mayor:                           | Veto Published:   |
| Passed over Veto:                         | Veto Sustained:   |

6-30-97 Hold

7-7-97 Hold

7-21-97 Full C

*Amendments were into legislation at adjournment. As a was signed on*

8-4-97 Signed

*Law Department*

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

ommittee on

Pass 3-0 Parks 6/25/97

ch was referred the within Council Bill No.

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

30-97 Hold 1 week

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

4-97 Full Council Action: Pass 8-0

amendments were not incorporated into legislation prior to Council adjournment. As a result, the legislation was signed on (excused: Pod ledowski)

-97 Signed by Council President

Committee Chair

ORDINANCE 118672

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5 **AN ORDINANCE** relating to land use and environmental protection; amending  
6 Chapter 23.44 and Sections 23.41.008, 23.44.036, 23.44.041, 23.45.106,  
7 23.47.004, 23.47.006, 23.49.008, 23.49.042, 23.49.046, 23.49.060, 23.49.066,  
8 23.49.090, 23.49.096, 23.49.116, 23.49.122, 23.49.142, 23.49.148, 23.49.318,  
9 23.49.324, 23.49.336, 23.50.012, 23.76.004, 23.76.011, 23.76.012, 23.76.036,  
10 23.76.052, 23.76.058, 23.76.062, 23.76.064, 23.78.006, 23.79.006, 23.84.024,  
11 23.84.025, and 23.84.036, and repealing Section 23.66.132 of the Seattle  
12 Municipal Code (Title 23, Land Use Code); and amending Section 25.09.080  
13 (Chapter 25.09, Regulations for Environmentally Critical Areas) of the Seattle  
14 Municipal Code. **NOW THEREFORE,**

15  
16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

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20 **Section 1.** Subsection D of Section 23.41.008 of the Seattle Municipal  
21 Code, which Section was last amended by Ordinance 118012, is amended as  
22 follows:

23  
24 **23.41.008 Design Review Board.**

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26 \* \* \*

27  
28 **D. Meetings of the Design Review Board.**

29 1. Project-specific pre-design public meetings shall be held as  
30 required in Section 23.41.014B, at a location in the same general neighborhood as  
31 the proposed project. As described in Chapter 23.76, Procedures for Master Use  
32 Permits and Council Land Use Decisions, the Director shall provide ((M))mailed  
33 notice, and ((placards)) the applicant shall post one (1) land use sign visible to the  
34 public at each street frontage abutting the site except, when there is no street  
35 frontage or the site abuts an unimproved street, the Director shall require either  
36 more than one (1) sign and/or an alternative posting location so that notice is  
37 clearly visible to the public ((for the pre-design public meeting shall be provided as  
38 described in Chapter 23.76, Procedures for Master Use Permits and Council Land  
39 Use Decisions)). The land use sign may be removed by the applicant the day after  
40 the public meeting.

41 2. Regularly scheduled meetings of the Design Review Board  
42 shall be held in the evening in a location which is accessible and conveniently

1 located in the area of the city to which the Board is assigned. Public notice for the  
2 regularly scheduled Design Review Board meetings shall be posted in the  
3 Department and published in the General Mailed Release.

4 3. All meetings of the Design Review Board are open to the  
5 general public, and the actions of the Board are not quasi-judicial in nature.  
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8 **Section 2.** The title of Part 3 of Chapter 23.44 of the Seattle Municipal Code  
9 is amended as follows:  
10

11 Part 3 Public (~~Projects and City~~) Facilities  
12

13  
14 **Section 3.** Section 23.44.036 of the Seattle Municipal Code, which Section  
15 was last amended by Ordinance 117430, is amended as follows:  
16

17 **23.44.036 (~~Council approval of p~~) Public (~~projects and City~~) facilities.**  
18

19 A. Except as provided in subsections B, D and E below, uses in public  
20 facilities that are most similar to uses permitted outright or permitted as an  
21 administrative conditional use under this Chapter shall also be permitted outright or  
22 as an administrative conditional use, subject to the same use regulations,  
23 development standards and administrative conditional use criteria that govern the  
24 similar use. The City Council may waive or modify applicable development  
25 standards or administrative conditional use criteria according to the provisions of  
26 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
27 considered as Type IV quasi-judicial decisions and City facilities considered as  
28 Type V legislative decisions.

29 ~~(A)~~B. Permitted Uses in Public (~~Projects and City~~) Facilities Requiring City  
30 Council Approval. The ~~((establishment or expansion of the))~~ following ~~((public))~~  
31 uses in public facilities in single-family zones may be permitted by the City Council,  
32 according to the ~~((procedures for approving public projects and City facilities~~  
33 provided in)) provisions of Chapter 23.76, Procedures for Master Use Permits and  
34 Council Land Use Decisions((-));

- 35 1. Police precinct station;  
36 2. Fire station;  
37 3. Public boat moorage;  
38 4. Utility services use; and  
39 5. Other similar uses.

40 The proponent of any such use shall demonstrate the existence of a  
41 public necessity for ~~((location or expansion of))~~ the public facility use in a single-  
42 family zone. The public facility use shall be developed according to the

1 development standards for institutions (Section 23.44.022), unless the City Council  
2 makes a determination to waive or modify applicable development standards  
3 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use  
4 Decisions, with public projects considered as Type IV quasi-judicial decisions and  
5 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  
8 in public facilities allowed in subsections A and B above according to the same  
9 provisions and procedural requirements as described in these subsections. A  
10 major expansion of a public facility use occurs when the expansion that is proposed  
11 would not meet development standards or exceed either seven-hundred-fifty (750)  
12 square feet or ten percent (10%) of its existing area, whichever is greater, including  
13 gross floor area and areas devoted to active 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  
16 permitted to uses in public facilities allowed in subsections A and B above  
17 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
18 and Council Land Use Decisions, for a Type I Master Use Permit when the  
19 development standards of the zone in which the public facility is located are met.

20 ((B))D. Sewage Treatment Plants. The expansion or reconfiguration (which  
21 term shall include reconstruction, redevelopment, relocation on the site, or  
22 intensification of treatment capacity) of existing sewage treatment plants in single-  
23 family zones may be permitted if there is no feasible alternative location in a zone  
24 where the use is permitted and the conditions imposed under subsections ((B))D3  
25 and ((B))D4 are met.

26 1. Applicable Procedures. The decision on an application for the  
27 expansion or reconfiguration of a sewage treatment plant shall be a Type IV  
28 Council land use decision. If an application for an early determination of feasibility is  
29 required to be filed pursuant to subsection ((B))D2 of this section, the early  
30 determination of feasibility will also be a Council land use decision subject to  
31 Sections 23.76.038 through 23.76.056.

32 2. Need for Feasible Alternative Determination. The proponent  
33 shall demonstrate that there is no feasible alternative location in a zone where  
34 establishment of the use is permitted.

35 a. The Council's decision as to the feasibility of alternative  
36 location(s) shall be based upon the Single-Family Policies and a full consideration  
37 of the environmental, social and economic impacts on the community.

38 b. The determination of feasibility may be the subject of a  
39 separate application for a Council land use decision prior to submission of an  
40 application for a project-specific approval if the Director determines that the  
41 expansion or reconfiguration proposal is complex, involves the phasing of

1 programmatic and project-specific decisions or affects more than one site in a  
2 single-family zone.

3 c. Application for an early determination of feasibility shall  
4 include:

5 (1) The scope and intent of the proposed project in  
6 the single-family zone and appropriate alternative(s) in zones where establishment  
7 of the use is permitted, identified by the applicant or the Director;

8 (2) The necessary environmental documentation as  
9 determined by the Director, including an assessment of the impacts of the proposed  
10 project and of the permitted-zone alternative(s), according to the state and local  
11 SEPA Guidelines;

12 (3) Information on the overall sewage treatment  
13 system which outlines the interrelationship of facilities in single-family zones and in  
14 zones where establishment of the use is permitted;

15 (4) Schematic plans outlining dimensions, elevations,  
16 locations on site and similar specifications for the proposed project and for the  
17 alternative(s).

18 d. If a proposal or any portion of a proposal is also subject  
19 to a feasible or reasonable alternative location determination under Section  
20 23.60.066 of Title 23, the Plan Shoreline Permit application and the early  
21 determination application will be considered in one determination process.

22 3. Conditions for Approval of Proposal.

23 a. The project shall be located so that adverse impacts on  
24 residential areas shall be minimized;

25 b. A facility management and transportation plan shall be  
26 required. The level and kind of detail to be disclosed in the plan shall be based on  
27 the probable impacts and/or scale of the proposed facility, and shall at a minimum  
28 include discussion of sludge transportation, noise control, and hours of operation;

29 c. Measures to minimize potential odor emission and  
30 airborne pollutants including methane shall meet standards of and be consistent  
31 with best available technology as determined in consultation with the Puget Sound  
32 Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design  
33 and operation of the facility;

34 d. Methods of storing and transporting chlorine and other  
35 hazardous and potentially hazardous chemicals shall be determined in consultation  
36 with the Seattle Fire Department and incorporated into the design and operation of  
37 the facility;

38 e. Vehicular access suitable for trucks is available or  
39 provided from the plant to a designated arterial improved to City standards;

40 f. Landscaping and screening, separation from less  
41 intensive zones, noise, light and glare controls, and other measures to ensure the

1 compatibility of the use with the surrounding area and to mitigate adverse impacts  
2 shall be incorporated into the design and operation of the facility.

3 4. Substantial Conformance. If the application for a project-  
4 specific proposal is submitted after an early determination that location of the  
5 sewage treatment plant is not feasible in a zone where establishment of the use is  
6 permitted, the proposed project must be in substantial conformance with the  
7 feasibility determination.

8 Substantial conformance shall include, but not be limited to, a  
9 determination that:

10 a. There is no net substantial increase in the environmental  
11 impacts of the project-specific proposal as compared to the impacts of the proposal  
12 as approved in the feasibility determination.

13 b. Conditions included in the feasibility determination are  
14 met.

15 ~~((C. Development Standards. Public projects and City facilities shall be  
16 developed according to the development standards applicable to institutions,  
17 Section 23.44.022, unless the Council determines that a particular standard must  
18 be waived or changed.))~~

19 ~~((D. Uses Accessory to a Public Project or City Facility. Any use permitted  
20 elsewhere in this chapter as accessory to a principal use permitted outright or as an  
21 administrative conditional use is also permitted as an accessory use to a public  
22 project or City facility unless otherwise specified in this subtitle.))~~

23 E. Prohibited Uses. The following public ~~((projects and City))~~ facilities are  
24 prohibited in single-family zones:

- 25 1. Jails;
- 26 2. Metro operating bases;
- 27 3. Park and ride lots;
- 28 4. Establishment of new sewage treatment plants;
- 29 5. Solid waste transfer stations;
- 30 6. Animal control shelters;
- 31 7. Post Office distribution centers; and
- 32 8. Work-release centers~~((;))~~.
- 33 ~~((9. Other similar uses.))~~

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35 \* \* \*

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38 **Section 4.** Subsection D of Section 23.44.041 of the Seattle Municipal  
39 Code, which Section was last amended by Ordinance 118472, is amended as  
40 follows:

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42 **23.44.041 Accessory dwelling units.**

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D. Notice of Application for an Accessory Housing Unit. The Director shall provide notice of the application of a permit for an accessory housing unit by general mailed release, and the applicant shall ((by posting four (4) placards)) post one (1) land use sign visible to the public at each street frontage abutting ((near)) the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. ((or when possible)) Additional notice may be provided by door to door delivery to properties within two hundred feet (200') of the site. The notice shall state the criteria the proposed unit must meet in order for a permit to be granted and that the DCLU decision is non-appealable, and shall explain how to obtain general information and how to report non-compliance with the criteria before and after the permit is issued. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed.

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**Section 5.** Section 23.45.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, are amended as follows:

**23.45.106 Public ((projects and City)) facilities.**

A. Except as provided in subsections B, E, F, and G below, uses in public facilities that are similar to uses permitted outright or permitted as an administrative conditional use under this Chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards, and administrative conditional use criteria that govern the similar use. The City Council may waive or modify applicable development standards or administrative 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.

((A))B. Other Permitted Uses in Public Facilities Requiring City Council Approval. The ((location or expansion of the)) following uses in public ((projects and City facilities)) facilities shall be permitted outright in all multi-family zones, ((if all of)) when the development standards for institutions (Sections 23.45.092 through 23.45.102) are met:

1. Police precinct stations;

2. Fire stations;
3. Public boat moorages;
4. Utility service uses; and
5. Other similar uses.

If the proposed public facility use does not meet the development standards for institutions, the City Council may waive or modify applicable development standards 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.

~~((B. If the proposed public facility does not meet the development standards for institutions, it may be permitted by the Council, according to the procedures for public projects and City facilities provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The Council may waive or change development standards.))~~

C. In all multifamily zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

1. The project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and
2. The proposed location is required to meet specific public service delivery needs; and
3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and
4. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

D. 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.

~~((C))~~E. The following public ((projects or City)) facilities shall be prohibited in all multi-family zones:

1. Jails;

2. Work-release centers;
  3. METRO operating bases;
  4. Park and Ride lots;
  5. Sewage treatment plants;
  6. Solid waste transfer stations;
  7. Animal control shelters; and
  8. Post office distribution centers((:)).
- ~~((9. Other similar uses.))~~

((D))E. Specific Development Standards for Public Facilities.

1. Sale and consumption of beer during daylight hours on public park premises shall be permitted in a building or within fifty feet (50') of the building on an adjoining terrace; provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty feet (50') of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

~~((E. Uses Accessory to a Public Project or City Facility. Any use permitted elsewhere in this chapter as accessory to a principal use permitted outright or as an administrative conditional use is also permitted as an accessory use to a public project or City facility unless otherwise specified in this chapter.))~~

((F))G. Convention Center. The location or expansion of a public convention center may be permitted in the Highrise Zone ((with)) through a Type IV Council ((approval)) land use decision. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on the State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;



1                   1.     ~~((Public facilities which are similar to those provided by the~~  
2 ~~private sector, such as offices, athletic facilities or medical service uses, shall be~~  
3 ~~permitted or prohibited in all commercial zones according to the use regulations for~~  
4 ~~the particular type of use. These public facilities shall meet the development~~  
5 ~~standards for the use to which they are similar. If the development standards~~  
6 ~~cannot be met, the City Council may waive or change the standards for reasons of~~  
7 ~~public necessity, according to the provisions of Chapter 23.76, Procedures for~~  
8 ~~Master Use Permits and Council Land Use Decisions.)) Except as provided in~~  
9 ~~subsection E2 below, uses in public facilities that are most similar to uses permitted~~  
10 ~~outright or permitted as a conditional use under this Chapter shall also be permitted~~  
11 ~~outright or as a conditional use, subject to the same use regulations, development~~  
12 ~~standards and conditional use criteria that govern the similar uses. The City~~  
13 ~~Council may waive or modify applicable development standards or conditional use~~  
14 ~~criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land~~  
15 ~~Use Decisions, with public projects considered as Type IV quasi-judicial decisions~~  
16 ~~and City facilities considered as Type V legislative decisions.~~

17                   2.     ~~((Public facilities which are not similar to those provided by the~~  
18 ~~private sector, such as police and fire stations, shall be permitted unless~~  
19 ~~specifically prohibited in Chart A. These public facilities shall meet the development~~  
20 ~~standards of the zone in which they are located. If the development standards~~  
21 ~~cannot be met, the City Council may waive or change the standards for reasons of~~  
22 ~~public necessity, according to the provisions of Chapter 23.76, Procedures for~~  
23 ~~Master Use Permits and Council Land Use Actions.)) Other Permitted Uses in~~  
24 ~~Public Facilities Requiring City Council Approval. Unless specifically prohibited in~~  
25 ~~Chart A, uses in public facilities that are not similar to uses permitted outright or~~  
26 ~~permitted as a conditional use under this Chapter may be permitted by the City~~  
27 ~~Council. Uses in public facilities shall meet the development standards of the zone~~  
28 ~~in which they are located. The City Council may waive or modify applicable~~  
29 ~~development standards or conditional use criteria according to the provisions of~~  
30 ~~Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects~~  
31 ~~considered as Type IV quasi-judicial decisions and City facilities considered as~~  
32 ~~Type V legislative decisions.~~

33                   3.     In all commercial zones, uses in public facilities not meeting  
34 development standards may be permitted by the Council if the following criteria are  
35 satisfied:  
36                   a.     The project provides unique services which are not  
37 provided to the community by the private sector, such as police and fire stations;  
38 and  
39                   b.     The proposed location is required to meet specific public  
40 service delivery needs; and  
41                   c.     The waiver or modification to the development  
42 standards is necessary to meet specific public service delivery needs; and



1 (1) Noise mitigation measures, such as keeping  
2 maintenance building doors closed except when buses are entering or exiting;  
3 acoustic barriers; and noise-reducing operating procedures, shall be required when  
4 necessary.

5 (2) An employee ridesharing program established  
6 and promoted to reduce the impact of employee vehicles on streets in the vicinity of  
7 the bus base.

8 (3) Landscaping and screening, noise and odor  
9 mitigation, vehicular access controls, and other measures may be required to insure  
10 the compatibility of the bus base with the surrounding area and to mitigate any  
11 adverse impacts.

12 2. Helistops in NC3, C1 and C2 zones as accessory uses,  
13 according to the following standards and criteria:

14 a. The helistop is to be used for the takeoff and landing of  
15 helicopters serving public safety, news gathering or emergency medical care  
16 functions; is part of a City and regional transportation plan approved by the City  
17 Council and is a public facility; or is part of a City and regional transportation plan  
18 approved by the City Council and is not within two thousand feet (2,000') of a  
19 residential zone.

20 b. The helistop is located so as to minimize impacts on  
21 surrounding areas.

22 c. The lot is of sufficient size that the operations of the  
23 helistop are buffered from the surrounding area.

24 d. Open areas and landing pads are hard-surfaced.

25 e. The helistop meets all federal requirements, including  
26 those for safety, glide angles and approach lanes.

27 ~~((3. In all commercial zones, permitted public projects not meeting  
28 development standards may be permitted by the Council if the following criteria are  
29 satisfied:~~

30 ~~a. The project provides unique services which are not  
31 provided to the community by the private sector, such as police and fire stations;  
32 and~~

33 ~~b. The proposed location is required to meet specific public  
34 service delivery needs; and~~

35 ~~c. The waiver or modification to the development  
36 standards is necessary to meet specific public service delivery needs; and~~

37 ~~d. The relationship of the project to the surrounding area  
38 has been considered in the design, siting, landscaping and screening of the  
39 facility.))~~

40 ((4))3. Work-Release Centers in all Commercial Zones -- Conditional  
41 Use Criteria.

1 a. Maximum Number of Residents. No work-release center  
2 shall house more than fifty (50) persons, excluding resident staff.

3 b. If the work-release center is in a single-purpose  
4 residential structure, the requirements of Section 23.47.023 shall be followed. If the  
5 work-release center is in a mixed-use structure, the requirements for mixed-use  
6 structures in Chapter 23.47 shall be followed.

7 c. Dispersion Criteria.

8 (1) The lot line of any new or expanding work-release  
9 center shall be located six hundred feet (600') or more from any residential zone,  
10 any lot line of any special residence, and any lot line of any school.

11 (2) The lot line of any new or expanding work-release  
12 center shall be located one mile or more from any lot line of any other work-release  
13 center.

14 (3) The Director shall determine whether a proposed  
15 facility meets the dispersion criteria from maps which shall note the location of  
16 current work-release centers and special residences. Any person who disputes the  
17 accuracy of the maps may furnish the Director with the new information and, if  
18 determined by the Director to be accurate, this information shall be used in  
19 processing the application.

20 d. The Council's decision shall be based on the  
21 Commercial Areas Policies and the following criteria:

22 (1) The extent to which the applicant can  
23 demonstrate the need for the new or expanding facility in the City, including a  
24 statement describing the public interest in establishing or expanding the facility;

25 (2) The extent to which the applicant has  
26 demonstrated that the facility can be made secure. The applicant shall submit a  
27 proposed security plan to the Director, and the Director, in consultation with the  
28 Seattle Police Department, shall consider and evaluate the plan. The security plan  
29 shall address, but is not limited to, the following:

30 i. Plans to monitor and control the activities  
31 of residents, including methods to verify the presence of residents at jobs or training  
32 programs, policies on sign-outs for time periods consistent with the stated purpose  
33 of the absence for unescorted trips by residents away from the center, methods of  
34 checking the records of persons sponsoring outings for work-release residents, and  
35 policies on penalties for drug or alcohol use by residents, and

36 ii. Staff numbers, level of responsibilities, and  
37 scheduling, and

38 iii. Compliance with the security standards of  
39 the American Corrections Association;

40 (3) The extent to which proposed lighting is located  
41 so as to minimize spillover light on surrounding properties while maintaining  
42 appropriate intensity and hours of use to ensure that security is maintained;

1 (4) The extent to which the facility's landscape plan  
2 meets the requirements of the zone while allowing visual supervision of the  
3 residents of the facility;

4 (5) The extent to which appropriate measures are  
5 taken to minimize noise impacts on surrounding properties. Measures to be used  
6 for this purpose may include: landscaping, sound barriers or fences, berms,  
7 location of refuse storage areas, and limiting the hours of use of certain areas;

8 (6) The extent to which the impacts of traffic and  
9 parking are mitigated by increasing on-site parking or loading spaces to reduce  
10 overflow vehicles or changing the access to and location of off-street parking;

11 (7) The extent to which the facility is well-served by  
12 public transportation or to which the facility is committed to a program of  
13 encouraging the use of public or private mass transportation;

14 (8) Verification from the Department of Corrections  
15 (DOC), which shall be reviewed by the Police Department, that the proposed work-  
16 release center meets DOC standards for such facilities and that the facility will meet  
17 state laws and requirements.

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19 \* \* \*

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21  
22 **Section 8.** Subsection C of Section 23.49.008 of the Seattle Municipal  
23 Code, which Section was last amended by Ordinance 116295, is amended as  
24 follows:

25  
26 **23.49.008 Structure height.**

27  
28 \* \* \*

29  
30 **C. Rooftop Features.**

31 1. Open railings, planters, clerestories, skylights, play  
32 equipment, parapets and firewalls may extend up to four feet (4') above the  
33 maximum height limit with unlimited rooftop coverage.

34 2. Solar collectors may extend up to seven feet (7') above the  
35 maximum height limit with unlimited rooftop coverage.

36 3. The following rooftop features may extend up to fifteen feet  
37 (15') above the maximum height limit, as long as the combined coverage of all  
38 features listed in this subsection does not exceed twenty percent (20%) of the roof  
39 area, or twenty-five percent (25%) if the total includes stair or elevator penthouses  
40 or screened mechanical equipment:

- 41 a. Solar collectors;  
42 b. Stair and elevator penthouses;

1 c. Mechanical equipment; and  
2 d. Play equipment and open-mesh fencing, as long as the  
3 fencing is at least fifteen feet (15') from the roof edge.

4 4. ~~((Radio and television receiving))~~ Major or minor  
5 communication utilities; religious symbols ~~((such as belfries or spires,))~~ and that  
6 portion of the roof which supports them, such as belfries or spires; smokestacks;  
7 and flagpoles may extend up to fifty feet (50') above the roof of the structure on  
8 which they are located or fifty feet (50') above the maximum height limit, whichever  
9 is less, except as regulated in Chapter 23.64, Airport Height District. They shall be  
10 located a minimum of ten feet (10') from all lot lines.

11 5. ~~((Council))~~ Administrative Conditional Use for Rooftop  
12 Features. The rooftop features listed in subsection C4 may exceed a height of fifty  
13 feet (50') above the roof of the structure on which they are located if authorized by  
14 the Director through an ((Council)) Administrative Conditional Use, Chapter 23.76.  
15 The request for additional height shall be evaluated on the basis of public benefits  
16 provided, the possible impacts of the additional height, consistency with the City's  
17 land use policies, and the following specific criteria:

- 18 a. The feature shall be compatible with and not adversely  
19 affect the downtown skyline.  
20 b. The feature shall not have a significant adverse effect  
21 upon the light, air, solar and visual access of properties within a three-hundred-foot  
22 (300') radius.  
23 c. The feature, supporting structure and structure below  
24 shall be compatible in design elements such as bulk, profile, color and materials.  
25 d. The feature shall not adversely affect the function of  
26 existing transmission or receiving equipment within a five (5) mile radius.  
27 e. The increased size is necessary for the successful  
28 physical function of the feature, except for religious symbols.

29  
30  
31 **Section 9.** Subsection C of Section 23.49.042 of the Seattle Municipal  
32 Code, which Section was last amended by Ordinance 117430, is amended as  
33 follows:

34  
35 **Section 23.49.042 Downtown Office Core 1, permitted uses.**

36  
37 \* \* \*

38  
39 C. Public Facilities.

40 1. Except as provided in subsection 23.49.046.D.2, uses in public  
41 facilities that are most similar to uses permitted outright under this Chapter shall



1 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
2 is greater, including gross floor area and areas devoted to active outdoor uses  
3 other than parking.

4 b. Minor Expansion. When an expansion falls below the  
5 major expansion threshold level, it is a minor expansion. Minor expansions may be  
6 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
7 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
8 and Council Land Use Decisions, for a Type I Master Use Permit when the  
9 development standards of the zone in which the public facility is located are met.

10 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
11 than fifty feet (50') above the roof of the structure on which they are located may be  
12 authorized by the ((Council)) Director as an administrative conditional use pursuant  
13 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
14 Decisions, according to the criteria of Section 23.49.008, Structure height.

15  
16  
17 **Section 11.** A new subsection C of Section 23.49.060 of the Seattle  
18 Municipal Code, which Section was last amended by Ordinance 117430, is  
19 amended as follows:

20  
21 **Section 23.49.060 Downtown Office Core 2, permitted uses.**

22  
23 \* \* \*

24  
25 C. Public Facilities.

26 1. Except as provided in subsection 23.49.066.D.2, uses in public  
27 facilities that are most similar to uses permitted outright under this Chapter shall  
28 also be permitted outright subject to the same use regulations and development  
29 standards that govern the similar uses.

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

33  
34  
35 **Section 12.** Subsections D and E of Section 23.49.066 of the Seattle  
36 Municipal Code, which Section was last amended by Ordinance 116907, are  
37 amended as follows:

38  
39 **23.49.066 Downtown Office Core 2, conditional uses and Council**  
40 **decisions.**

41  
42 \* \* \*

1  
2 D. ~~((City facilities and public projects which do not meet development~~  
3 ~~standards may be permitted by the Council pursuant to Chapter 23.76, Procedures~~  
4 ~~for Master Use Permits and Council Land Use Decisions.)) Public Facilities.~~

5 1. Uses in public facilities that are most similar to uses permitted  
6 as a conditional use under this Chapter shall also be permitted as a conditional use  
7 subject to the same conditional use criteria that govern the similar uses.

8 2. The City Council may waive or modify applicable development  
9 standards or use criteria for those uses in public facilities that are similar to uses  
10 permitted outright or permitted as an administrative conditional use according to the  
11 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
12 public projects considered as Type IV quasi-judicial decisions and City facilities  
13 considered as Type V legislative decisions.

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

21 4. Expansion of Uses in Public Facilities.

22 a. Major Expansion. Major expansions may be permitted  
23 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
24 the same provisions and procedural requirements as described in these  
25 subsections. A major expansion of a public facility use occurs when the expansion  
26 that is proposed would not meet development standards or exceed either seven-  
27 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
28 is greater, including gross floor area and areas devoted to active outdoor uses  
29 other than parking.

30 b. Minor Expansion. When an expansion falls below the  
31 major expansion threshold level, it is a minor expansion. Minor expansions may be  
32 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
33 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
34 and Council Land Use Decisions, for a Type I Master Use Permit when the  
35 development standards of the zone in which the public facility is located are met.

36 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
37 than fifty feet (50') above the roof of the structure on which they are located may be  
38 authorized by the ~~((Council))~~ Director as an administrative conditional use pursuant  
39 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
40 Decisions, according to the criteria of Section 23.49.008, Structure height.

41  
42 \* \* \*



1 (2) The minimum size of a major retail store shall be  
2 eighty thousand (80,000) square feet. Major retail stores shall be under the  
3 management of a single retail firm and shall function as a single business  
4 establishment. Storage area, store offices, and other support space necessary for  
5 the operation of the retail sales area shall also be bonused.

6 (3) For each square foot of major retail store, two  
7 and one-half (2-1/2) square feet of additional floor area shall be granted, up to the  
8 maximum set in subsection B1b(4).

9 (4) Up to two hundred thousand (200,000) square  
10 feet of the store shall be eligible for a floor area bonus.

11 c. Access. The store should be oriented to activity on the  
12 street and should, wherever possible, provide opportunities for through block  
13 circulation.

14 (1) At least one (1) major pedestrian entrance shall  
15 be provided directly from the sidewalk of each street frontage of the store. All  
16 entrances shall be at the same elevation as the sidewalk.

17 (2) Bonused major retail store space may be  
18 provided above and below street level as long as all areas are connected and  
19 function as a single retail establishment.

20 d. Hours of Operation. Major retail stores shall be open to  
21 the general public during established shopping hours for a minimum of eight (8)  
22 hours a day, six (6) days per week.

23 2. Standards for Performing Arts Theater.

24 a. Type of Theater. Theaters shall provide a place for live  
25 performances of drama, dance and music. The auditorium area should be  
26 specifically designed for the presentation of live performances under optimum  
27 viewing and acoustical conditions. Theaters principally intended for nightclub or  
28 cabaret type entertainment or adult entertainment will not qualify for conditional use  
29 approval. The developer shall commit to manage the theater or shall secure a  
30 lease for at least ten (10) years from a theater operator or resident theater group  
31 with acceptable credentials.

32 b. Area, Dimensions and Bonus Ratio. Theaters eligible for  
33 conditional use approval may include a wide variety of theater sizes and types to  
34 encourage a broad range of live entertainment offerings downtown.

35 (1) The minimum theater size eligible for a bonus  
36 shall have a seating area of at least two hundred (200) seats and the necessary  
37 support areas.

38 (2) For each square foot of performing arts theater,  
39 twelve (12) square feet of additional floor area shall be granted.

40 (3) The maximum area eligible for a bonus shall be  
41 established as part of the review process. The process shall include an assessment

1 of existing theaters and the sizes of future theaters needed to provide a range of  
2 performing arts facilities in the downtown.

3 (4) The arrangement of seating and stage areas of  
4 the theater shall be expressly designated for the presentation of performing arts.  
5 The size of the stage area, floor slopes, ceiling heights and acoustical and lighting  
6 systems shall be adequate to meet the viewing requirements of the audience  
7 relative to the size of the auditorium.

8 c. Access and Street Orientation. The theater shall be  
9 designed to promote activity on the street and add visual interest. It shall be highly  
10 accessible and visible from a street or public open space.

11 (1) A lighted marquee, display signs, and/or banners  
12 related to the theater operation shall be located above the main street entrance.  
13 Lobby areas with transparent walls located on the streetfront are desirable.

14 (2) To avoid creating large expanses of street  
15 frontage with limited visual interest or activity, theater street frontage shall be  
16 limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of  
17 the theater exceeding this limit must be separated from the street by another use.  
18 Departure from these standards may be permitted to address special conditions of  
19 the lot which may affect the theater's street orientation or to accommodate specific  
20 needs related to the theater's operation.

21 (3) A covered queuing area shall be provided; interior  
22 lobby space may satisfy this requirement.

23 (4) Direct access shall be provided to the theater  
24 lobby from the street or a bonused public open space. The theater itself, however,  
25 may be above or below street level.

26 (5) Truck loading/unloading space shall be provided  
27 off-street, preferably off an alley.

28 3. Restrictions on Demolition and Alteration of Existing Structures.

29 a. The design of projects including a major retail store or  
30 performing arts theater shall incorporate the existing exterior street front facade(s)  
31 of the structures listed below which are significant to the architecture, history and  
32 character of downtown. Changes may be permitted to the exterior facade(s) to the  
33 extent that significant features are preserved and the visual integrity of the design is  
34 maintained. The degree of exterior preservation required will vary, depending upon  
35 the nature of the project and the characteristics of the affected structure(s).

36 b. The Director shall evaluate whether the manner in which  
37 the facade is proposed to be preserved meets the intent to preserve the  
38 architecture, character and history of the Retail Core. If the listed structures are  
39 also Landmark structures, approval by the Landmarks Board shall be required prior  
40 to consideration of the project by the ((Council)) Director. The Landmarks Board's  
41 recommendation shall be incorporated into the Director's ((report to the Council))  
42 decision. Inclusion of a structure on the list below is solely for the purpose of

1 approving additional height and FAR under Section 23.49.096 B, and shall not be  
2 interpreted in any way to prejudge the structure's merit as a Landmark.

3  
4 Sixth and Pine Building 523 Pine Street  
5 Decatur Building 1513 - 6th Avenue  
6 Coliseum Theater 5th and Pike  
7 Seaboard Building 1506 Westlake Avenue  
8 Fourth and Pike Building 1424 - 4th Avenue  
9 Pacific First Federal Savings 1400 - 4th Avenue  
10 Joshua Green Building 1425 - 4th Avenue  
11 Equitable Building 1415 - 4th Avenue  
12 1411 Fourth Avenue Building 1411 - 4th Avenue  
13 Mann Building 1411 - 3rd Avenue  
14 Olympic Savings Tower 217 Pine Street  
15 Fischer Studio Building 1519 - 3rd Avenue  
16 Bon Marche 3rd and Pine  
17 Melbourne House 1511 - 3rd Avenue  
18 Former Woolworth's Building 1512 - 3rd Avenue  
19

20 4. Height and Scale. In determining the amount of change  
21 permitted in development standards for height and setbacks, the primary objective  
22 shall be the preservation of the existing sense of openness and the human scale  
23 environment in the Downtown Retail Core. The acceptability of negative impacts  
24 associated with departure from the base regulations shall depend on the priority of  
25 the streets adjacent to the proposed project, according to Map IVB.<sup>1</sup>

26 a. An increase in the height up to one hundred fifty feet  
27 (150') may be permitted when the primary objective described above will be  
28 furthered and:

29 (1) The additional height and bulk will not result in  
30 substantial wind impacts on public open spaces and sidewalks; and

31 (2) The shadows cast on the Westlake Park south of  
32 Pine Street, and all Priority 1 Streets shown on Map IVB,<sup>1</sup> from 11:00 a.m. to 2:00  
33 p.m. on March 21st and September 21st will not be increased beyond those cast by  
34 existing structures.

35 b. When an increase in the height limit is permitted, upper-  
36 level setbacks shall be provided. The applicant may choose to provide the upper-  
37 level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or  
38 as follows:

39 (1) Coverage limit areas shall be established at two  
40 (2) elevations:

41 i. Between an elevation of sixty-five feet (65')  
42 and two hundred forty feet (240') above the adjacent sidewalk, the area within

1 twenty feet (20') of each street property line and sixty feet (60') of intersecting street  
 2 property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

3 ii. Above an elevation of two hundred forty  
 4 feet (240') above the adjacent sidewalk, the area within forty feet (40') of each  
 5 street property line and sixty feet (60') of intersecting street property lines shall be  
 6 the coverage limit area. (See Exhibit 23.49.096 A.)

7 iii. Within the coverage limit area, coverage  
 8 and maximum facade lengths shall be as follows:

|    | Structure Elevation |               |
|----|---------------------|---------------|
|    | Less than 65'       | 65' and Above |
| 9  |                     |               |
| 10 |                     |               |
| 11 |                     |               |
| 12 |                     |               |
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| 46 |                     |               |

<sup>1</sup> Facade length limited only within fifteen (15') feet of street property line. The minimum distance between facades within fifteen (15') feet of street property lines shall be sixty feet (60').

32 (2) All existing structures retained as part of the  
 33 proposed project shall be calculated together with the new structure to determine  
 34 permitted coverage.

35 c. To contribute to a sense of openness and increase  
 36 opportunities for light and air to streets, portions of facades of new structures which  
 37 exceed an elevation of one hundred twenty-five feet (125') shall be separated from  
 38 all other portions of facades on the same block front which exceed that elevation,  
 39 both on the project lot and abutting lots, by a minimum distance of sixty feet (60')  
 40 above an elevation of one hundred feet (100'). (See Exhibit 23.49.096 B.) The  
 41 depth of the separation shall be at least sixty feet (60'), measured from the street  
 42 property line.

43 5. Design Treatment. The materials, scale and details of new  
 44 development using the major retail store or performing arts theater bonus shall  
 45 harmonize with existing development in the area and contribute to the visual  
 46 interest of the pedestrian environment.

1 a. In addition to the street facade requirements of Section  
2 23.49.106, large expanses of blank walls above street level which are visible from  
3 any street or public open space are prohibited. Below an elevation of sixty-five feet  
4 (65'), all street facades shall be articulated and contain architectural design features  
5 such as windows, columns or other structural features, belt courses, cornices,  
6 setbacks, ornamentation, awnings, or canopies, that reflect the character of nearby  
7 structures.

8 b. Building materials shall be compatible with those of  
9 existing structures in the Downtown Retail Core. Large areas of dark or reflective  
10 materials are prohibited.

11 c. Overhead weather protection is required on all street  
12 frontages of the project. Coverings that are transparent and allow sunlight to reach  
13 the sidewalk are preferred.

14 6. Scale of Surrounding Development. Project proposals using  
15 the major retail store or performing arts theater bonus shall be considered with  
16 respect to similar scale developments in the Downtown Retail Core. The bonus  
17 shall not be granted if it would result in additional large-scale development which,  
18 considered together with other projects of similar scale, would create traffic and  
19 pedestrian circulation problems and would conflict with the desired scale and  
20 pedestrian character of the area.

21 7. Combined Lot Option.

22 a. Two (2) lots located in the DRC zone may be combined  
23 for the purpose of calculating the density for a total project incorporating a major  
24 retail store or a performing arts theater. The lots may be located on the same block  
25 or on different blocks. The ((Council)) administrative conditional use process shall  
26 apply to both lots.

27 b. The density for all development shall be calculated as if  
28 both lots were a single lot and shall conform to the permitted FAR set forth in  
29 Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken  
30 together exceed the permitted density.

31 c. The height limits and development standards of  
32 subsection B4 shall apply to each lot.

33 d. The fee owners of each of the combined lots shall  
34 execute a deed or other agreement which shall be recorded with the titles to both  
35 lots. In the agreement or deed, the owners shall acknowledge that development on  
36 the combined lots shall not exceed the combined FAR limits for both lots and,  
37 should development on one (1) lot exceed the FAR limit for that lot, then  
38 development on the other lot shall be restricted by the amount of excess FAR used  
39 on the more developed lot, for the life of the improvement on the more developed  
40 lot. The deed or agreement shall also provide that its covenants and conditions  
41 shall run with the land and shall be specifically enforceable by the parties and by  
42 The City of Seattle.

\*\*\*

E. ~~((City facilities and public projects which do not meet development standards may be permitted by the Council pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.))~~ Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this Chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use 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.

3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter may be permitted by the City Council. The City Council may waive or modify development standards 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.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections E1, E2 and E3 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.

b. 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 E1, E2 and E3 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.

F. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the ~~((Council))~~ Director as ~~((a Council))~~ an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council

1 Land Use Decisions, according to the criteria of Section 23.49.008, Structure  
2 height.

3  
4 \* \* \*

5  
6  
7 **Section 15.** Subsection C of Section 23.49.116 of the Seattle Municipal  
8 Code, which Section was last amended by Ordinance 117430, is amended as  
9 follows:

10  
11 **Section 23.49.116 Downtown Mixed Commercial, permitted uses.**

12  
13 \* \* \*

14  
15 C. Public Facilities.

16 1. Except as provided in subsection 23.49.122.D.2, uses in public  
17 facilities that are most similar to uses permitted outright under this Chapter shall  
18 also be permitted outright subject to the same use regulations and development  
19 standards that govern the similar uses.

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

23  
24  
25 **Section 16.** Subsections D and E of Section 23.49.122 of the Seattle  
26 Municipal Code, which Section was last amended by Ordinance 116907, are  
27 amended as follows:

28  
29 **23.49.122 Downtown Mixed Commercial, conditional uses and Council**  
30 **decisions.**

31  
32 \* \* \*

33  
34 D. ~~((City facilities and public projects which do not meet development~~  
35 ~~standards may be permitted by the Council pursuant to Chapter 23.76, Procedures~~  
36 ~~for Master Use Permits and Council Land Use Decisions.)) Public Facilities.~~

37 1. Uses in public facilities that are most similar to uses permitted  
38 as a conditional use under this Chapter shall also be permitted as a conditional use  
39 subject to the same conditional use criteria that govern the similar uses.

40 2. The City Council may waive or modify applicable development  
41 standards or conditional use criteria for those uses in public facilities that are similar  
42 to uses permitted outright or permitted as a conditional use according to the

1 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
2 public projects considered as Type IV quasi-judicial decisions and City facilities  
3 considered as Type V legislative decisions.

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

11       4. Expansion of Uses in Public Facilities.

12           a. Major Expansion. Major expansions may be permitted  
13 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
14 the same provisions and procedural requirements as described in these  
15 subsections. A major expansion of a public facility use occurs when the expansion  
16 that is proposed would not meet development standards or exceed either seven-  
17 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
18 is greater, including gross floor area and areas devoted to active outdoor uses  
19 other than parking.

20           b. Minor Expansion. When an expansion falls below the  
21 major expansion threshold level, it is a minor expansion. Minor expansions may be  
22 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
23 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
24 and Council Land Use Decisions, for a Type I Master Use Permit when the  
25 development standards of the zone in which the public facility is located are met.

26           E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
27 than fifty feet (50') above the roof of the structure on which they are located may be  
28 authorized by the ((Council)) Director as an administrative conditional use pursuant  
29 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
30 Decisions, according to the criteria of Section 23.49.008, Structure height.

31  
32 \* \* \*

33  
34  
35       **Section 17.** Subsection C of Section 23.49.142 of the Seattle Municipal  
36 Code, which Section was last amended by Ordinance 117430, is amended as  
37 follows:

38  
39       **Section 23.49.142 Downtown Mixed Residential, permitted uses.**

40  
41 \* \* \*

1 C. Public Facilities.

2 1. Except as provided in subsection 23.49.148.D.2, uses in public  
3 facilities that are most similar to uses permitted outright under this Chapter shall  
4 also be permitted outright subject to the same use regulations and development  
5 standards that govern the similar uses.

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

9  
10  
11 **Section 18.** Subsections D and E of Section 23.49.148 of the Seattle  
12 Municipal Code, which Section was last amended by Ordinance 116295, are  
13 amended as follows:

14  
15 **23.49.148 Downtown Mixed Residential, conditional uses and Council**  
16 **decisions.**

17  
18 \* \* \*

19  
20 D. ~~((City facilities and public projects which do not meet development~~  
21 ~~standards may be permitted by the Council pursuant to Chapter 23.76, Procedures~~  
22 ~~for Master Use Permits and Council Land Use Decisions.)) Public Facilities.~~

23 1. Uses in public facilities that are most similar to uses permitted  
24 as a conditional use under this Chapter shall also be permitted as a conditional use  
25 subject to the same conditional use criteria that govern the similar uses.

26 2. The City Council may waive or modify applicable development  
27 standards or conditional use criteria for those uses in public facilities that are similar  
28 to uses permitted outright or permitted as a conditional use according to the  
29 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
30 public projects considered as Type IV quasi-judicial decisions and City facilities  
31 considered as Type V legislative decisions.

32 3. Other Uses Permitted in Public Facilities. Unless specifically  
33 prohibited, public facilities that are not similar to uses permitted outright or permitted  
34 as a conditional use under this Chapter may be permitted by the City Council. The  
35 City Council may waive or modify development standards or conditional use criteria  
36 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use  
37 Decisions, with public projects considered as Type IV quasi-judicial decisions and  
38 City facilities considered as Type V legislative decisions.

39 4. Expansion of Uses in Public Facilities.

40 a. Major Expansion. Major expansions may be permitted  
41 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
42 the same provisions and procedural requirements as described in these

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

6 b. Minor Expansion. When an expansion falls below the  
7 major expansion threshold level, it is a minor expansion. Minor expansions may be  
8 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
9 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
10 and Council Land Use Decisions, for a Type I Master Use Permit when the  
11 development standards of the zone in which the public facility is located are met.

12 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
13 than fifty feet (50') above the roof of the structure on which they are located may be  
14 authorized by the ((Council)) Director as an administrative conditional use pursuant  
15 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
16 Decisions, according to the criteria of Section 23.49.008, Structure height.

17  
18 \* \* \*

19  
20  
21 **Section 19.** Subsection C of Section 23.49.318 of the Seattle Municipal  
22 Code, which Section was last amended by Ordinance 117430, is amended as  
23 follows:

24  
25 **Section 23.49.318 Downtown Harborfront 2, permitted uses.**

26  
27 \* \* \*

28  
29 C. Public Facilities.

30 1. Except as provided in subsection 23.49.324.D.2, uses in public  
31 facilities that are most similar to uses permitted outright under this Chapter shall  
32 also be permitted outright subject to the same use regulations and development  
33 standards that govern the similar uses.

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

37  
38  
39 **Section 20.** Subsections D and E of Section 23.49.324 of the Seattle  
40 Municipal Code, which Section was last amended by Ordinance 116907, are  
41 amended as follows:  
42

1 **23.49.324 Downtown Harborfront 2, conditional uses and Council**  
2 **decisions.**  
3

4 \* \* \*

5  
6 D. ~~((City facilities and public projects which do not meet development~~  
7 ~~standards of this subchapter but do meet the development standards of the Seattle~~  
8 ~~Shoreline Master Program, where applicable, may be permitted by the Council~~  
9 ~~pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land~~  
10 ~~Use Decisions.)) Public Facilities.~~

11 1. Uses in public facilities that are most similar to uses permitted  
12 as a conditional use under this Chapter shall also be permitted as a conditional use  
13 subject to the same conditional use criteria that govern the similar uses.

14 2. When uses in public facilities meet the development standards  
15 of the Shoreline Master Program, where applicable, the City Council may waive or  
16 modify applicable development standards of the underlying zone or conditional use  
17 criteria for those uses in public facilities that are similar to uses permitted outright or  
18 permitted as a conditional use according to the provisions of Chapter 23.76,  
19 Subchapter III, Council Land Use Decisions, with public projects considered as  
20 Type IV quasi-judicial decisions and City facilities considered as Type V legislative  
21 decisions.

22 3. Other Uses Permitted in Public Facilities. When uses in public  
23 facilities meet the development standards of the Shoreline Master Program, where  
24 applicable, and unless specifically prohibited, uses in public facilities that are not  
25 similar to uses permitted outright or permitted as a conditional use under this  
26 Chapter may be permitted by the City Council. City Council may waive or modify  
27 development standards or conditional use criteria according to the provisions of  
28 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
29 considered as Type IV quasi-judicial decisions and City facilities considered as  
30 Type V legislative decisions.

31 4. Expansion of Uses in Public Facilities.

32 a. Major Expansion. Major expansions may be permitted  
33 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
34 the same provisions and procedural requirements as described in these  
35 subsections. A major expansion of a public facility use occurs when the expansion  
36 that is proposed would not meet development standards or exceed either seven-  
37 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
38 is greater, including gross floor area and areas devoted to active outdoor uses  
39 other than parking.

40 b. Minor Expansion. When an expansion falls below the  
41 major expansion threshold level, it is a minor expansion. Minor expansions may be  
42 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above

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

4 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
5 than fifty feet (50') above the roof of the structure on which they are located may be  
6 authorized by the ((Council)) Director as an administrative conditional use pursuant  
7 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
8 Decisions, according to the criteria of Section 23.49.008, Structure height.

9  
10  
11 **Section 21.** Subsection A of Section 23.49.336 of the Seattle Municipal  
12 Code, which Section was last amended by Ordinance 117430, is amended as  
13 follows:

14  
15 **Section 23.49.336 Pike Market Mixed, permitted uses.**

16  
17 A. Permitted uses within the Pike Market Historic District, shown on Map  
18 XIIA,1 shall be determined by the Pike Place Market Historical Commission  
19 pursuant to the Pike Market Historical District Ordinance, Chapter 25.((4))24,  
20 Seattle Municipal Code.

21  
22 \* \* \*

23  
24  
25 **Section 22.** Subsections C and D of Section 23.50.012 of the Seattle  
26 Municipal Code, which Section was last amended by Ordinance 118216, are  
27 amended as follows:

28  
29 **23.50.012 Permitted and prohibited uses.**

30  
31 \* \* \*

32  
33 C. ~~((City facilities and public projects which do not meet development~~  
34 ~~standards may be permitted by the City Council pursuant to Chapter 23.76,~~  
35 ~~Procedures for Master Use Permits and Council Land Use decisions.)) Public~~  
36 ~~Facilities.~~

37 1. Except as provided in subsections 2a and 2b below, uses in  
38 public facilities that are most similar to uses permitted outright or permitted by  
39 conditional use in this Chapter shall also be permitted outright or by conditional use,  
40 subject to the same use regulations, development standards and administrative  
41 conditional use criteria that govern the similar uses.

1                   2.     Public Facilities not Meeting Development Standards Requiring  
2     City Council Approval.

3                   a.     The City Council may waive or modify applicable  
4     development standards or conditional use criteria for those uses in public facilities  
5     that are similar to uses permitted outright or permitted by conditional use according  
6     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                   b.     Other Uses Permitted in Public Facilities. Unless  
10    specifically prohibited, uses in public facilities that are not similar to uses permitted  
11    outright or permitted by conditional use under this Chapter may be permitted by the  
12    City Council. City Council may waive or modify development standards or  
13    conditional use criteria according to the provisions of Chapter 23.76, Subchapter III,  
14    Council Land Use Decisions, with public projects considered as Type IV quasi-  
15    judicial decisions and City facilities considered as Type V legislative decisions.

16                  3.     In all industrial zones, uses in public facilities not meeting  
17    development standards may be permitted by the Council if the following criteria are  
18    satisfied:

19                  a.     The project provides unique services which are not  
20    provided to the community by the private sector, such as police and fire stations;  
21    and

22                  b.     The proposed location is required to meet specific public  
23    service delivery needs; and

24                  c.     The waiver or modification to the development  
25    standards is necessary to meet specific public service delivery needs; and

26                  d.     The relationship of the project to the surrounding area  
27    has been considered in the design, siting, landscaping and screening of the facility.

28                  4.     Expansion of Uses in Public Facilities.

29                  a.     Major Expansion. Major expansions may be permitted  
30    to uses in public facilities allowed in subsections C1, C2a and C2b above according  
31    to the same provisions and procedural requirements as described in these  
32    subsections. A major expansion of a public facility use occurs when the expansion  
33    that is proposed would not meet development standards or not meet development  
34    standards or exceed either seven-hundred-fifty (750) square feet or ten percent  
35    (10%) of its existing area, whichever is greater, including gross floor area and areas  
36    devoted to active outdoor uses other than parking.

37                  b.     Minor Expansion. When an expansion falls below the  
38    major expansion threshold level, it is a minor expansion. Minor expansions may be  
39    permitted to uses in public facilities allowed in subsections C1, C2a and C2b above  
40    according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
41    and Council Land Use Decisions, for a Type I Master Use Permit when the  
42    development standards of the zone in which the public facility is located are met.

1 ((D))5. Essential Public Facilities. Permitted essential public facilities  
2 shall also be reviewed according to the provisions of chapter 23.80, Essential  
3 Public Facilities.  
4

5  
6 **Section 23.** Exhibit 23.76.004A of Section 23.76.004 of the Seattle  
7 Municipal Code, which Section was last amended by ordinance 118012, is  
8 amended as follows:  
9

10 **Exhibit 23.76.004A**  
11 **LAND USE DECISION FRAMEWORK**  
12 **DIRECTOR'S AND HEARING EXAMINER'S**  
13 **DECISIONS REQUIRING MASTER USE PERMITS**

| TYPE I<br>Director's Decision<br>(No Administrative Appeal)   | TYPE II<br>Director's Decision<br>(Appealable to Hearing Examiner*)   | TYPE III<br>Hearing Examiner's Decision<br>(No Administrative Appeal)              |
|---|---|--|
| <ul style="list-style-type: none"><li>• Compliance with development standards</li><li>• Uses permitted outright</li><li>• Temporary uses, four weeks or less</li><li>• Certain street uses</li><li>• Lot boundary adjustments</li><li>• Modifications of features bonused under Title 24</li><li>• Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation</li><li>• Temporary uses, twelve months or less, for relocation of police and fire protection</li><li>• Exemptions from right-of-way improvement requirements</li><li>• Special accommodation</li><li>• Reasonable accommodation</li><li>• Minor amendment to a Major Phased Development Permit</li></ul> | <ul style="list-style-type: none"><li>• Temporary uses, more than four weeks</li><li>• Certain street uses</li><li>• Variances</li><li>• Administrative conditional uses</li><li>• Shoreline decisions ("Appealable to Shorelines Hearings Board along with all related environmental appeals)</li><li>• Short subdivisions</li><li>• Special exceptions</li><li>• Design Review</li><li>• Northgate General Development Plan</li><li>• The following environmental determinations:<ol style="list-style-type: none"><li>1. Determination of nonsignificance (EIS not required)</li><li>2. Determination of final EIS adequacy</li><li>3. Determinations of significance based solely on historic and cultural preservation</li><li>4. A decision by the Director to approve, condition or deny a project based on SEPA Policies</li></ol></li><li>• Major Phased Development</li></ul> | <ul style="list-style-type: none"><li>• Subdivisions (Preliminary Plats)</li></ul> |

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38 **COUNCIL LAND USE DECISIONS**

| TYPE IV<br>(Quasi-Judicial)  | TYPE V<br>(Legislative)   |
|--|---|
| <ul style="list-style-type: none"><li>• Land use map amendments (Rezones)</li><li>• Public project approvals</li><li>• Major institution master plans</li><li>• Council conditional uses</li><li>• Downtown planned community developments</li></ul> | <ul style="list-style-type: none"><li>• Land Use Code text amendments</li><li>• Rezones to implement new City policies</li><li>• Concept approval for City facilities</li><li>• Major institution designations</li><li>• <u>Waive or modify development standards for City facilities</u></li></ul> |



1 an environmentally critical area, are exempt from the ~~((large))~~ environmental review  
2 sign requirement.

3 c. ~~((As an alternative to the large))~~ When use of an  
4 environmental review sign ~~((requirement))~~ is neither feasible nor practicable to  
5 assure that notice is clearly visible to the public, the Director shall post ten (10)  
6 placards within three hundred feet (300') of the site and at the closest street  
7 intersections when one (1) or more of the following conditions exist:

- 8 (1) The project site is over five (5) acres;  
9 (2) The applicant is not the property owner, and the  
10 property owner does not consent to the proposal;  
11 (3) The site is subject to physical characteristics such  
12 as steep slopes or is located such that the ~~((large))~~ environmental review sign  
13 would not be highly visible to neighboring residents and property owners or  
14 interested citizens.

15 d. The Director may require both an ~~((large))~~ environmental  
16 review sign and the alternative posting measures described in subsection B1c, or  
17 may require that more than one (1) ~~((large))~~ environmental review sign be posted,  
18 when necessary to assure that notice is clearly visible to the public.

19 2. For projects which are categorically exempt from environmental  
20 review, the ~~((Director))~~ applicant shall post ~~((four (4) placards))~~ one (1) land use  
21 sign visible to the public at each street frontage ~~((on or near))~~ abutting the site  
22 except, when there is no street frontage or the site abuts an unimproved street, the  
23 Director shall require either more than one (1) sign and/or an alternative posting  
24 location so that notice is clearly visible to the public. The land use sign may be  
25 removed by the applicant within fourteen (14) days after final action on the  
26 application has been completed.

27 3. For all projects requiring notice of application, the Director shall  
28 provide notice by General Mailed Release. For projects subject to the ~~((large))~~  
29 environmental review and land use sign requirements, notice in the General Mailed  
30 Release shall be published after certification is received by the department that the  
31 ~~((large))~~ environmental review and land use signs ~~((has))~~ have been installed and  
32 posted.

33 4. In addition, for variances, administrative conditional uses,  
34 temporary uses for more than four (4) weeks, shoreline variances, ~~((and))~~ shoreline  
35 conditional uses, short plats, pre-design review, School Use Advisory Committee  
36 (SUAC) formation, and school development standard departure, the Director shall  
37 provide mailed notice.

38 5. Mailed notice of application for a project subject to design  
39 review shall be provided to all persons establishing themselves as parties of record  
40 by attending the pre-design public meeting for the project or by corresponding with  
41 the Department about the proposed project before the date of publication.

1                   6. Additional notice for subdivisions shall include mailed notice  
2 and publication in at least one (1) community newspaper in the area affected by the  
3 subdivision.

4                   C. Contents of Notice.

5                   1. The City's official notice of application shall be the notice  
6 placed in the General Mailed Release, which shall include the following required  
7 elements as specified in RCW 36.70B.110;

8                   a. Date of application, date of notice of completion for the  
9 application, and the date of the notice of application;

10                   b. A description of the proposed project action and a list of  
11 the project permits included in the application and, if applicable, a list of any studies  
12 requested by the Director;

13                   c. The identification of other permits not included in the  
14 application to the extent known by the Director;

15                   d. The identification of existing environmental documents  
16 that evaluate the proposed project, and the location where the application and any  
17 studies can be reviewed;

18                   e. A statement of the public comment period and the right  
19 of any person to comment on the application, request an extension of the comment  
20 period, receive notice of and participate in any hearings, and request a copy of the  
21 decision once made, and a statement of any administrative appeal rights;

22                   f. The date, time, place and type of hearing, if applicable  
23 and if scheduled at the date of notice of the application;

24                   g. A statement of the preliminary determination, if one has  
25 been made at the time of notice, of those development regulations that will be used  
26 for project mitigation and the proposed project's consistency with development  
27 regulations; and

28                   h. Any other information determined appropriate by the  
29 Director.

30                   2. All other additional forms of notice, including, but not limited to  
31 environmental review and land use signs, placards and mailed notice, shall include  
32 the following information: the project description, location of the project, date of  
33 application, location where the complete application file may be reviewed, and a  
34 statement that persons who desire to submit comments on the application or who  
35 request notification of the decision may so inform the Director in writing within the  
36 comment period specified in subsection D. The Director may, but need not, include  
37 other information to the extent known at the time of notice of application. Except for  
38 the ((large)) environmental review sign requirement, each notice shall also include a  
39 list of the land use decisions sought. The Director shall specify detailed  
40 requirements for ((large)) environmental review and land use signs.

41 \* \* \*



1 post more than one (1) sign and/or select an alternative posting location so that  
2 notice is clearly visible to the public ((places visible to the public, including street  
3 intersections, within three hundred feet (300') of the boundaries of the project)). For  
4 hearings on Major Institution Master Plans, ((a minimum of ten (10) placards shall  
5 be posted)) one (1) land use sign posted at each street frontage abutting the site  
6 but not to exceed ten (10) land use signs;

7 e. Mailed notice; and

8 f. Posting in the Department.

9 2. DNSs shall also be filed with the SEPA Public Information  
10 Center. If the Director's decision includes a mitigated DNS or other DNS requiring a  
11 fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of  
12 DNS shall include notice of the comment period. The Director shall distribute copies  
13 of such DNSs as required by SMC Section 25.05.340.

14 3. The notice shall state the project description, type of land use  
15 decision under consideration, a description sufficient to locate the subject property,  
16 where the complete application file may be reviewed, and the Director's  
17 recommendation and environmental determination. The notice shall also state that  
18 the environmental determination is subject to appeal and shall describe the appeal  
19 procedure.

20  
21 \* \* \*

22  
23  
24 **Section 28.** A new subsection D is added to Section 23.76.058 of the  
25 Seattle Municipal code, which Section was last amended by ordinance 118012, as  
26 follows:

27  
28 **23.76.058 Rules for special decisions**

29  
30 \* \* \*

31  
32 D. Public Projects not meeting Development Standards. The City Council  
33 may waive or modify applicable developments standards, accessory use  
34 requirements, special use requirements, or conditional use criteria for public  
35 projects.

36  
37  
38 **Section 29.** Subsection B of Section 23.76.062 of the Seattle Municipal  
39 Code, which Section was last amended by Ordinance 115002, is amended as  
40 follows:

41  
42 **23.76.062 Council hearing and decision.**

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B. Notice of Hearings.

1. Notice of the Council hearing on a Type V decision shall be provided by the Director at least thirty (30) days prior to the hearing in the following manner:

- a. Inclusion in the General Mailed Release;
- b. Posting in the Department; and
- c. Publication in the City's official newspaper.

2. Additional notice shall be provided by the Director for public hearings on City facilities, Major Institution designations and revocation of Major Institution designations, as follows:

- a. Mailed notice; and
- b. ((At least four (4) placards)) One (1) land use sign posted visible to the public at each street frontage abutting ((on or near)) the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall either post more than one (1) sign and/or select an alternative posting location so that notice is clearly visible to the public.

\* \* \*

**Section 30.** Section 23.76.064 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

**23.76.064 Approval of city facilities.**

A. Concept Approval for City Facilities.

((A))1. In acting on the proposed siting or expansion of a City facility, the Council shall decide whether to approve in concept the facility. If concept approval is granted, the Council may impose terms and conditions, including but not limited to design criteria and conditions relating to the size and configuration of the proposed facility.

((B))2. Following Council approval, final plans for a City facility shall be submitted to the Director. If the Director determines that the project is consistent with the Council's concept approval, the Director shall issue the necessary permits for the facility.

((C))3. No further Council action is required for a City facility unless the Director determines that the final plans represent a major departure from the terms of the original Council concept approval, in which case the final plan shall be

1 submitted to the Council for approval in the same manner as the original  
2 application.

3 B. City Facilities not meeting development standards. The Council may  
4 waive or modify applicable development standards, accessory use requirements,  
5 special use requirements, or conditional use criteria for City facilities.  
6

7  
8  
9 **Section 31.** Section 23.78.006 of the Seattle Municipal Code, which Section  
10 was adopted by Ordinance 110381, is amended as follows:  
11

12 **23.78.006 Notice provided.**  
13

14 Notification of the application and formation of a SUAC and the first meeting  
15 of the SUAC shall be provided by the Director through mailed notice, general  
16 mailed release, ~~((four (4) placards posted on or near the site and))~~ publishing in a  
17 newspaper of substantial local circulation, and posting one (1) land use sign visible  
18 to the public at each street frontage abutting the site except, when there is no street  
19 frontage or the site abuts an unimproved street, the Director shall either post more  
20 than one (1) sign and/or select an alternative posting location so that notice is  
21 clearly visible to the public. If there is an existing parents' organization, notice shall  
22 be given through their regular processes.  
23

24  
25 **Section 32.** Section 23.79.006 of the Seattle Municipal Code, which Section  
26 was adopted by Ordinance 112539, is amended as follows:  
27

28 **23.79.006 Notice provided for development standard departure.**  
29

30 Notification of the application and formation of a Development Standard  
31 Advisory Committee and the first meeting of the advisory committee shall be  
32 provided by the Director through mailed notice, general mailed release, ~~((four (4)~~  
33 ~~placards posted on or near the site and))~~ publishing in a newspaper of substantial  
34 local circulation and any relevant ethnic publications having substantial local  
35 circulation, and posting one (1) land use sign visible to the public at each street  
36 frontage abutting the site except, when there is no street frontage or the site abuts  
37 an unimproved street, the Director shall either post more than one (1) sign and/or  
38 select an alternative posting location so that notice is clearly visible to the public. If  
39 there is an existing parents' organization, notice shall be given through its regular  
40 processes. Notice shall also be given to community organizations known to the  
41 Department as representing the local area and to other related organizations who  
42 have requested notice.







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2. During the staged review process, more extensive studies and investigations may be required for more hazardous sites, based on the degree of slope, hydrology and underlying soils and geology. The Director may require detailed site investigation including, but not limited to the following:

- a. Review of available literature regarding the site and surrounding areas;
- b. Detailed topographic analysis;
- c. Subsurface data and exploration logs;
- d. Ground surface profiles;
- e. Analysis of relationship of vegetated cover and slope stability;
- f. Site stability analysis;
- g. Geotechnical considerations to reduce risk; and
- h. Construction and post-construction monitoring.

3. The Director shall determine the amount of additional study necessary depending on the degree of landslide-prone hazard on a site based on the information disclosed during the staged review process. The Director may require third-party review.

4. As part of the staged review process, the Director shall provide mailed notice to adjacent property owners, and the applicant shall post ((placards)) one (1) land use sign visible to the public at each street frontage abutting ((on)) the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed. The purpose of this notice is to allow for an exchange of information between the applicant, adjacent property owners and the

1 Director. Adjacent property owners may review and comment on site investigations  
2 and technical studies, and provide information and documentation of any previous  
3 landslide problems on the site. Notice will include information on how to find out  
4 whether or not third-party review is required.  
5

6 \* \* \*

7  
8  
9 **Section 37.** The provisions of this ordinance are declared to be separate  
10 and severable. The invalidity of any particular provision shall not affect the validity  
11 of any other provision.  
12

13  
14 **Section 38.** This ordinance shall take effect and be in force on  
15 September 30, 1997.  
16

17 Passed by the City Council the 4 day of August, 1997, and  
18 signed by me in open session in authentication of its passage this 4 day of  
19 August, 1997.  
20

21 *Jan DeLoach*  
22 President of the City Council

23 Approved by me this 7<sup>th</sup> day of August, 1997.  
24

25 *Norman B. Rice*  
26 Norman B. Rice, Mayor

27 Filed by me this 7 day of August, 1997.  
28

29 *Janith E. Papp*  
30 City Clerk

31 (SEAL)  
32  
33  
34

# Changes Proposed for Regulatory Reform Ordinance

June 25, 1997

1. The following recommended language (underlined) about alternative posting locations for the land use sign would be added in 10 sections of the Land Use Code omnibus ordinance.

*For projects which are categorically exempt from environmental review, the applicant shall post one (1) land use sign at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director may require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public.*

2. The following recommended language (underlined) about how long a land use sign must be posted would be added in several sections of the Land Use Code omnibus ordinance.

- *For public meetings requiring land use sign notice: the sign would be removed by the applicant the day after the meeting.*
- *For projects requiring land use sign notice: the sign would be removed by the applicant within fourteen (14) days after final action on the application has been completed (just like what's required for the BIG white environmental review sign).*

3. **Effective Date of Ordinance.** We would recommend that the effective date of the Land Use Code omnibus ordinance be extended to approximately 90 days to provide adequate time for DCLU to change its public notice processes and procedures, revise & develop new Director's Rules on public notice requirements, and provide training and notice for the public and DCLU & City staff.

*Section 39. This ordinance shall take effect and be in force on September 30, 1997.*

kd  
rr3-ex  
6/24/97

ORDINANCE \_\_\_\_\_

**AN ORDINANCE** relating to land use and environmental protection; amending Chapter 23.44 and Sections 23.41.008, 23.44.036, 23.44.041, 23.45.106, 23.47.004, 23.47.006, 23.49.008, 23.49.042, 23.49.046, 23.49.060, 23.49.066, 23.49.090, 23.49.096, 23.49.116, 23.49.122, 23.49.142, 23.49.148, 23.49.318, 23.49.324, 23.49.336, 23.50.012, 23.76.004, 23.76.011, 23.76.012, 23.76.036, 23.76.052, 23.76.058, 23.76.062, 23.76.064, 23.78.006, 23.79.006, 23.84.024, 23.84.025, and 23.84.036, and repealing Section 23.66.132 of the Seattle Municipal Code (Title 23, Land Use Code), and amending Section 25.09.080 (Chapter 25.09, Regulations for Environmentally Critical Areas) of the Seattle Municipal Code. **NOW THEREFORE,**

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

**Section 1.** Subsection D of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

**23.41.008 Design Review Board.**

\* \* \*

**D. Meetings of the Design Review Board.**

1. Project-specific pre-design public meetings shall be held as required in Section 23.41.014B, at a location in the same general neighborhood as the proposed project. As described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, the Director shall provide ((M))mailed notice, and ((placards)) the applicant shall post one (1) land use sign at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director may require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public ((for the pre-design public meeting shall be provided as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions)). The land use sign may be removed by the applicant the day after the public meeting.

2. Regularly scheduled meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the area of the city to which the Board is assigned. Public notice for the

1 regularly scheduled Design Review Board meetings shall be posted in the  
2 Department and published in the General Mailed Release.

3 3. All meetings of the Design Review Board are open to the  
4 general public, and the actions of the Board are not quasi-judicial in nature.  
5  
6

7 **Section 2.** The title of Part 3 of Chapter 23.44 of the Seattle Municipal Code  
8 is amended as follows:  
9

10 Part 3 Public ~~((Projects and City))~~ Facilities  
11

12 **Section 3.** Section 23.44.036 of the Seattle Municipal Code, which Section  
13 was last amended by Ordinance 117430, is amended as follows:  
14

15 **23.44.036 ~~((Council approval of p))~~ Public ~~((projects and City))~~ facilities.**  
16  
17

18 A. Except as provided in subsections B, D and E below, uses in public  
19 facilities that are most similar to uses permitted outright or permitted as an  
20 administrative conditional use under this Chapter shall also be permitted outright or  
21 as an administrative conditional use, subject to the same use regulations,  
22 development standards and administrative conditional use criteria that govern the  
23 similar use. The City Council may waive or modify applicable development  
24 standards or administrative conditional use criteria according to the provisions of  
25 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
26 considered as Type IV quasi-judicial decisions and City facilities considered as  
27 Type V legislative decisions.

28 ~~((A))~~B. Permitted Uses in Public ~~((Projects and City))~~ Facilities Requiring City  
29 Council Approval. The ~~((establishment or expansion of the))~~ following ~~((public))~~  
30 uses in public facilities in single-family zones may be permitted by the City Council,  
31 according to the ~~((procedures for approving public projects and City facilities~~  
32 provided in)) provisions of Chapter 23.76, Procedures for Master Use Permits and  
33 Council Land Use Decisions~~((:-))~~;

- 34 1. Police precinct station;  
35 2. Fire station;  
36 3. Public boat moorage;  
37 4. Utility services use; and  
38 5. Other similar uses.

39 The proponent of any such use shall demonstrate the existence of a  
40 public necessity for ~~((location or expansion of))~~ the public facility use in a single-  
41 family zone. The public facility use shall be developed according to the  
42 development standards for institutions (Section 23.44.022), unless the City Council

1 makes a determination to waive or modify applicable development standards  
2 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use  
3 Decisions, with public projects considered as Type IV quasi-judicial decisions and  
4 City facilities considered as Type V legislative decisions.

5 C. Expansion of Uses in Public Facilities.

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

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

19 ((B))D. Sewage Treatment Plants. The expansion or reconfiguration (which  
20 term shall include reconstruction, redevelopment, relocation on the site, or  
21 intensification of treatment capacity) of existing sewage treatment plants in single-  
22 family zones may be permitted if there is no feasible alternative location in a zone  
23 where the use is permitted and the conditions imposed under subsections ((B))D3  
24 and ((B))D4 are met.

25 1. Applicable Procedures. The decision on an application for the  
26 expansion or reconfiguration of a sewage treatment plant shall be a Type IV  
27 Council land use decision. If an application for an early determination of feasibility is  
28 required to be filed pursuant to subsection ((B))D2 of this section, the early  
29 determination of feasibility will also be a Council land use decision subject to  
30 Sections 23.76.038 through 23.76.056.

31 2. Need for Feasible Alternative Determination. The proponent  
32 shall demonstrate that there is no feasible alternative location in a zone where  
33 establishment of the use is permitted.

34 a. The Council's decision as to the feasibility of alternative  
35 location(s) shall be based upon the Single-Family Policies and a full consideration  
36 of the environmental, social and economic impacts on the community.

37 b. The determination of feasibility may be the subject of a  
38 separate application for a Council land use decision prior to submission of an  
39 application for a project-specific approval if the Director determines that the  
40 expansion or reconfiguration proposal is complex, involves the phasing of  
41 programmatic and project-specific decisions or affects more than one site in a  
42 single-family zone.

1 c. Application for an early determination of feasibility shall  
2 include:

3 (1) The scope and intent of the proposed project in  
4 the single-family zone and appropriate alternative(s) in zones where establishment  
5 of the use is permitted, identified by the applicant or the Director;

6 (2) The necessary environmental documentation as  
7 determined by the Director, including an assessment of the impacts of the proposed  
8 project and of the permitted-zone alternative(s), according to the state and local  
9 SEPA Guidelines;

10 (3) Information on the overall sewage treatment  
11 system which outlines the interrelationship of facilities in single-family zones and in  
12 zones where establishment of the use is permitted;

13 (4) Schematic plans outlining dimensions, elevations,  
14 locations on site and similar specifications for the proposed project and for the  
15 alternative(s).

16 d. If a proposal or any portion of a proposal is also subject  
17 to a feasible or reasonable alternative location determination under Section  
18 23.60.066 of Title 23, the Plan Shoreline Permit application and the early  
19 determination application will be considered in one determination process.

20 3. Conditions for Approval of Proposal.

21 a. The project shall be located so that adverse impacts on  
22 residential areas shall be minimized;

23 b. A facility management and transportation plan shall be  
24 required. The level and kind of detail to be disclosed in the plan shall be based on  
25 the probable impacts and/or scale of the proposed facility, and shall at a minimum  
26 include discussion of sludge transportation, noise control, and hours of operation;

27 c. Measures to minimize potential odor emission and  
28 airborne pollutants including methane shall meet standards of and be consistent  
29 with best available technology as determined in consultation with the Puget Sound  
30 Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design  
31 and operation of the facility;

32 d. Methods of storing and transporting chlorine and other  
33 hazardous and potentially hazardous chemicals shall be determined in consultation  
34 with the Seattle Fire Department and incorporated into the design and operation of  
35 the facility;

36 e. Vehicular access suitable for trucks is available or  
37 provided from the plant to a designated arterial improved to City standards;

38 f. Landscaping and screening, separation from less  
39 intensive zones, noise, light and glare controls, and other measures to ensure the  
40 compatibility of the use with the surrounding area and to mitigate adverse impacts  
41 shall be incorporated into the design and operation of the facility.



1  
2 D. Notice of Application for an Accessory Housing Unit. The Director  
3 shall provide notice of the application of a permit for an accessory housing unit by  
4 general mailed release, and the applicant shall ~~((by posting four (4) placards))~~ post  
5 one (1) land use sign at each street frontage abutting ~~((near))~~ the site except, when  
6 there is no street frontage or the site abuts an unimproved street, the Director may  
7 require either more than one (1) sign and/or an alternative posting location so that  
8 notice is clearly visible to the public. ~~((or-w))~~ When possible, additional notice may  
9 be provided by door to door delivery to properties within two hundred feet (200') of  
10 the site. The notice shall state the criteria the proposed unit must meet in order for  
11 a permit to be granted and that the DCLU decision is non-appealable, and shall  
12 explain how to obtain general information and how to report non-compliance with  
13 the criteria before and after the permit is issued. The land use sign may be  
14 removed by the applicant within fourteen (14) days after final action on the  
15 application has been completed.

16  
17 \* \* \*

18  
19  
20 **Section 5.** Section 23.45.106 of the Seattle Municipal Code, which Section  
21 was last amended by Ordinance 117430, are amended as follows:

22  
23 **23.45.106 Public ~~((projects and City))~~ facilities.**

24  
25 A. Except as provided in subsections B, E, F, and G below, uses in  
26 public facilities that are similar to uses permitted outright or permitted as an  
27 administrative conditional use under this Chapter shall also be permitted outright or  
28 as an administrative conditional use, subject to the same use regulations,  
29 development standards, and administrative conditional use criteria that govern the  
30 similar use. The City Council may waive or modify applicable development  
31 standards or administrative conditional use criteria according to the provisions of  
32 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
33 considered as Type IV quasi-judicial decisions and City facilities considered as  
34 Type V legislative decisions.

35 ((A))B. Other Permitted Uses in Public Facilities Requiring City Council  
36 Approval. The ~~((location or expansion of the))~~ following uses in public ~~((projects~~  
37 and City facilities)) facilities shall be permitted outright in all multi-family zones, ~~((if~~  
38 all of)) when the development standards for institutions (Sections 23.45.092  
39 through 23.45.102) are met:

- 40 1. Police precinct stations;  
41 2. Fire stations;  
42 3. Public boat moorages;

4. Utility service uses; and
5. Other similar uses.

If the proposed public facility use does not meet the development standards for institutions, the City Council may waive or modify applicable development standards 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.

~~((B. If the proposed public facility does not meet the development standards for institutions, it may be permitted by the Council, according to the procedures for public projects and City facilities provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The Council may waive or change development standards.))~~

C. In all multifamily zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

1. The project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and
2. The proposed location is required to meet specific public service delivery needs; and
3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and
4. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

D. 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.

~~((E. The following public ((projects or City)) facilities shall be prohibited in all multi-family zones:~~

1. Jails;
2. Work-release centers;
3. METRO operating bases;

4. Park and Ride lots;
  5. Sewage treatment plants;
  6. Solid waste transfer stations;
  7. Animal control shelters; and
  8. Post office distribution centers(;) .
- ~~((9) Other similar uses.))~~

~~((D))~~ E. Specific Development Standards for Public Facilities.

1. Sale and consumption of beer during daylight hours on public park premises shall be permitted in a building or within fifty feet (50') of the building on an adjoining terrace; provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty feet (50') of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

~~((E) Uses Accessory to a Public Project or City Facility. Any use permitted elsewhere in this chapter as accessory to a principal use permitted outright or as an administrative conditional use is also permitted as an accessory use to a public project or City facility unless otherwise specified in this chapter.))~~

~~((F))~~ G. Convention Center. The location or expansion of a public convention center may be permitted in the Highrise Zone ~~((with))~~ through a Type IV Council ((approval)) land use decision. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on the State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;

b. Public amenities incorporated in the project including, but not limited to, open spaces accessible to the public and improved pedestrian circulation systems;

- 1 c. The relationship of the project to its surroundings with  
2 respect to height, bulk, scale, massing, landscaping, aesthetics, view enhancement  
3 or blockage, shadows and glare;  
4 d. Impacts of the facility on traffic, parking, street systems,  
5 transit and pedestrian circulation;  
6 e. Impacts of the facility on existing residential  
7 development in the vicinity of the project, including but not limited to direct and  
8 indirect housing loss;  
9 f. Impacts of the facility on local governmental services  
10 and operations, including, but not limited to police and fire protection, and water,  
11 sewer and electric utilities;  
12 g. Impacts of the facility relative to noise and air quality;  
13 h. Cumulative impacts of the project on governmental  
14 services and facilities, natural systems, or the surrounding area, considering the  
15 project's impacts in aggregate with the impacts of prior development and the  
16 impacts of future development which may be induced by the project;  
17 i. Additional information as the Council deems necessary  
18 to fully evaluate the proposal.

19 3. If the Council approves a convention center, it may attach  
20 conditions to its approval as necessary to protect the public interest or to mitigate  
21 adverse impacts. Conditions required by the Council may include, but are not  
22 limited to, landscaping, screening or other design amenities; parking facilities  
23 adequate to accommodate potential parking demands; a traffic management plan;  
24 measures to mitigate housing loss; and measures to reduce energy consumption.

25 ((G))H. Essential Public Facilities. Permitted essential public facilities shall  
26 also be reviewed according to the provisions of Chapter 23.80, Essential Public  
27 Facilities.

28  
29  
30 **Section 6.** Subsection E of Section 23.47.004 of the Seattle Municipal  
31 Code, which Section was last amended by Ordinance 118472, is amended as  
32 follows:

33  
34 **23.47.004 Permitted and prohibited uses.**

35  
36 \* \* \*

37  
38 **E. Public Facilities.**

39 1. ~~((Public facilities which are similar to those provided by the~~  
40 ~~private sector, such as offices, athletic facilities or medical service uses, shall be~~  
41 ~~permitted or prohibited in all commercial zones according to the use regulations for~~  
42 ~~the particular type of use. These public facilities shall meet the development~~

1 standards for the use to which they are similar. If the development standards  
2 cannot be met, the City Council may waive or change the standards for reasons of  
3 public necessity, according to the provisions of Chapter 23.76, Procedures for  
4 Master Use Permits and Council Land Use Decisions.)) Except as provided in  
5 subsection E2 below, uses in public facilities that are most similar to uses permitted  
6 outright or permitted as a conditional use under this Chapter shall also be permitted  
7 outright or as a conditional use, subject to the same use regulations, development  
8 standards and conditional use criteria that govern the similar uses. The City  
9 Council may waive or modify applicable development standards or conditional use  
10 criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land  
11 Use Decisions, with public projects considered as Type IV quasi-judicial decisions  
12 and City facilities considered as Type V legislative decisions.

13 2. ~~((Public facilities which are not similar to those provided by the~~  
14 ~~private sector, such as police and fire stations, shall be permitted unless~~  
15 ~~specifically prohibited in Chart A. These public facilities shall meet the development~~  
16 ~~standards of the zone in which they are located. If the development standards~~  
17 ~~cannot be met, the City Council may waive or change the standards for reasons of~~  
18 ~~public necessity, according to the provisions of Chapter 23.76, Procedures for~~  
19 ~~Master Use Permits and Council Land Use Actions.)) Other Permitted Uses in~~  
20 ~~Public Facilities Requiring City Council Approval. Unless specifically prohibited in~~  
21 ~~Chart A, uses in public facilities that are not similar to uses permitted outright or~~  
22 ~~permitted as a conditional use under this Chapter may be permitted by the City~~  
23 ~~Council. Uses in public facilities shall meet the development standards of the zone~~  
24 ~~in which they are located. The City Council may waive or modify applicable~~  
25 ~~development standards or conditional use criteria according to the provisions of~~  
26 ~~Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects~~  
27 ~~considered as Type IV quasi-judicial decisions and City facilities considered as~~  
28 ~~Type V legislative decisions.~~

29 3. In all commercial zones, uses in public facilities not meeting  
30 development standards may be permitted by the Council if the following criteria are  
31 satisfied:

32 a. The project provides unique services which are not  
33 provided to the community by the private sector, such as police and fire stations;  
34 and

35 b. The proposed location is required to meet specific public  
36 service delivery needs; and

37 c. The waiver or modification to the development  
38 standards is necessary to meet specific public service delivery needs; and

39 d. The relationship of the project to the surrounding area  
40 has been considered in the design, siting, landscaping and screening of the facility.

41 4. Expansion of Uses in Public Facilities.



1 acoustic barriers; and noise-reducing operating procedures, shall be required when  
2 necessary.

3 (2) An employee ridesharing program established  
4 and promoted to reduce the impact of employee vehicles on streets in the vicinity of  
5 the bus base.

6 (3) Landscaping and screening, noise and odor  
7 mitigation, vehicular access controls, and other measures may be required to insure  
8 the compatibility of the bus base with the surrounding area and to mitigate any  
9 adverse impacts.

10 2. Helistops in NC3, C1 and C2 zones as accessory uses,  
11 according to the following standards and criteria:

12 a. The helistop is to be used for the takeoff and landing of  
13 helicopters serving public safety, news gathering or emergency medical care  
14 functions; is part of a City and regional transportation plan approved by the City  
15 Council and is a public facility; or is part of a City and regional transportation plan  
16 approved by the City Council and is not within two thousand feet (2,000') of a  
17 residential zone.

18 b. The helistop is located so as to minimize impacts on  
19 surrounding areas.

20 c. The lot is of sufficient size that the operations of the  
21 helistop are buffered from the surrounding area.

22 d. Open areas and landing pads are hard-surfaced.

23 e. The helistop meets all federal requirements, including  
24 those for safety, glide angles and approach lanes.

25 ~~((3. In all commercial zones, permitted public projects not meeting  
26 development standards may be permitted by the Council if the following criteria are  
27 satisfied:~~

28 ~~a. The project provides unique services which are not  
29 provided to the community by the private sector, such as police and fire stations;  
30 and~~

31 ~~b. The proposed location is required to meet specific public  
32 service delivery needs; and~~

33 ~~c. The waiver or modification to the development  
34 standards is necessary to meet specific public service delivery needs; and~~

35 ~~d. The relationship of the project to the surrounding area  
36 has been considered in the design, siting, landscaping and screening of the  
37 facility.))~~

38 ~~((4))~~ 3. Work-Release Centers in all Commercial Zones -- Conditional  
39 Use Criteria.

40 a. Maximum Number of Residents. No work-release center  
41 shall house more than fifty (50) persons, excluding resident staff.

1                   b. If the work-release center is in a single-purpose  
2 residential structure, the requirements of Section 23.47.023 shall be followed. If the  
3 work-release center is in a mixed-use structure, the requirements for mixed-use  
4 structures in Chapter 23.47 shall be followed.

5                   c. Dispersion Criteria.

6                   (1) The lot line of any new or expanding work-release  
7 center shall be located six hundred feet (600') or more from any residential zone,  
8 any lot line of any special residence, and any lot line of any school.

9                   (2) The lot line of any new or expanding work-release  
10 center shall be located one mile or more from any lot line of any other work-release  
11 center.

12                   (3) The Director shall determine whether a proposed  
13 facility meets the dispersion criteria from maps which shall note the location of  
14 current work-release centers and special residences. Any person who disputes the  
15 accuracy of the maps may furnish the Director with the new information and, if  
16 determined by the Director to be accurate, this information shall be used in  
17 processing the application.

18                   d. The Council's decision shall be based on the  
19 Commercial Areas Policies and the following criteria:

20                   (1) The extent to which the applicant can  
21 demonstrate the need for the new or expanding facility in the City, including a  
22 statement describing the public interest in establishing or expanding the facility;

23                   (2) The extent to which the applicant has  
24 demonstrated that the facility can be made secure. The applicant shall submit a  
25 proposed security plan to the Director, and the Director, in consultation with the  
26 Seattle Police Department, shall consider and evaluate the plan. The security plan  
27 shall address, but is not limited to, the following:

28                   i. Plans to monitor and control the activities  
29 of residents, including methods to verify the presence of residents at jobs or training  
30 programs, policies on sign-outs for time periods consistent with the stated purpose  
31 of the absence for unescorted trips by residents away from the center, methods of  
32 checking the records of persons sponsoring outings for work-release residents, and  
33 policies on penalties for drug or alcohol use by residents, and

34                   ii. Staff numbers, level of responsibilities, and  
35 scheduling, and

36                   iii. Compliance with the security standards of  
37 the American Corrections Association;

38                   (3) The extent to which proposed lighting is located  
39 so as to minimize spillover light on surrounding properties while maintaining  
40 appropriate intensity and hours of use to ensure that security is maintained;

1 (4) The extent to which the facility's landscape plan  
2 meets the requirements of the zone while allowing visual supervision of the  
3 residents of the facility;

4 (5) The extent to which appropriate measures are  
5 taken to minimize noise impacts on surrounding properties. Measures to be used  
6 for this purpose may include: landscaping, sound barriers or fences, berms,  
7 location of refuse storage areas, and limiting the hours of use of certain areas;

8 (6) The extent to which the impacts of traffic and  
9 parking are mitigated by increasing on-site parking or loading spaces to reduce  
10 overflow vehicles or changing the access to and location of off-street parking;

11 (7) The extent to which the facility is well-served by  
12 public transportation or to which the facility is committed to a program of  
13 encouraging the use of public or private mass transportation;

14 (8) Verification from the Department of Corrections  
15 (DOC), which shall be reviewed by the Police Department, that the proposed work-  
16 release center meets DOC standards for such facilities and that the facility will meet  
17 state laws and requirements.

18 \* \* \*

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21  
22 **Section 8.** Subsection C of Section 23.49.008 of the Seattle Municipal  
23 Code, which Section was last amended by Ordinance 116295, is amended as  
24 follows:

25  
26 **23.49.008 Structure height.**

27 \* \* \*

28  
29  
30 **C. Rooftop Features.**

31 1. Open railings, planters, cle((a))restories, skylights, play  
32 equipment, parapets and firewalls may extend up to four feet (4') above the  
33 maximum height limit with unlimited rooftop coverage.

34 2. Solar collectors may extend up to seven feet (7') above the  
35 maximum height limit with unlimited rooftop coverage.

36 3. The following rooftop features may extend up to fifteen feet  
37 (15') above the maximum height limit, as long as the combined coverage of all  
38 features listed in this subsection does not exceed twenty percent (20%) of the roof  
39 area, or twenty-five percent (25%) if the total includes stair or elevator penthouses  
40 or screened mechanical equipment:

- 41 a. Solar collectors;  
42 b. Stair and elevator penthouses;

- c. Mechanical equipment; and
- d. Play equipment and open-mesh fencing, as long as the fencing is at least fifteen feet (15') from the roof edge.

4. ~~((Radio and television receiving))~~ Major or minor communication utilities; religious symbols ~~((such as belfries or spires,))~~ and that portion of the roof which supports them, such as belfries or spires; smokestacks; and flagpoles may extend up to fifty feet (50') above the roof of the structure on which they are located or fifty feet (50') above the maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport Height District. They shall be located a minimum of ten feet (10') from all lot lines.

5. ~~((Council))~~ Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C4 may exceed a height of fifty feet (50') above the roof of the structure on which they are located if authorized by the Director through an ((Council)) Administrative Conditional Use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

- a. The feature shall be compatible with and not adversely affect the downtown skyline.
- b. The feature shall not have a significant adverse effect upon the light, air, solar and visual access of properties within a three-hundred-foot (300') radius.
- c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.
- d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.
- e. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

**Section 9.** Subsection C of Section 23.49.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

**Section 23.49.042 Downtown Office Core 1, permitted uses.**

\*\*\*

C. Public Facilities.

1. Except as provided in subsection 23.49.046.D.2, uses in public facilities that are most similar to uses permitted outright under this Chapter shall

1 also be permitted outright subject to the same use regulations and development  
2 standards that govern the similar uses.

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

6  
7  
8           **Section 10.** Subsections D and E of Section 23.49.046 of the Seattle  
9 Municipal Code, which Section was last amended by Ordinance 116907, are  
10 amended as follows:

11  
12 **23.49.046 Downtown Office Core 1, conditional uses and Council**  
13 **decisions.**

14  
15 \* \* \*

16  
17 D. ~~((City facilities and public projects which do not meet development~~  
18 ~~standards may be permitted by the City Council pursuant to Chapter 23.76,~~  
19 ~~Procedures for Master Use Permits and Council Land Use Decisions.)) Public~~  
20 ~~Facilities.~~

21           1. Uses in public facilities that are most similar to uses permitted  
22 as a conditional use under this Chapter shall also be permitted as a conditional use  
23 subject to the same conditional use criteria that govern the similar uses.

24           2. The City Council may waive or modify applicable development  
25 standards or conditional use criteria for those uses in public facilities that are similar  
26 to uses permitted outright or permitted as a conditional use according to the  
27 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
28 public projects considered as Type IV quasi-judicial decisions and City facilities  
29 considered as Type V legislative decisions.

30           3. Other Permitted Uses in Public Facilities. Unless specifically  
31 prohibited, uses in public facilities that are not similar to uses permitted outright or  
32 permitted as a conditional use under this Chapter may be permitted by the City  
33 Council. City Council may waive or modify development standards or conditional  
34 use criteria according to the provisions of Chapter 23.76, Subchapter III, Council  
35 Land Use Decisions, with public projects considered as Type IV quasi-judicial  
36 decisions and City facilities considered as Type V legislative decisions.

37           4. Expansion of Uses in Public Facilities.  
38           a. Major Expansion. Major expansions may be permitted  
39 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
40 the same provisions and procedural requirements as described in these  
41 subsections. A major expansion of a public facility use occurs when the expansion  
42 that is proposed would not meet development standards or exceed either seven-

1 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
2 is greater, including gross floor area and areas devoted to active outdoor uses  
3 other than parking.

4 b. Minor Expansion. When an expansion falls below the  
5 major expansion threshold level, it is a minor expansion. Minor expansions may be  
6 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
7 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
8 and Council Land Use Decisions, for a Type I Master Use Permit when the  
9 development standards of the zone in which the public facility is located are met.

10 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
11 than fifty feet (50') above the roof of the structure on which they are located may be  
12 authorized by the ((Council)) Director as an administrative conditional use pursuant  
13 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
14 Decisions, according to the criteria of Section 23.49.008, Structure height.

15  
16  
17 **Section 11.** A new subsection C of Section 23.49.060 of the Seattle  
18 Municipal Code, which Section was last amended by Ordinance 117430, is  
19 amended as follows:

20  
21 **Section 23.49.060 Downtown Office Core 2, permitted uses.**

22  
23 \* \* \*

24  
25 **C. Public Facilities.**

26 1. Except as provided in subsection 23.49.066.D.2, uses in public  
27 facilities that are most similar to uses permitted outright under this Chapter shall  
28 also be permitted outright subject to the same use regulations and development  
29 standards that govern the similar uses.

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

33  
34  
35 **Section 12.** Subsections D and E of Section 23.49.066 of the Seattle  
36 Municipal Code, which Section was last amended by Ordinance 116907, are  
37 amended as follows:

38  
39 **23.49.066 Downtown Office Core 2, conditional uses and Council**  
40 **decisions.**

41  
42 \* \* \*

1  
2 D. ~~((City facilities and public projects which do not meet development~~  
3 ~~standards may be permitted by the Council pursuant to Chapter 23.76, Procedures~~  
4 ~~for Master Use Permits and Council Land Use Decisions.)) Public Facilities.~~

5 1. Uses in public facilities that are most similar to uses permitted  
6 as a conditional use under this Chapter shall also be permitted as a conditional use  
7 subject to the same conditional use criteria that govern the similar uses.

8 2. The City Council may waive or modify applicable development  
9 standards or use criteria for those uses in public facilities that are similar to uses  
10 permitted outright or permitted as an administrative conditional use according to the  
11 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
12 public projects considered as Type IV quasi-judicial decisions and City facilities  
13 considered as Type V legislative decisions.

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

21 4. Expansion of Uses in Public Facilities.

22 a. Major Expansion. Major expansions may be permitted  
23 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
24 the same provisions and procedural requirements as described in these  
25 subsections. A major expansion of a public facility use occurs when the expansion  
26 that is proposed would not meet development standards or exceed either seven-  
27 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
28 is greater, including gross floor area and areas devoted to active outdoor uses  
29 other than parking.

30 b. Minor Expansion. When an expansion falls below the  
31 major expansion threshold level, it is a minor expansion. Minor expansions may be  
32 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
33 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
34 and Council Land Use Decisions, for a Type I Master Use Permit when the  
35 development standards of the zone in which the public facility is located are met.

36 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
37 than fifty feet (50') above the roof of the structure on which they are located may be  
38 authorized by the ((Council)) Director as an administrative conditional use pursuant  
39 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
40 Decisions, according to the criteria of Section 23.49.008, Structure height.

41  
42 \* \* \*



1 (2) The minimum size of a major retail store shall be  
2 eighty thousand (80,000) square feet. Major retail stores shall be under the  
3 management of a single retail firm and shall function as a single business  
4 establishment. Storage area, store offices, and other support space necessary for  
5 the operation of the retail sales area shall also be bonused.

6 (3) For each square foot of major retail store, two  
7 and one-half (2-1/2) square feet of additional floor area shall be granted, up to the  
8 maximum set in subsection B1b(4).

9 (4) Up to two hundred thousand (200,000) square  
10 feet of the store shall be eligible for a floor area bonus.

11 c. Access. The store should be oriented to activity on the  
12 street and should, wherever possible, provide opportunities for through block  
13 circulation.

14 (1) At least one (1) major pedestrian entrance shall  
15 be provided directly from the sidewalk of each street frontage of the store. All  
16 entrances shall be at the same elevation as the sidewalk.

17 (2) Bonused major retail store space may be  
18 provided above and below street level as long as all areas are connected and  
19 function as a single retail establishment.

20 d. Hours of Operation. Major retail stores shall be open to  
21 the general public during established shopping hours for a minimum of eight (8)  
22 hours a day, six (6) days per week.

23 2. Standards for Performing Arts Theater.

24 a. Type of Theater. Theaters shall provide a place for live  
25 performances of drama, dance and music. The auditorium area should be  
26 specifically designed for the presentation of live performances under optimum  
27 viewing and acoustical conditions. Theaters principally intended for nightclub or  
28 cabaret type entertainment or adult entertainment will not qualify for conditional use  
29 approval. The developer shall commit to manage the theater or shall secure a  
30 lease for at least ten (10) years from a theater operator or resident theater group  
31 with acceptable credentials.

32 b. Area, Dimensions and Bonus Ratio. Theaters eligible for  
33 conditional use approval may include a wide variety of theater sizes and types to  
34 encourage a broad range of live entertainment offerings downtown.

35 (1) The minimum theater size eligible for a bonus  
36 shall have a seating area of at least two hundred (200) seats and the necessary  
37 support areas.

38 (2) For each square foot of performing arts theater,  
39 twelve (12) square feet of additional floor area shall be granted.

40 (3) The maximum area eligible for a bonus shall be  
41 established as part of the review process. The process shall include an assessment

1 of existing theaters and the sizes of future theaters needed to provide a range of  
2 performing arts facilities in the downtown.

3 (4) The arrangement of seating and stage areas of  
4 the theater shall be expressly designated for the presentation of performing arts.  
5 The size of the stage area, floor slopes, ceiling heights and acoustical and lighting  
6 systems shall be adequate to meet the viewing requirements of the audience  
7 relative to the size of the auditorium.

8 c. Access and Street Orientation. The theater shall be  
9 designed to promote activity on the street and add visual interest. It shall be highly  
10 accessible and visible from a street or public open space.

11 (1) A lighted marquee, display signs, and/or banners  
12 related to the theater operation shall be located above the main street entrance.  
13 Lobby areas with transparent walls located on the streetfront are desirable.

14 (2) To avoid creating large expanses of street  
15 frontage with limited visual interest or activity, theater street frontage shall be  
16 limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of  
17 the theater exceeding this limit must be separated from the street by another use.  
18 Departure from these standards may be permitted to address special conditions of  
19 the lot which may affect the theater's street orientation or to accommodate specific  
20 needs related to the theater's operation.

21 (3) A covered queuing area shall be provided; interior  
22 lobby space may satisfy this requirement.

23 (4) Direct access shall be provided to the theater  
24 lobby from the street or a bonded public open space. The theater itself, however,  
25 may be above or below street level.

26 (5) Truck loading/unloading space shall be provided  
27 off-street, preferably off an alley.

28 3. Restrictions on Demolition and Alteration of Existing Structures.

29 a. The design of projects including a major retail store or  
30 performing arts theater shall incorporate the existing exterior street front facade(s)  
31 of the structures listed below which are significant to the architecture, history and  
32 character of downtown. Changes may be permitted to the exterior facade(s) to the  
33 extent that significant features are preserved and the visual integrity of the design is  
34 maintained. The degree of exterior preservation required will vary, depending upon  
35 the nature of the project and the characteristics of the affected structure(s).

36 b. The Director shall evaluate whether the manner in which  
37 the facade is proposed to be preserved meets the intent to preserve the  
38 architecture, character and history of the Retail Core. If the listed structures are  
39 also Landmark structures, approval by the Landmarks Board shall be required prior  
40 to consideration of the project by the ((Council)) Director. The Landmarks Board's  
41 recommendation shall be incorporated into the Director's ((report to the Council))  
42 decision. Inclusion of a structure on the list below is solely for the purpose of

1 approving additional height and FAR under Section 23.49.096 B, and shall not be  
2 interpreted in any way to prejudice the structure's merit as a Landmark.

3  
4 Sixth and Pine Building 523 Pine Street  
5 Decatur Building 1513 - 6th Avenue  
6 Coliseum Theater 5th and Pike  
7 Seaboard Building 1506 Westlake Avenue  
8 Fourth and Pike Building 1424 - 4th Avenue  
9 Pacific First Federal Savings 1400 - 4th Avenue  
10 Joshua Green Building 1425 - 4th Avenue  
11 Equitable Building 1415 - 4th Avenue  
12 1411 Fourth Avenue Building 1411 - 4th Avenue  
13 Mann Building 1411 - 3rd Avenue  
14 Olympic Savings Tower 217 Pine Street  
15 Fischer Studio Building 1519 - 3rd Avenue  
16 Bon Marche 3rd and Pine  
17 Melbourne House 1511 - 3rd Avenue  
18 Former Woolworth's Building 1512 - 3rd Avenue  
19

20 4. Height and Scale. In determining the amount of change  
21 permitted in development standards for height and setbacks, the primary objective  
22 shall be the preservation of the existing sense of openness and the human scale  
23 environment in the Downtown Retail Core. The acceptability of negative impacts  
24 associated with departure from the base regulations shall depend on the priority of  
25 the streets adjacent to the proposed project, according to Map IVB.<sup>1</sup>

26 a. An increase in the height up to one hundred fifty feet  
27 (150') may be permitted when the primary objective described above will be  
28 furthered and:

29 (1) The additional height and bulk will not result in  
30 substantial wind impacts on public open spaces and sidewalks; and

31 (2) The shadows cast on the Westlake Park south of  
32 Pine Street, and all Priority 1 Streets shown on Map IVB,<sup>1</sup> from 11:00 a.m. to 2:00  
33 p.m. on March 21st and September 21st will not be increased beyond those cast by  
34 existing structures.

35 b. When an increase in the height limit is permitted, upper-  
36 level setbacks shall be provided. The applicant may choose to provide the upper-  
37 level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or  
38 as follows:

39 (1) Coverage limit areas shall be established at two  
40 (2) elevations:

41 i. Between an elevation of sixty-five feet (65')  
42 and two hundred forty feet (240') above the adjacent sidewalk, the area within

1 twenty feet (20') of each street property line and sixty feet (60') of intersecting street  
2 property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

3 ii. Above an elevation of two hundred forty  
4 feet (240') above the adjacent sidewalk, the area within forty feet (40') of each  
5 street property line and sixty feet (60') of intersecting street property lines shall be  
6 the coverage limit area. (See Exhibit 23.49.096 A.)

7 iii. Within the coverage limit area, coverage  
8 and maximum facade lengths shall be as follows:

|  | Structure Elevation   |               |
|--|---|---------------|
|  | Less than 65'   | 65' and Above |
| 13 Priority 1 streets shown on Map IVB |   |               |
| 14 Maximum coverage in coverage        |   |               |
| 15 limit area                          | 100%  | 20%           |
| 16 Maximum facade length <sup>1</sup>  | no limit  | 90'           |
| 17 Priority 2 streets shown on Map IVB |   |               |
| 18 Maximum coverage in coverage        |   |               |
| 19 limit area                          | 100%  | 30%           |
| 20 Maximum facade length <sup>1</sup>  | no limit  | 90'           |
| 21 Priority 3 streets shown on Map IVB |   |               |
| 22 Maximum coverage in coverage        |   |               |
| 23 limit area                          | Upper-level development standards of abutting zones shall apply |               |
| 24                                     |   |               |
| 25                                     |   |               |
| 26 Maximum facade length <sup>1</sup>  |   |               |
| 27                                     |   |               |

28 <sup>1</sup> Facade length limited only within fifteen (15') feet of street property  
29 line. The minimum distance between facades within fifteen (15') feet  
30 of street property lines shall be sixty feet (60').

31  
32 (2) All existing structures retained as part of the  
33 proposed project shall be calculated together with the new structure to determine  
34 permitted coverage.

35 c. To contribute to a sense of openness and increase  
36 opportunities for light and air to streets, portions of facades of new structures which  
37 exceed an elevation of one hundred twenty-five feet (125') shall be separated from  
38 all other portions of facades on the same block front which exceed that elevation,  
39 both on the project lot and abutting lots, by a minimum distance of sixty feet (60')  
40 above an elevation of one hundred feet (100'). (See Exhibit 23.49.096 B.) The  
41 depth of the separation shall be at least sixty feet (60'), measured from the street  
42 property line.

43 5. Design Treatment. The materials, scale and details of new  
44 development using the major retail store or performing arts theater bonus shall  
45 harmonize with existing development in the area and contribute to the visual  
46 interest of the pedestrian environment.

1 a. In addition to the street facade requirements of Section  
2 23.49.106, large expanses of blank walls above street level which are visible from  
3 any street or public open space are prohibited. Below an elevation of sixty-five feet  
4 (65'), all street facades shall be articulated and contain architectural design features  
5 such as windows, columns or other structural features, belt courses, cornices,  
6 setbacks, ornamentation, awnings, or canopies, that reflect the character of nearby  
7 structures.

8 b. Building materials shall be compatible with those of  
9 existing structures in the Downtown Retail Core. Large areas of dark or reflective  
10 materials are prohibited.

11 c. Overhead weather protection is required on all street  
12 frontages of the project. Coverings that are transparent and allow sunlight to reach  
13 the sidewalk are preferred.

14 6. Scale of Surrounding Development. Project proposals using  
15 the major retail store or performing arts theater bonus shall be considered with  
16 respect to similar scale developments in the Downtown Retail Core. The bonus  
17 shall not be granted if it would result in additional large-scale development which,  
18 considered together with other projects of similar scale, would create traffic and  
19 pedestrian circulation problems and would conflict with the desired scale and  
20 pedestrian character of the area.

21 7. Combined Lot Option.

22 a. Two (2) lots located in the DRC zone may be combined  
23 for the purpose of calculating the density for a total project incorporating a major  
24 retail store or a performing arts theater. The lots may be located on the same block  
25 or on different blocks. The ((Council)) administrative conditional use process shall  
26 apply to both lots.

27 b. The density for all development shall be calculated as if  
28 both lots were a single lot and shall conform to the permitted FAR set forth in  
29 Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken  
30 together exceed the permitted density.

31 c. The height limits and development standards of  
32 subsection B4 shall apply to each lot.

33 d. The fee owners of each of the combined lots shall  
34 execute a deed or other agreement which shall be recorded with the titles to both  
35 lots. In the agreement or deed, the owners shall acknowledge that development on  
36 the combined lots shall not exceed the combined FAR limits for both lots and,  
37 should development on one (1) lot exceed the FAR limit for that lot, then  
38 development on the other lot shall be restricted by the amount of excess FAR used  
39 on the more developed lot, for the life of the improvement on the more developed  
40 lot. The deed or agreement shall also provide that its covenants and conditions  
41 shall run with the land and shall be specifically enforceable by the parties and by  
42 The City of Seattle.

\*\*\*

1  
2  
3 E. ~~((City facilities and public projects which do not meet development~~  
4 ~~standards may be permitted by the Council pursuant to Chapter 23.76, Procedures~~  
5 ~~for Master Use Permits and Council Land Use Decisions.)) Public Facilities.~~

6 1. Uses in public facilities that are most similar to uses permitted  
7 as a conditional use under this Chapter shall also be permitted as a conditional use  
8 subject to the same conditional use criteria that govern the similar uses.

9 2. The City Council may waive or modify applicable development  
10 standards or conditional use criteria for those uses in public facilities that are similar  
11 to uses permitted outright or permitted as a conditional use according to the  
12 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
13 public projects considered as Type IV quasi-judicial decisions and City facilities  
14 considered as Type V legislative decisions.

15 3. Other Uses Permitted in Public Facilities. Unless specifically  
16 prohibited, uses in public facilities that are not similar to uses permitted outright or  
17 permitted as a conditional use under this Chapter may be permitted by the City  
18 Council. The City Council may waive or modify development standards or  
19 conditional use criteria according to the provisions of Chapter 23.76, Subchapter III,  
20 Council Land Use Decisions, with public projects considered as Type IV quasi-  
21 judicial decisions and City facilities considered as Type V legislative decisions.

22 4. Expansion of Uses in Public Facilities.

23 a. Major Expansion. Major expansions may be permitted  
24 to uses in public facilities allowed in subsections E1, E2 and E3 above according to  
25 the same provisions and procedural requirements as described in these  
26 subsections. A major expansion of a public facility use occurs when the expansion  
27 that is proposed would not meet development standards or exceed either seven-  
28 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
29 is greater, including gross floor area and areas devoted to active outdoor uses  
30 other than parking.

31 b. Minor Expansion. When an expansion falls below the  
32 major expansion threshold level, it is a minor expansion. Minor expansions may be  
33 permitted to uses in public facilities allowed in subsections E1, E2 and E3 above  
34 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
35 and Council Land Use Decisions, for a Type I Master Use Permit when the  
36 development standards of the zone in which the public facility is located are met.

37 F. Rooftop features listed in subsection C4 of Section 23.49.008 more  
38 than fifty feet (50') above the roof of the structure on which they are located may be  
39 authorized by the ~~((Council))~~ Director as ~~((a Council))~~ an administrative conditional  
40 use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council  
41 Land Use Decisions, according to the criteria of Section 23.49.008, Structure  
42 height.

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**Section 15.** Subsection C of Section 23.49.116 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

**Section 23.49.116 Downtown Mixed Commercial, permitted uses.**

\*\*\*

**C. Public Facilities.**

**1. Except as provided in subsection 23.49.122.D.2, uses in public facilities that are most similar to uses permitted outright under this Chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.**

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

**Section 16.** Subsections D and E of Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 116907, are amended as follows:

**23.49.122 Downtown Mixed Commercial, conditional uses and Council decisions.**

\*\*\*

**D. ~~((City facilities and public projects which do not meet development standards may be permitted by the Council pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.))~~ Public Facilities.**

**1. Uses in public facilities that are most similar to uses permitted as a conditional use under this Chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.**

**2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with**

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

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

10 4. Expansion of Uses in Public Facilities.

11 a. Major Expansion. Major expansions may be permitted  
12 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
13 the same provisions and procedural requirements as described in these  
14 subsections. A major expansion of a public facility use occurs when the expansion  
15 that is proposed would not meet development standards or exceed either seven-  
16 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
17 is greater, including gross floor area and areas devoted to active outdoor uses  
18 other than parking.

19 b. Minor Expansion. When an expansion falls below the  
20 major expansion threshold level, it is a minor expansion. Minor expansions may be  
21 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
22 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
23 and Council Land Use Decisions, for a Type I Master Use Permit when the  
24 development standards of the zone in which the public facility is located are met.

25 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
26 than fifty feet (50') above the roof of the structure on which they are located may be  
27 authorized by the ((Council)) Director as an administrative conditional use pursuant  
28 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
29 Decisions, according to the criteria of Section 23.49.008, Structure height.

30 \*\*\*

31  
32  
33  
34 **Section 17.** Subsection C of Section 23.49.142 of the Seattle Municipal  
35 Code, which Section was last amended by Ordinance 117430, is amended as  
36 follows:

37  
38 **Section 23.49.142 Downtown Mixed Residential, permitted uses.**

39 \*\*\*

40  
41  
42 **C. Public Facilities.**



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

5           b. Minor Expansion. When an expansion falls below the  
6 major expansion threshold level, it is a minor expansion. Minor expansions may be  
7 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
8 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
9 and Council Land Use Decisions, for a Type I Master Use Permit when the  
10 development standards of the zone in which the public facility is located are met.

11           E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
12 than fifty feet (50') above the roof of the structure on which they are located may be  
13 authorized by the ((Council)) Director as an administrative conditional use pursuant  
14 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
15 Decisions, according to the criteria of Section 23.49.008, Structure height.

16  
17 \* \* \*

18  
19  
20           **Section 19.** Subsection C of Section 23.49.318 of the Seattle Municipal  
21 Code, which Section was last amended by Ordinance 117430, is amended as  
22 follows:

23  
24           **Section 23.49.318 Downtown Harborfront 2, permitted uses.**

25  
26 \* \* \*

27  
28           C. Public Facilities.

29           1. Except as provided in subsection 23.49.324.D.2, uses in public  
30 facilities that are most similar to uses permitted outright under this Chapter shall  
31 also be permitted outright subject to the same use regulations and development  
32 standards that govern the similar uses.

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

36  
37  
38           **Section 20.** Subsections D and E of Section 23.49.324 of the Seattle  
39 Municipal Code, which Section was last amended by Ordinance 116907, are  
40 amended as follows:  
41

1 **23.49.324 Downtown Harborfront 2, conditional uses and Council**  
2 **decisions.**

3  
4 \* \* \*

5  
6 D. ~~((City facilities and public projects which do not meet development~~  
7 ~~standards of this subchapter but do meet the development standards of the Seattle~~  
8 ~~Shoreline Master Program, where applicable, may be permitted by the Council~~  
9 ~~pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land~~  
10 ~~Use Decisions.)) Public Facilities.~~

11 1. Uses in public facilities that are most similar to uses permitted  
12 as a conditional use under this Chapter shall also be permitted as a conditional use  
13 subject to the same conditional use criteria that govern the similar uses.

14 2. When uses in public facilities meet the development standards  
15 of the Shoreline Master Program, where applicable, the City Council may waive or  
16 modify applicable development standards of the underlying zone or conditional use  
17 criteria for those uses in public facilities that are similar to uses permitted outright or  
18 permitted as a conditional use according to the provisions of Chapter 23.76,  
19 Subchapter III, Council Land Use Decisions, with public projects considered as  
20 Type IV quasi-judicial decisions and City facilities considered as Type V legislative  
21 decisions.

22 3. Other Uses Permitted in Public Facilities. When uses in public  
23 facilities meet the development standards of the Shoreline Master Program, where  
24 applicable, and unless specifically prohibited, uses in public facilities that are not  
25 similar to uses permitted outright or permitted as a conditional use under this  
26 Chapter may be permitted by the City Council. City Council may waive or modify  
27 development standards or conditional use criteria according to the provisions of  
28 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
29 considered as Type IV quasi-judicial decisions and City facilities considered as  
30 Type V legislative decisions.

31 4. Expansion of Uses in Public Facilities.

32 a. Major Expansion. Major expansions may be permitted  
33 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
34 the same provisions and procedural requirements as described in these  
35 subsections. A major expansion of a public facility use occurs when the expansion  
36 that is proposed would not meet development standards or exceed either seven-  
37 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
38 is greater, including gross floor area and areas devoted to active outdoor uses  
39 other than parking.

40 b. Minor Expansion. When an expansion falls below the  
41 major expansion threshold level, it is a minor expansion. Minor expansions may be  
42 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above

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

4 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
5 than fifty feet (50') above the roof of the structure on which they are located may be  
6 authorized by the ((Council)) Director as an administrative conditional use pursuant  
7 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
8 Decisions, according to the criteria of Section 23.49.008, Structure height.

9  
10  
11 **Section 21.** Subsection A of Section 23.49.336 of the Seattle Municipal  
12 Code, which Section was last amended by Ordinance 117430, is amended as  
13 follows:

14  
15 **Section 23.49.336 Pike Market Mixed, permitted uses.**

16  
17 A. Permitted uses within the Pike Market Historic District, shown on Map  
18 XIIA,1 shall be determined by the Pike Place Market Historical Commission  
19 pursuant to the Pike Market Historical District Ordinance, Chapter 25.((4))24,  
20 Seattle Municipal Code.

21  
22 \* \* \*

23  
24  
25 **Section 22.** Subsections C and D of Section 23.50.012 of the Seattle  
26 Municipal Code, which Section was last amended by Ordinance 118216, are  
27 amended as follows:

28  
29 **23.50.012 Permitted and prohibited uses.**

30  
31 \* \* \*

32  
33 C. ~~((City facilities and public projects which do not meet development~~  
34 ~~standards may be permitted by the City Council pursuant to Chapter 23.76,~~  
35 ~~Procedures for Master Use Permits and Council Land Use decisions.)) Public  
36 Facilities.~~

37 1. Except as provided in subsections 2a and 2b below, uses in  
38 public facilities that are most similar to uses permitted outright or permitted by  
39 conditional use in this Chapter shall also be permitted outright or by conditional use,  
40 subject to the same use regulations, development standards and administrative  
41 conditional use criteria that govern the similar uses.

1                   2.     Public Facilities not Meeting Development Standards Requiring  
2     City Council Approval.

3                   a.     The City Council may waive or modify applicable  
4     development standards or conditional use criteria for those uses in public facilities  
5     that are similar to uses permitted outright or permitted by conditional use according  
6     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                   b.     Other Uses Permitted in Public Facilities. Unless  
10    specifically prohibited, uses in public facilities that are not similar to uses permitted  
11    outright or permitted by conditional use under this Chapter may be permitted by the  
12    City Council. City Council may waive or modify development standards or  
13    conditional use criteria according to the provisions of Chapter 23.76, Subchapter III,  
14    Council Land Use Decisions, with public projects considered as Type IV quasi-  
15    judicial decisions and City facilities considered as Type V legislative decisions.

16                  3.     In all industrial zones, uses in public facilities not meeting  
17    development standards may be permitted by the Council if the following criteria are  
18    satisfied:

19                  a.     The project provides unique services which are not  
20    provided to the community by the private sector, such as police and fire stations;  
21    and

22                  b.     The proposed location is required to meet specific public  
23    service delivery needs; and

24                  c.     The waiver or modification to the development  
25    standards is necessary to meet specific public service delivery needs; and

26                  d.     The relationship of the project to the surrounding area  
27    has been considered in the design, siting, landscaping and screening of the facility.

28                  4.     Expansion of Uses in Public Facilities.

29                  a.     Major Expansion. Major expansions may be permitted  
30    to uses in public facilities allowed in subsections C1, C2a and C2b above according  
31    to the same provisions and procedural requirements as described in these  
32    subsections. A major expansion of a public facility use occurs when the expansion  
33    that is proposed would not meet development standards or not meet development  
34    standards or exceed either seven-hundred-fifty (750) square feet or ten percent  
35    (10%) of its existing area, whichever is greater, including gross floor area and areas  
36    devoted to active outdoor uses other than parking.

37                  b.     Minor Expansion. When an expansion falls below the  
38    major expansion threshold level, it is a minor expansion. Minor expansions may be  
39    permitted to uses in public facilities allowed in subsections C1, C2a and C2b above  
40    according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
41    and Council Land Use Decisions, for a Type I Master Use Permit when the  
42    development standards of the zone in which the public facility is located are met.

1 ((D))5. Essential Public Facilities. Permitted essential public facilities  
2 shall also be reviewed according to the provisions of chapter 23.80, Essential  
3 Public Facilities.  
4

5  
6 **Section 23.** Section 23.66.132 of the Seattle Municipal Code, which Section  
7 was last amended by Ordinance 118012, is repealed.  
8

9  
10 **Section 24.** Exhibit 23.76.004A of Section 23.76.004 of the Seattle  
11 Municipal Code, which Section was last amended by ordinance 118012, is  
12 amended as follows:  
13

14  
15  
16 **Section 25.** Section 23.76.011 of the Seattle Municipal Code, which Section  
17 was adopted by Ordinance 116909, is amended as follows:  
18

19  
20 **23.76.011 Notice of pre-design public meeting.**  
21

22 For projects subject to design review, the Director shall provide notice of the  
23 required pre-design public meeting by general mailed release. In addition, the  
24 Director shall provide mailed notice, and the applicant shall post (~~four (4)~~  
25 placards) one (1) land use sign at each street frontage (on or near) abutting the  
26 site except, when there is no street frontage or the site abuts an unimproved street,  
27 the Director may require either more than one (1) sign and/or an alternative posting  
28 location so that notice is clearly visible to the public (, and shall provide mailed  
29 notice)). The land use sign may be removed by the applicant the day after the  
30 public meeting.  
31

32  
33 **Section 26.** Subsections B and C of Section 23.76.012 of the Seattle  
34 Municipal Code, which Section was last amended by Ordinance 118181, are  
35 amended as follows:  
36

37 **23.76.012 Notice of application.**  
38

39 \* \* \*

40  
41 B. Types of Notice Required.

1                   1. For projects subject to design review or environmental review,  
2 the applicant shall post an ~~((large))~~ environmental review sign on the site, unless an  
3 exemption or alternative posting as set forth in this subsection is applicable. The  
4 ~~((large))~~ environmental review sign shall be located so as to be clearly visible from  
5 the adjacent street or sidewalk, and ~~((shall remain posted until))~~ may be removed  
6 by the applicant within fourteen (14) days after final City action on the application  
7 has been completed.

8                   a. In the case of submerged land, the ~~((large))~~  
9 environmental review sign shall be posted on adjacent dry land, if any, owned or  
10 controlled by the applicant. If there is no adjacent dry land owned or controlled by  
11 the applicant, notice shall be provided according to subsection B1c.

12                   b. Projects limited to interior remodeling, or which are  
13 subject to environmental review only because of location over water or location in  
14 an environmentally critical area, are exempt from the ~~((large))~~ environmental review  
15 sign requirement.

16                   c. ~~((As an alternative to the large))~~ When use of an  
17 environmental review sign ~~((requirement))~~ is neither feasible nor practicable to  
18 assure that notice is clearly visible to the public, the Director shall post ten (10)  
19 placards within three hundred feet (300') of the site and at the closest street  
20 intersections when one (1) or more of the following conditions exist:

- 21                   (1) The project site is over five (5) acres;  
22                   (2) The applicant is not the property owner, and the  
23 property owner does not consent to the proposal;  
24                   (3) The site is subject to physical characteristics such  
25 as steep slopes or is located such that the ~~((large))~~ environmental review sign  
26 would not be highly visible to neighboring residents and property owners or  
27 interested citizens.

28                   d. The Director may require both an ~~((large))~~ environmental  
29 review sign and the alternative posting measures described in subsection B1c, or  
30 may require that more than one (1) ~~((large))~~ environmental review sign be posted,  
31 when necessary to assure that notice is clearly visible to the public.

32                   2. For projects which are categorically exempt from environmental  
33 review, the ~~((Director))~~ applicant shall post ~~((four (4) placards))~~ one (1) land use  
34 sign at each street frontage ~~((on or near))~~ abutting the site except, when there is no  
35 street frontage or the site abuts an unimproved street, the Director may require  
36 either more than one (1) sign and/or an alternative posting location so that notice is  
37 clearly visible to the public. The land use sign may be removed by the applicant  
38 within fourteen (14) days after final action on the application has been completed.

39                   3. For all projects requiring notice of application, the Director shall  
40 provide notice by General Mailed Release. For projects subject to the ~~((large))~~  
41 environmental review and land use sign requirements, notice in the General Mailed  
42 Release shall be published after certification is received by the department that the

1 ((large)) environmental review and land use signs ((has)) have been installed and  
2 posted.

3 4. In addition, for variances, administrative conditional uses,  
4 temporary uses for more than four (4) weeks, shoreline variances, ((and)) shoreline  
5 conditional uses, short plats, pre-design review, School Use Advisory Committee  
6 (SUAC) formation, and school development standard departure, the Director shall  
7 provide mailed notice.

8 5. Mailed notice of application for a project subject to design  
9 review shall be provided to all persons establishing themselves as parties of record  
10 by attending the pre-design public meeting for the project or by corresponding with  
11 the Department about the proposed project before the date of publication.

12 6. Additional notice for subdivisions shall include mailed notice  
13 and publication in at least one (1) community newspaper in the area affected by the  
14 subdivision.

15 C. Contents of Notice.

16 1. The City's official notice of application shall be the notice  
17 placed in the General Mailed Release, which shall include the following required  
18 elements as specified in RCW 36.70B.110;

19 a. Date of application, date of notice of completion for the  
20 application, and the date of the notice of application;

21 b. A description of the proposed project action and a list of  
22 the project permits included in the application and, if applicable, a list of any studies  
23 requested by the Director;

24 c. The identification of other permits not included in the  
25 application to the extent known by the Director;

26 d. The identification of existing environmental documents  
27 that evaluate the proposed project, and the location where the application and any  
28 studies can be reviewed;

29 e. A statement of the public comment period and the right  
30 of any person to comment on the application, request an extension of the comment  
31 period, receive notice of and participate in any hearings, and request a copy of the  
32 decision once made, and a statement of any administrative appeal rights;

33 f. The date, time, place and type of hearing, if applicable  
34 and if scheduled at the date of notice of the application;

35 g. A statement of the preliminary determination, if one has  
36 been made at the time of notice, of those development regulations that will be used  
37 for project mitigation and the proposed project's consistency with development  
38 regulations; and

39 h. Any other information determined appropriate by the  
40 Director.

41 2. All other additional forms of notice, including, but not limited to  
42 environmental review and land use signs, placards and mailed notice, shall include

1 the following information: the project description, location of the project, date of  
2 application, location where the complete application file may be reviewed, and a  
3 statement that persons who desire to submit comments on the application or who  
4 request notification of the decision may so inform the Director in writing within the  
5 comment period specified in subsection D. The Director may, but need not, include  
6 other information to the extent known at the time of notice of application. Except for  
7 the ((large)) environmental review sign requirement, each notice shall also include a  
8 list of the land use decisions sought. The Director shall specify detailed  
9 requirements for ((large)) environmental review and land use signs.

10  
11 \* \* \*

12  
13  
14 **Section 27.** Subsection B of Section 23.76.036 of the Seattle Municipal  
15 code, which Section was last amended by Ordinance 118012, is amended as  
16 follows:

17  
18 **23.76.036** Council decisions required.

19  
20 \* \* \*

21  
22 B. Council action shall be required for the following Type V land use  
23 decisions:

- 24 1. City-initiated amendments to the Official Land Use Map to  
25 implement new land use policies;  
26 2. Amendments to the text of SMC Title 23, Land Use Code;  
27 3. Concept approval for the location or expansion of City facilities  
28 requiring Council land use approval by SMC Title 23, Land Use Code; ((and))  
29 4. Major Institution designations and revocations of Major  
30 Institution designations; and  
31 5. Waive or modify development standards for City facilities.

32  
33  
34 **Section 28.** Subsection C of Section 23.76.052 of the Seattle Municipal  
35 Code, which Section was last amended by Ordinance 118012, is amended as  
36 follows:

37  
38 **23.76.052** Hearing Examiner open record predecision hearing and  
39 recommendation.

40  
41 \* \* \*

1 C. Notice.

2 1. The Director shall give notice of the Hearing Examiner's  
3 hearing, the Director's environmental determination, and of the availability of the  
4 Director's report at least fifteen (15) days prior to the hearing by:

- 5 a. General Mailed Release;  
6 b. Publication in the City official newspaper;  
7 c. Submission of the General Mailed Release to at least  
8 one (1) community newspaper in the area affected by the proposal;  
9 d. At least ((four (4) placards)) one (1) land use sign visible  
10 to the public posted at each street frontage abutting the site except, when there is  
11 no street frontage or the site abuts an unimproved street, the Director may post  
12 additional signs and/or select an alternative posting location so that notice is clearly  
13 visible to the public ((places visible to the public, including street intersections,  
14 within three hundred feet (300') of the boundaries of the project)). For hearings on  
15 Major Institution Master Plans, ((a minimum of ten (10) placards shall be posted))  
16 one (1) land use sign posted at each street frontage abutting the site but not to  
17 exceed ten (10) land use signs;  
18 e. Mailed notice; and  
19 f. Posting in the Department.

20 2. DNSs shall also be filed with the SEPA Public Information  
21 Center. If the Director's decision includes a mitigated DNS or other DNS requiring a  
22 fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of  
23 DNS shall include notice of the comment period. The Director shall distribute copies  
24 of such DNSs as required by SMC Section 25.05.340.

25 3. The notice shall state the project description, type of land use  
26 decision under consideration, a description sufficient to locate the subject property,  
27 where the complete application file may be reviewed, and the Director's  
28 recommendation and environmental determination. The notice shall also state that  
29 the environmental determination is subject to appeal and shall describe the appeal  
30 procedure.

31 \*\*\*  
32

33  
34  
35 **Section 29.** A new subsection D is added to Section 23.76.058 of the  
36 Seattle Municipal code, which Section was last amended by ordinance 118012, as  
37 follows:

38  
39 **23.76.058 Rules for special decisions**

40 \*\*\*  
41  
42



1 ((A))1. In acting on the proposed siting or expansion of a City facility,  
2 the Council shall decide whether to approve in concept the facility. If concept  
3 approval is granted, the Council may impose terms and conditions, including but  
4 not limited to design criteria and conditions relating to the size and configuration of  
5 the proposed facility.

6 ((B))2. Following Council approval, final plans for a City facility shall be  
7 submitted to the Director. If the Director determines that the project is consistent  
8 with the Council's concept approval, the Director shall issue the necessary permits  
9 for the facility.

10 ((C))3. No further Council action is required for a City facility unless  
11 the Director determines that the final plans represent a major departure from the  
12 terms of the original Council concept approval, in which case the final plan shall be  
13 submitted to the Council for approval in the same manner as the original  
14 application.

15 B. City Facilities not meeting development standards. The Council may  
16 wave or modify applicable development standards, accessory use requirements,  
17 special use requirements, or conditional use criteria for City facilities, except for  
18 those proposed in the Pike Market Mixed (PMM) zone, the Pioneer Square  
19 Preservation District or the International Special Review District.

20  
21  
22  
23 **Section 32.** Section 23.78.006 of the Seattle Municipal Code, which Section  
24 was adopted by Ordinance 110381, is amended as follows:

25  
26 **23.78.006 Notice provided.**

27  
28 Notification of the application and formation of a SUAC and the first meeting  
29 of the SUAC shall be provided by the Director through mailed notice, general  
30 mailed release, ~~((four (4) placards posted on or near the site and))~~ publishing in a  
31 newspaper of substantial local circulation, and posting one (1) land use sign at  
32 each street frontage abutting the site except, when there is no street frontage or the  
33 site abuts an unimproved street, the Director may post additional signs and/or  
34 select an alternative posting location so that notice is clearly visible to the public. If  
35 there is an existing parents' organization, notice shall be given through their regular  
36 processes.

37  
38  
39 **Section 33.** Section 23.79.006 of the Seattle Municipal Code, which Section  
40 was adopted by Ordinance 112539, is amended as follows:

41  
42 **23.79.006 Notice provided for development standard departure.**

1  
2 Notification of the application and formation of a Development Standard  
3 Advisory Committee and the first meeting of the advisory committee shall be  
4 provided by the Director through mailed notice, general mailed release, ~~((four (4)~~  
5 ~~placards posted on or near the site and))~~ publishing in a newspaper of substantial  
6 local circulation and any relevant ethnic publications having substantial local  
7 circulation, and posting one (1) land use sign at each street frontage abutting the  
8 site except, when there is no street frontage or the site abuts an unimproved street,  
9 the Director may post additional signs and/or select an alternative posting location  
10 so that notice is clearly visible to the public. If there is an existing parents'  
11 organization, notice shall be given through its regular processes. Notice shall also  
12 be given to community organizations known to the Department as representing the  
13 local area and to other related organizations who have requested notice.  
14

15  
16 **Section 34.** Section 23.84.024 of the Seattle Municipal Code, which Section  
17 was last amended by Ordinance 117929, is amended to delete one definition in  
18 alphabetical order as follows:  
19

20 **SMC 23.84.024 "L."**

21  
22 \* \* \*

23  
24 (~~"Large sign." See "Sign, large."~~)

25  
26 \* \* \*

27  
28  
29 **Section 35.** Section 23.84.025 of the Seattle Municipal Code, which Section  
30 was last amended by Ordinance 118012, is amended as follows:  
31

32 **23.84.025 "M."**

33  
34  
35 "Mailed notice" means notice mailed to such property owners, commercial  
36 lessees and residents of the area within three hundred feet (300') of the boundaries  
37 of a specific site as can be determined from the records of the King County  
38 Department of Assessments and such additional references as may be identified by  
39 the Director; provided, that in the downtown area bounded by Denny Way,  
40 Interstate 5, South Royal Brougham Way and Elliott Bay, mailed notice provided by  
41 the Director shall mean notice mailed to owners, lessees and building managers on  
42 the project site and to property owners and building managers within three hundred

1 feet (300') of a specific site, and the posting by the applicant of ~~((two (2) placards at~~  
2 ~~each of the four (4) intersections around the site))~~ one (1) land use sign at each  
3 street frontage abutting the site but not to exceed ten (10) land use signs. When  
4 there is no street frontage or the site abuts an unimproved street, the Director may  
5 require an alternative posting location so that notice is clearly visible to the public.  
6 The land use sign may be removed by the applicant within fourteen (14) days after  
7 final action on the application has been completed. Annually, the Director shall  
8 publish in the City's official newspaper additional reference(s) to be used to  
9 supplement the information obtained from the King County records. The mailed  
10 notice shall request that property managers post the notice in a public area of the  
11 commercial or multifamily building.

12  
13 \* \* \*

14  
15  
16 **Section 36.** Section 23.84.036 of the Seattle Municipal Code, which Section  
17 was last amended by Ordinance 118409, is amended to add seven definitions,  
18 amend two definitions, and delete two definitions in alphabetical order as follows:

19  
20 **23.84.036 "S."**

21  
22 \* \* \*

23  
24 "Sign, chasing" means a sign which includes one or more rows of lights  
25 which light up in sequence.

26  
27 \* \* \*

28  
29 "Sign, double-faced" means a sign which has two display surfaces in  
30 approximately parallel planes backed against each other or against the same  
31 background, one face of which is designed to be seen from one direction and the  
32 other from the opposite direction.

33  
34 \* \* \*

35  
36 "Sign, Environmental Review" means a sign with dimensions of four feet (4')  
37 by eight feet (8') constructed of a durable material, required for public notice of  
38 proposed land use actions according to Chapter 23.76, Procedures for Master Use  
39 permits and council Land Use Decisions.

40  
41 \* \* \*



\*\*\*

B. Staged Review Process. Projects proposed in landslide-prone areas shall be subject to a staged review process.

1. The Staged Review Process may consist of one (1) or more of the following steps:

- a. Site visit and reconnaissance;
- b. Preliminary soils investigations including tests and borings; and
- c. Detailed geotechnical studies and engineering plans.

2. During the staged review process, more extensive studies and investigations may be required for more hazardous sites, based on the degree of slope, hydrology and underlying soils and geology. The Director may require detailed site investigation including, but not limited to the following:

- a. Review of available literature regarding the site and surrounding areas;
- b. Detailed topographic analysis;
- c. Subsurface data and exploration logs;
- d. Ground surface profiles;
- e. Analysis of relationship of vegetated cover and slope stability;
- f. Site stability analysis;
- g. Geotechnical considerations to reduce risk; and
- h. Construction and post-construction monitoring.

3. The Director shall determine the amount of additional study necessary depending on the degree of landslide-prone hazard on a site based on the information disclosed during the staged review process. The Director may require third-party review.

4. As part of the staged review process, the Director shall provide mailed notice to adjacent property owners, and the applicant shall post ((placards)) one (1) land use sign at each street frontage abutting ((on)) the site except, when there is no street frontage or the site abuts an unimproved street, the Director may require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed. The purpose of this notice is to allow for an exchange of information between the applicant, adjacent property owners and the Director. Adjacent property owners may review and comment on site investigations and technical studies, and provide information and documentation of any previous landslide problems on the site. Notice will include information on how to find out whether or not third-party review is required.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE** relating to land use and environmental protection; amending Chapter 23.44 and Sections 23.41.008, 23.44.036, 23.44.041, 23.45.106, 23.47.004, 23.47.006, 23.49.008, 23.49.042, 23.49.046, 23.49.060, 23.49.066, 23.49.090, 23.49.096, 23.49.116, 23.49.122, 23.49.142, 23.49.148, 23.49.318, 23.49.324, 23.49.336, 23.50.012, 23.76.004, 23.76.011, 23.76.012, 23.76.036, 23.76.052, 23.76.058, 23.76.062, 23.76.064, 23.78.006, 23.79.006, 23.84.024, 23.84.025, and 23.84.036, and repealing Section 23.66.132 of the Seattle Municipal Code (Title 23, Land Use Code); and amending Section 25.09.080 (Chapter 25.09, Regulations for Environmentally Critical Areas) of the Seattle Municipal Code. **NOW THEREFORE,**

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

**Section 1.** Subsection D of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

**23.41.008 Design Review Board.**

\*\*\*

**D. Meetings of the Design Review Board.**

1. Project-specific pre-design public meetings shall be held as required in Section 23.41.014B, at a location in the same general neighborhood as the proposed project. Mailed notice and ~~((placards))~~ one (1) land use sign posted at each street frontage abutting the site for the pre-design public meeting shall be provided as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. Regularly scheduled meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the area of the city to which the Board is assigned. Public notice for the regularly scheduled Design Review Board meetings shall be posted in the Department and published in the General Mailed Release.

3. All meetings of the Design Review Board are open to the general public, and the actions of the Board are not quasi-judicial in nature.

1  
2           **Section 2.** The title of Part 3 of Chapter 23.44 of the Seattle Municipal Code  
3 is amended as follows:

4  
5           Part 3 Public ~~((Projects and City))~~ Facilities  
6

7  
8           **Section 3.** Section 23.44.036 of the Seattle Municipal Code, which Section  
9 was last amended by Ordinance 117430, is amended as follows:

10  
11       **23.44.036** ~~((Council approval of p))~~ Public ~~((projects and City))~~ facilities.  
12

13           A. Except as provided in subsections B, D and E below, uses in public  
14 facilities that are most similar to uses permitted outright or permitted as an  
15 administrative conditional use under this Chapter shall also be permitted outright or  
16 as an administrative conditional use, subject to the same use regulations,  
17 development standards and administrative conditional use criteria that govern the  
18 similar use. The City Council may waive or modify applicable development  
19 standards or administrative conditional use criteria according to the provisions of  
20 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
21 considered as Type IV quasi-judicial decisions and City facilities considered as  
22 Type V legislative decisions.

23           ~~((A))~~B. Permitted Uses in Public ~~((Projects and City))~~ Facilities Requiring City  
24 Council Approval. The ~~((establishment or expansion of the))~~ following ~~((public))~~  
25 uses in public facilities in single-family zones may be permitted by the City Council,  
26 according to the ~~((procedures for approving public projects and City facilities~~  
27 provided in)) provisions of Chapter 23.76, Procedures for Master Use Permits and  
28 Council Land Use Decisions~~((s))~~:

- 29           1. Police precinct station;  
30           2. Fire station;  
31           3. Public boat moorage;  
32           4. Utility services use; and  
33           5. Other similar uses.

34           The proponent of any such use shall demonstrate the existence of a  
35 public necessity for ~~((location or expansion of))~~ the public facility use in a single-  
36 family zone. The public facility use shall be developed according to the  
37 development standards for institutions (Section 23.44.022), unless the City Council  
38 makes a determination to waive or modify applicable development standards  
39 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use  
40 Decisions, with public projects considered as Type IV quasi-judicial decisions and  
41 City facilities considered as Type V legislative decisions.

42           C. Expansion of Uses in Public Facilities.

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

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

14                   ((B))D. Sewage Treatment Plants. The expansion or reconfiguration (which  
15 term shall include reconstruction, redevelopment, relocation on the site, or  
16 intensification of treatment capacity) of existing sewage treatment plants in single-  
17 family zones may be permitted if there is no feasible alternative location in a zone  
18 where the use is permitted and the conditions imposed under subsections ((B))D3  
19 and ((B))D4 are met.

20                   1.     Applicable Procedures. The decision on an application for the  
21 expansion or reconfiguration of a sewage treatment plant shall be a Type IV  
22 Council land use decision. If an application for an early determination of feasibility is  
23 required to be filed pursuant to subsection ((B))D2 of this section, the early  
24 determination of feasibility will also be a Council land use decision subject to  
25 Sections 23.76.038 through 23.76.056.

26                   2.     Need for Feasible Alternative Determination. The proponent  
27 shall demonstrate that there is no feasible alternative location in a zone where  
28 establishment of the use is permitted.

29                   a.     The Council's decision as to the feasibility of alternative  
30 location(s) shall be based upon the Single-Family Policies and a full consideration  
31 of the environmental, social and economic impacts on the community.

32                   b.     The determination of feasibility may be the subject of a  
33 separate application for a Council land use decision prior to submission of an  
34 application for a project-specific approval if the Director determines that the  
35 expansion or reconfiguration proposal is complex, involves the phasing of  
36 programmatic and project-specific decisions or affects more than one site in a  
37 single-family zone.

38                   c.     Application for an early determination of feasibility shall  
39 include:

40                   (1)    The scope and intent of the proposed project in  
41 the single-family zone and appropriate alternative(s) in zones where establishment  
42 of the use is permitted, identified by the applicant or the Director;

1 (2) The necessary environmental documentation as  
2 determined by the Director, including an assessment of the impacts of the proposed  
3 project and of the permitted-zone alternative(s), according to the state and local  
4 SEPA Guidelines;

5 (3) Information on the overall sewage treatment  
6 system which outlines the interrelationship of facilities in single-family zones and in  
7 zones where establishment of the use is permitted;

8 (4) Schematic plans outlining dimensions, elevations,  
9 locations on site and similar specifications for the proposed project and for the  
10 alternative(s).

11 d. If a proposal or any portion of a proposal is also subject  
12 to a feasible or reasonable alternative location determination under Section  
13 23.60.066 of Title 23, the Plan Shoreline Permit application and the early  
14 determination application will be considered in one determination process.

15 3. Conditions for Approval of Proposal.

16 a. The project shall be located so that adverse impacts on  
17 residential areas shall be minimized;

18 b. A facility management and transportation plan shall be  
19 required. The level and kind of detail to be disclosed in the plan shall be based on  
20 the probable impacts and/or scale of the proposed facility, and shall at a minimum  
21 include discussion of sludge transportation, noise control, and hours of operation;

22 c. Measures to minimize potential odor emission and  
23 airborne pollutants including methane shall meet standards of and be consistent  
24 with best available technology as determined in consultation with the Puget Sound  
25 Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design  
26 and operation of the facility.

27 d. Methods of storing and transporting chlorine and other  
28 hazardous and potentially hazardous chemicals shall be determined in consultation  
29 with the Seattle Fire Department and incorporated into the design and operation of  
30 the facility;

31 e. Vehicular access suitable for trucks is available or  
32 provided from the plant to a designated arterial improved to City standards;

33 f. Landscaping and screening, separation from less  
34 intensive zones, noise, light and glare controls, and other measures to ensure the  
35 compatibility of the use with the surrounding area and to mitigate adverse impacts  
36 shall be incorporated into the design and operation of the facility.

37 4. Substantial Conformance. If the application for a project-  
38 specific proposal is submitted after an early determination that location of the  
39 sewage treatment plant is not feasible in a zone where establishment of the use is  
40 permitted, the proposed project must be in substantial conformance with the  
41 feasibility determination.



1 delivery to properties within two hundred feet (200') of the site. The notice shall  
2 state the criteria the proposed unit must meet in order for a permit to be granted  
3 and that the DCLU decision is non-appealable, and shall explain how to obtain  
4 general information and how to report non-compliance with the criteria before and  
5 after the permit is issued.  
6

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10 **Section 5.** Section 23.45.106 of the Seattle Municipal Code, which Section  
11 was last amended by Ordinance 117430, are amended as follows:  
12

13 **23.45.106 Public ~~((projects and City))~~ facilities.**  
14

15 A. Except as provided in subsections B, E, F, and G below, uses in  
16 public facilities that are similar to uses permitted outright or permitted as an  
17 administrative conditional use under this Chapter shall also be permitted outright or  
18 as an administrative conditional use, subject to the same use regulations,  
19 development standards, and administrative conditional use criteria that govern the  
20 similar use. The City Council may waive or modify applicable development  
21 standards or administrative conditional use criteria according to the provisions of  
22 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
23 considered as Type IV quasi-judicial decisions and City facilities considered as  
24 Type V legislative decisions.

25 ~~((A))~~B. Other Permitted Uses in Public Facilities Requiring City Council  
26 Approval. The ~~((location of expansion of the))~~ following uses in public ~~((projects~~  
27 ~~and City facilities))~~ facilities shall be permitted outright in all multi-family zones, ~~((if~~  
28 ~~all of))~~ when the development standards for institutions (Sections 23.45.092  
29 through 23.45.102) are met:

- 30 1. Police precinct stations;  
31 2. Fire stations;  
32 3. Public boat moorages;  
33 4. Utility service uses; and  
34 5. Other similar uses.

35 If the proposed public facility use does not meet the development  
36 standards for institutions, the City Council may waive or modify applicable  
37 development standards according to the provisions of Chapter 23.76, Subchapter  
38 III, Council Land Use Decisions, with public projects considered as Type IV quasi-  
39 judicial decisions and City facilities considered as Type V legislative decisions.

40 ~~((B) If the proposed public facility does not meet the development~~  
41 ~~standards for institutions, it may be permitted by the Council, according to the~~  
42 ~~procedures for public projects and City facilities provided in Chapter 23.76,~~

1 ~~Procedures for Master Use Permits and Council Land Use Decisions. The Council~~  
2 ~~may waive or change development standards.))~~

3 C. In all multifamily zones, uses in public facilities not meeting  
4 development standards may be permitted by the Council if the following criteria are  
5 satisfied:

6 1. The project provides unique services which are not provided to  
7 the community by the private sector, such as police and fire stations; and

8 2. The proposed location is required to meet specific public  
9 service delivery needs; and

10 3. The waiver or modification to the development standards is  
11 necessary to meet specific public service delivery needs; and

12 4. The relationship of the project to the surrounding area has  
13 been considered in the design, siting, landscaping and screening of the facility.

14 D. Expansion of Uses in Public Facilities.

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

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

28 ~~((G))~~ E. The following public ((projects or City)) facilities shall be prohibited in  
29 all multi-family zones:

- 30 1. Jails;  
31 2. Work-release centers;  
32 3. METRO operating bases;  
33 4. Park and Ride lots;  
34 5. Sewage treatment plants;  
35 6. Solid waste transfer stations;  
36 7. Animal control shelters; and  
37 8. Post office distribution centers((:)).  
38 ~~((9. Other similar uses.))~~

39 ~~((D))~~ E. Specific Development Standards for Public Facilities.

40 1. Sale and consumption of beer during daylight hours on public  
41 park premises shall be permitted in a building or within fifty feet (50') of the building  
42 on an adjoining terrace; provided, that such use shall be in a completely enclosed

1 building or enclosed portion of building when within one hundred feet (100') of any  
2 lot in a residential zone.

3 2. Sale and consumption of alcoholic beverages under a Class H  
4 liquor license on municipal golf course premises during the established hours of  
5 operation of the golf course shall be permitted in a building or within fifty feet (50') of  
6 the building on an adjoining terrace, provided, that such use shall be in a  
7 completely enclosed building or enclosed portion of building when within one  
8 hundred feet (100') of any lot in a residential zone.

9 ~~((E.) Uses Accessory to a Public Project or City Facility. Any use permitted  
10 elsewhere in this chapter as accessory to a principal use permitted outright or as an  
11 administrative conditional use is also permitted as an accessory use to a public  
12 project or City facility unless otherwise specified in this chapter.))~~

13 ~~((F))~~ G. Convention Center. The location or expansion of a public convention  
14 center may be permitted in the Highrise Zone ~~((with))~~ through a Type IV Council  
15 ~~((approval))~~ land use decision. The following shall be considered in evaluating and  
16 approving, conditioning or denying public convention center proposals:

17 1. In making its decision, the Council shall determine whether the  
18 facility serves the public interest. This determination shall be based on an  
19 evaluation of the public benefits and the adverse impacts of the facility. The Council  
20 shall approve the facility only if it finds that public benefits outweigh the adverse  
21 impacts of the facility which cannot otherwise be mitigated.

22 2. In evaluating the public benefits and adverse impacts of a  
23 proposed convention center, the Council shall consider, but is not limited to, the  
24 following factors:

25 a. Economic impacts including, but not limited to, the net  
26 fiscal impacts on the State of Washington and City of Seattle, increased  
27 employment opportunities, demand for new development and increased tourism in  
28 the City and state;

29 b. Public amenities incorporated in the project including,  
30 but not limited to, open spaces accessible to the public and improved pedestrian  
31 circulation systems;

32 c. The relationship of the project to its surroundings with  
33 respect to height, bulk, scale, massing, landscaping, aesthetics, view enhancement  
34 or blockage, shadows and glare;

35 d. Impacts of the facility on traffic, parking, street systems,  
36 transit and pedestrian circulation;

37 e. Impacts of the facility on existing residential  
38 development in the vicinity of the project, including but not limited to direct and  
39 indirect housing loss;

40 f. Impacts of the facility on local governmental services  
41 and operations, including, but not limited to police and fire protection, and water,  
42 sewer and electric utilities;

- 1 g. Impacts of the facility relative to noise and air quality;  
2 h. Cumulative impacts of the project on governmental  
3 services and facilities, natural systems, or the surrounding area, considering the  
4 project's impacts in aggregate with the impacts of prior development and the  
5 impacts of future development which may be induced by the project;  
6 i. Additional information as the Council deems necessary  
7 to fully evaluate the proposal.

8 3. If the Council approves a convention center, it may attach  
9 conditions to its approval as necessary to protect the public interest or to mitigate  
10 adverse impacts. Conditions required by the Council may include, but are not  
11 limited to, landscaping, screening or other design amenities; parking facilities  
12 adequate to accommodate potential parking demands; a traffic management plan;  
13 measures to mitigate housing loss; and measures to reduce energy consumption.

14 ((G))H. Essential Public Facilities. Permitted essential public facilities shall  
15 also be reviewed according to the provisions of Chapter 23.80, Essential Public  
16 Facilities.

17  
18  
19 **Section 6.** Subsection E of Section 23.47.004 of the Seattle Municipal  
20 Code, which Section was last amended by Ordinance 118472, is amended as  
21 follows:

22  
23 **23.47.004 Permitted and prohibited uses.**

24  
25 \* \* \*

26  
27 **E. Public Facilities.**

28 1. ~~((Public facilities which are similar to those provided by the  
29 private sector, such as offices, athletic facilities or medical service uses, shall be  
30 permitted or prohibited in all commercial zones according to the use regulations for  
31 the particular type of use. These public facilities shall meet the development  
32 standards for the use to which they are similar. If the development standards  
33 cannot be met, the City Council may waive or change the standards for reasons of  
34 public necessity, according to the provisions of Chapter 23.76, Procedures for  
35 Master Use Permits and Council Land Use Decisions.))~~ Except as provided in  
36 subsection E2 below, uses in public facilities that are most similar to uses permitted  
37 outright or permitted as a conditional use under this Chapter shall also be permitted  
38 outright or as a conditional use, subject to the same use regulations, development  
39 standards and conditional use criteria that govern the similar uses. The City  
40 Council may waive or modify applicable development standards or conditional use  
41 criteria according to the provisions of Chapter 23.76, Subchapter III, Council land

1 Use Decisions, with public projects considered as Type IV quasi-judicial decisions  
2 and City facilities considered as Type V legislative decisions.

3 2. ~~((Public facilities which are not similar to those provided by the~~  
4 ~~private sector, such as police and fire stations, shall be permitted unless~~  
5 ~~specifically prohibited in Chart A. These public facilities shall meet the development~~  
6 ~~standards of the zone in which they are located. If the development standards~~  
7 ~~cannot be met, the City Council may waive or change the standards for reasons of~~  
8 ~~public necessity, according to the provisions of Chapter 23.76, Procedures for~~  
9 ~~Master Use Permits and Council Land Use Actions.)) Other Permitted Uses in~~

10 Public Facilities Requiring City Council Approval. Unless specifically prohibited in  
11 Chart A, uses in public facilities that are not similar to uses permitted outright or  
12 permitted as a conditional use under this Chapter may be permitted by the City  
13 Council. Uses in public facilities shall meet the development standards of the zone  
14 in which they are located. The City Council may waive or modify applicable  
15 development standards or conditional use criteria according to the provisions of  
16 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
17 considered as Type IV quasi-judicial decisions and City facilities considered as  
18 Type V legislative decisions.

19 3. In all commercial zones, uses in public facilities not meeting  
20 development standards may be permitted by the Council if the following criteria are  
21 satisfied:

- 22 a. The project provides unique services which are not  
23 provided to the community by the private sector, such as police and fire stations;  
24 and
- 25 b. The proposed location is required to meet specific public  
26 service delivery needs; and
- 27 c. The waiver or modification to the development  
28 standards is necessary to meet specific public service delivery needs; and
- 29 d. The relationship of the project to the surrounding area  
30 has been considered in the design, siting, landscaping and screening of the facility.

31 4. Expansion of Uses in Public Facilities.

32 a. Major Expansion. Major expansions may be permitted  
33 to uses in public facilities allowed in subsections E1 and E2 above according to the  
34 same provisions and procedural requirements as described in these subsections.  
35 A major expansion of a public facility use occurs when the expansion that is  
36 proposed would not meet development standards or exceed either seven-hundred-  
37 fifty (750) square feet or ten percent (10%) of its existing area, whichever is greater,  
38 including gross floor area and areas devoted to active outdoor uses other than  
39 parking.

40 b. Minor Expansion. When an expansion falls below the  
41 major expansion threshold level, it is a minor expansion. Minor expansions may be  
42 permitted to uses in public facilities allowed in subsections E1 and E2 above

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

4 ((3))5. Essential Public Facilities. Permitted essential public facilities  
5 shall also be reviewed according to the provisions of Chapter 23.80, Essential  
6 Public Facilities.

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9 **Section 7.** Subsection C of Section 23.47.006 of the Seattle Municipal  
10 Code, which Section was last amended by Ordinance 117432, is amended as  
11 follows:

12  
13 **23.47.006 Conditional uses.**

14  
15 \* \* \*

16  
17 C. The following uses, identified as Council Conditional Uses on Chart A  
18 of Section 23.47.004, may be permitted by the Council when the provisions of this  
19 subsection and subsection A are met.

20 1. New bus bases for one hundred and fifty (150) or fewer buses,  
21 or existing bus bases which are proposed to be expanded to accommodate  
22 additional buses, in C1 or C2 zones.

23 a. Conditional Use Criteria.

24 (1) The bus base has vehicular access suitable for  
25 use by buses to a designated arterial improved to City standards; and

26 (2) The lot is of sufficient size so that the bus base  
27 includes adequate buffer space from the surrounding area.

28 b. Mitigating measures may include, but are not limited to:

29 (1) Noise mitigation measures, such as keeping  
30 maintenance building doors closed except when buses are entering or exiting;  
31 acoustic barriers, and noise-reducing operating procedures, shall be required when  
32 necessary.

33 (2) An employee ridesharing program established  
34 and promoted to reduce the impact of employee vehicles on streets in the vicinity of  
35 the bus base.

36 (3) Landscaping and screening, noise and odor  
37 mitigation, vehicular access controls, and other measures may be required to insure  
38 the compatibility of the bus base with the surrounding area and to mitigate any  
39 adverse impacts.

40 2. Helistops in NC3, C1 and C2 zones as accessory uses,  
41 according to the following standards and criteria:

1 a. The helistop is to be used for the takeoff and landing of  
2 helicopters serving public safety, news gathering or emergency medical care  
3 functions; is part of a City and regional transportation plan approved by the City  
4 Council and is a public facility; or is part of a City and regional transportation plan  
5 approved by the City Council and is not within two thousand feet (2,000') of a  
6 residential zone.

7 b. The helistop is located so as to minimize impacts on  
8 surrounding areas.

9 c. The lot is of sufficient size that the operations of the  
10 helistop are buffered from the surrounding area.

11 d. Open areas and landing pads are hard-surfaced.

12 e. The helistop meets all federal requirements, including  
13 those for safety, glide angles and approach lanes.

14 ~~((3. In all commercial zones, permitted public projects not meeting  
15 development standards may be permitted by the Council if the following criteria are  
16 satisfied:~~

17 ~~a. The project provides unique services which are not  
18 provided to the community by the private sector, such as police and fire stations;  
19 and~~

20 ~~b. The proposed location is required to meet specific public  
21 service delivery needs; and~~

22 ~~c. The waiver or modification to the development  
23 standards is necessary to meet specific public service delivery needs; and~~

24 ~~d. The relationship of the project to the surrounding area  
25 has been considered in the design, siting, landscaping and screening of the  
26 facility.))~~

27 ~~((4))3. Work-Release Centers in all Commercial Zones -- Conditional  
28 Use Criteria.~~

29 a. Maximum Number of Residents. No work-release center  
30 shall house more than fifty (50) persons, excluding resident staff.

31 b. If the work-release center is in a single-purpose  
32 residential structure, the requirements of Section 23.47.023 shall be followed. If the  
33 work-release center is in a mixed-use structure, the requirements for mixed-use  
34 structures in Chapter 23.47 shall be followed.

35 c. Dispersion Criteria.

36 (1) The lot line of any new or expanding work-release  
37 center shall be located six hundred feet (600') or more from any residential zone,  
38 any lot line of any special residence, and any lot line of any school.

39 (2) The lot line of any new or expanding work-release  
40 center shall be located one mile or more from any lot line of any other work-release  
41 center.

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(3) The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

d. The Council's decision shall be based on the Commercial Areas Policies and the following criteria:

(1) The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

(2) The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

(3) The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained;

(4) The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

(5) The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

(6) The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

(7) The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

1 (8) Verification from the Department of Corrections  
2 (DOC), which shall be reviewed by the Police Department, that the proposed work-  
3 release center meets DOC standards for such facilities and that the facility will meet  
4 state laws and requirements.

5 \*\*\*

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9 **Section 8.** Subsection C of Section 23.49.008 of the Seattle Municipal  
10 Code, which Section was last amended by Ordinance 116295, is amended as  
11 follows:

12  
13 **23.49.008 Structure height.**

14 \*\*\*

15  
16  
17 **C. Rooftop Features.**

18 1. Open railings, planters, ~~cle((a))restories~~, skylights, play  
19 equipment, parapets and firewalls may extend up to four feet (4') above the  
20 maximum height limit with unlimited rooftop coverage.

21 2. Solar collectors may extend up to seven feet (7') above the  
22 maximum height limit with unlimited rooftop coverage.

23 3. The following rooftop features may extend up to fifteen feet  
24 (15') above the maximum height limit, as long as the combined coverage of all  
25 features listed in this subsection does not exceed twenty percent (20%) of the roof  
26 area, or twenty-five percent (25%) if the total includes stair or elevator penthouses  
27 or screened mechanical equipment:

- 28 a. Solar collectors;  
29 b. Stair and elevator penthouses;  
30 c. Mechanical equipment; and  
31 d. Play equipment and open-mesh fencing, as long as the

32 fencing is at least fifteen feet (15') from the roof edge.

33 4. ~~((Radio and television receiving))~~ Major or minor  
34 communication utilities; religious symbols ~~((such as belfries or spires,))~~ and that  
35 portion of the roof which supports them, such as belfries or spires; smokestacks;  
36 and flagpoles may extend up to fifty feet (50') above the roof of the structure on  
37 which they are located or fifty feet (50') above the maximum height limit, whichever  
38 is less, except as regulated in Chapter 23.64, Airport Height District. They shall be  
39 located a minimum of ten feet (10') from all lot lines.

40 5. ~~((Council))~~ Administrative Conditional Use for Rooftop  
41 Features. The rooftop features listed in subsection C4 may exceed a height of fifty  
42 feet (50') above the roof of the structure on which they are located if authorized by

1 the Director through an ((Council)) Administrative Conditional Use, Chapter 23.76.  
2 The request for additional height shall be evaluated on the basis of public benefits  
3 provided, the possible impacts of the additional height, consistency with the City's  
4 land use policies, and the following specific criteria:

5 a. The feature shall be compatible with and not adversely  
6 affect the downtown skyline.

7 b. The feature shall not have a significant adverse effect  
8 upon the light, air, solar and visual access of properties within a three-hundred-foot  
9 (300') radius.

10 c. The feature, supporting structure and structure below  
11 shall be compatible in design elements such as bulk, profile, color and materials.

12 d. The feature shall not adversely affect the function of  
13 existing transmission or receiving equipment within a five (5) mile radius.

14 e. The increased size is necessary for the successful  
15 physical function of the feature, except for religious symbols.

16  
17  
18 **Section 9.** Subsection C of Section 23.49.042 of the Seattle Municipal  
19 Code, which Section was last amended by Ordinance 117430, is amended as  
20 follows:

21  
22 **Section 23.49.042 Downtown Office Core 1, permitted uses.**

23  
24 \* \* \*

25  
26 C. Public Facilities.

27 1. Except as provided in subsection 23.49.046.D.2, uses in public  
28 facilities that are most similar to uses permitted outright under this Chapter shall  
29 also be permitted outright subject to the same use regulations and development  
30 standards that govern the similar uses.

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

34  
35  
36 **Section 10.** Subsections D and E of Section 23.49.046 of the Seattle  
37 Municipal Code, which Section was last amended by Ordinance 116907, are  
38 amended as follows:

39  
40 **23.49.046 Downtown Office Core 1, conditional uses and Council**  
41 **decisions.**

\*\*\*

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2  
3 D. ~~((City facilities and public projects which do not meet development~~  
4 ~~standards may be permitted by the City Council pursuant to Chapter 23.76,~~  
5 ~~Procedures for Master Use Permits and Council Land Use Decisions.)) Public~~  
6 ~~Facilities.~~

7 1. Uses in public facilities that are most similar to uses permitted  
8 as a conditional use under this Chapter shall also be permitted as a conditional use  
9 subject to the same conditional use criteria that govern the similar uses.

10 2. The City Council may waive or modify applicable development  
11 standards or conditional use criteria for those uses in public facilities that are similar  
12 to uses permitted outright or permitted as a conditional use according to the  
13 provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with  
14 public projects considered as Type IV quasi-judicial decisions and City facilities  
15 considered as Type V legislative decisions.

16 3. Other Permitted Uses in Public Facilities. Unless specifically  
17 prohibited, uses in public facilities that are not similar to uses permitted outright or  
18 permitted as a conditional use under this Chapter may be permitted by the City  
19 Council. City Council may waive or modify development standards or conditional  
20 use criteria according to the provisions of Chapter 23.76, Subchapter III, Council  
21 Land Use Decisions, with public projects considered as Type IV quasi-judicial  
22 decisions and City facilities considered as Type V legislative decisions.

23 4. Expansion of Uses in Public Facilities.

24 a. Major Expansion. Major expansions may be permitted  
25 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
26 the same provisions and procedural requirements as described in these  
27 subsections. A major expansion of a public facility use occurs when the expansion  
28 that is proposed would not meet development standards or exceed either seven-  
29 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
30 is greater, including gross floor area and areas devoted to active outdoor uses  
31 other than parking.

32 b. Minor Expansion. When an expansion falls below the  
33 major expansion threshold level, it is a minor expansion. Minor expansions may be  
34 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
35 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
36 and Council Land Use Decisions, for a Type I Master Use Permit when the  
37 development standards of the zone in which the public facility is located are met.

38 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
39 than fifty feet (50') above the roof of the structure on which they are located may be  
40 authorized by the ((Council)) Director as an administrative conditional use pursuant  
41 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
42 Decisions, according to the criteria of Section 23.49.008, Structure height.





1 also be permitted outright subject to the same use regulations and development  
2 standards that govern the similar uses.

3 2. Essential Public Facilities. Permitted essential public facilities  
4 shall also be reviewed according to the provisions of Chapter 23.80, Essential  
5 Public Facilities.  
6

7  
8 **Section 14.** Subsections B, E and F of Section 23.49.096 of the Seattle  
9 Municipal Code, which Section was last amended by Ordinance 116907, are  
10 amended as follows:  
11

12 **23.49.096 Downtown Retail Core, conditional uses and Council decisions.**  
13

14 \* \* \*

15  
16 B. Major retail stores and performing arts theaters may be granted a  
17 public benefit feature bonus through ~~((a Council))~~ an administrative conditional use  
18 process, Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
19 Decisions. Through the bonus, increases in permitted height and floor area ratios,  
20 and changes in development standards may be granted if the desired quality of the  
21 public environment can be maintained, according to the following standards:  
22

23 1. Standards for Major Retail Store.

24 a. Type of Store. Major retail stores shall be operated by  
25 an established concern with a reputation for quality and service, which is not  
26 located in the Downtown Retail Core when the conditional use is sought and shall  
27 provide a range of merchandise and services.

28 b. Size Standards and Bonus Ratio.

29 (1) Minimum lot size shall be twenty-five thousand  
(25,000) square feet.

30 (2) The minimum size of a major retail store shall be  
31 eighty thousand (80,000) square feet. Major retail stores shall be under the  
32 management of a single retail firm and shall function as a single business  
33 establishment. Storage area, store offices, and other support space necessary for  
34 the operation of the retail sales area shall also be bonused.

35 (3) For each square foot of major retail store, two  
36 and one-half (2-1/2) square feet of additional floor area shall be granted, up to the  
37 maximum set in subsection B1b(4).

38 (4) Up to two hundred thousand (200,000) square  
39 feet of the store shall be eligible for a floor area bonus.

40 c. Access. The store should be oriented to activity on the  
41 street and should, wherever possible, provide opportunities for through block  
42 circulation.

1 (1) At least one (1) major pedestrian entrance shall  
2 be provided directly from the sidewalk of each street frontage of the store. All  
3 entrances shall be at the same elevation as the sidewalk.

4 (2) Bonused major retail store space may be  
5 provided above and below street level as long as all areas are connected and  
6 function as a single retail establishment.

7 d. Hours of Operation. Major retail stores shall be open to  
8 the general public during established shopping hours for a minimum of eight (8)  
9 hours a day, six (6) days per week.

10 2. Standards for Performing Arts Theater.

11 a. Type of Theater. Theaters shall provide a place for live  
12 performances of drama, dance and music. The auditorium area should be  
13 specifically designed for the presentation of live performances under optimum  
14 viewing and acoustical conditions. Theaters principally intended for nightclub or  
15 cabaret type entertainment or adult entertainment will not qualify for conditional use  
16 approval. The developer shall commit to manage the theater or shall secure a  
17 lease for at least ten (10) years from a theater operator or resident theater group  
18 with acceptable credentials.

19 b. Area, Dimensions and Bonus Ratio. Theaters eligible for  
20 conditional use approval may include a wide variety of theater sizes and types to  
21 encourage a broad range of live entertainment offerings downtown.

22 (1) The minimum theater size eligible for a bonus  
23 shall have a seating area of at least two hundred (200) seats and the necessary  
24 support areas.

25 (2) For each square foot of performing arts theater,  
26 twelve (12) square feet of additional floor area shall be granted.

27 (3) The maximum area eligible for a bonus shall be  
28 established as part of the review process. The process shall include an assessment  
29 of existing theaters and the sizes of future theaters needed to provide a range of  
30 performing arts facilities in the downtown.

31 (4) The arrangement of seating and stage areas of  
32 the theater shall be expressly designated for the presentation of performing arts.  
33 The size of the stage area, floor slopes, ceiling heights and acoustical and lighting  
34 systems shall be adequate to meet the viewing requirements of the audience  
35 relative to the size of the auditorium.

36 c. Access and Street Orientation. The theater shall be  
37 designed to promote activity on the street and add visual interest. It shall be highly  
38 accessible and visible from a street or public open space.

39 (1) A lighted marquee, display signs, and/or banners  
40 related to the theater operation shall be located above the main street entrance.  
41 Lobby areas with transparent walls located on the streetfront are desirable.

1 (2) To avoid creating large expanses of street  
2 frontage with limited visual interest or activity, theater street frontage shall be  
3 limited. Theater frontage shall be limited to sixty (60) feet, any street-level area of  
4 the theater exceeding this limit must be separated from the street by another use.  
5 Departure from these standards may be permitted to address special conditions of  
6 the lot which may affect the theater's street orientation or to accommodate specific  
7 needs related to the theater's operation.

8 (3) A covered queuing area shall be provided; interior  
9 lobby space may satisfy this requirement.

10 (4) Direct access shall be provided to the theater  
11 lobby from the street or a bonused public open space. The theater itself, however,  
12 may be above or below street level.

13 (5) Truck loading/unloading space shall be provided  
14 off-street, preferably off an alley.

15 3. Restrictions on Demolition and Alteration of Existing Structures.

16 a. The design of projects including a major retail store or  
17 performing arts theater shall incorporate the existing exterior street front facade(s)  
18 of the structures listed below which are significant to the architecture, history and  
19 character of downtown. Changes may be permitted to the exterior facade(s) to the  
20 extent that significant features are preserved and the visual integrity of the design is  
21 maintained. The degree of exterior preservation required will vary, depending upon  
22 the nature of the project and the characteristics of the affected structure(s).

23 b. The Director shall evaluate whether the manner in which  
24 the facade is proposed to be preserved meets the intent to preserve the  
25 architecture, character and history of the Retail Core. If the listed structures are  
26 also Landmark structures, approval by the Landmarks Board shall be required prior  
27 to consideration of the project by the ((Council)) Director. The Landmarks Board's  
28 recommendation shall be incorporated into the Director's ((report to the Council))  
29 decision. Inclusion of a structure on the list below is solely for the purpose of  
30 approving additional height and FAR under Section 23.49.096 B, and shall not be  
31 interpreted in any way to prejudge the structure's merit as a Landmark.

32  
33 Sixth and Pine Building 523 Pine Street  
34 Decatur Building 1513 - 6th Avenue  
35 Coliseum Theater 5th and Pike  
36 Seaboard Building 1506 Westlake Avenue  
37 Fourth and Pike Building 1424 - 4th Avenue  
38 Pacific First Federal Savings 1400 - 4th Avenue  
39 Joshua Green Building 1425 - 4th Avenue  
40 Equitable Building 1415 - 4th Avenue  
41 1411 Fourth Avenue Building 1411 - 4th Avenue  
42 Mann Building 1411 - 3rd Avenue

1 Olympic Savings Tower 217 Pine Street  
2 Fischer Studio Building 1519 - 3rd Avenue  
3 Bon Marche 3rd and Pine  
4 Melbourne House 1511 - 3rd Avenue  
5 Former Woolworth's Building 1512 - 3rd Avenue  
6

7 4. Height and Scale. In determining the amount of change  
8 permitted in development standards for height and setbacks, the primary objective  
9 shall be the preservation of the existing sense of openness and the human scale  
10 environment in the Downtown Retail Core. The acceptability of negative impacts  
11 associated with departure from the base regulations shall depend on the priority of  
12 the streets adjacent to the proposed project, according to Map IVB.<sup>1</sup>

13 a. An increase in the height up to one hundred fifty feet  
14 (150') may be permitted when the primary objective described above will be  
15 furthered and:

16 (1) The additional height and bulk will not result in  
17 substantial wind impacts on public open spaces and sidewalks; and

18 (2) The shadows cast on the Westlake Park south of  
19 Pine Street, and all Priority 1 Streets shown on Map IVB,<sup>1</sup> from 11:00 a.m. to 2:00  
20 p.m. on March 21st and September 21st will not be increased beyond those cast by  
21 existing structures.

22 b. When an increase in the height limit is permitted, upper-  
23 level setbacks shall be provided. The applicant may choose to provide the upper-  
24 level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or  
25 as follows:

26 (1) Coverage limit areas shall be established at two  
27 (2) elevations:

28 i. Between an elevation of sixty-five feet (65')  
29 and two hundred forty feet (240') above the adjacent sidewalk, the area within  
30 twenty feet (20') of each street property line and sixty feet (60') of intersecting street  
31 property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

32 ii. Above an elevation of two hundred forty  
33 feet (240') above the adjacent sidewalk, the area within forty feet (40') of each  
34 street property line and sixty feet (60') of intersecting street property lines shall be  
35 the coverage limit area. (See Exhibit 23.49.096 A.)

36 iii. Within the coverage limit area, coverage  
37 and maximum facade lengths shall be as follows:  
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|   | Structure Elevation |               |
|---|---------------------|---------------|
|   | Less than 65'       | 65' and Above |
| Priority 1 streets shown on Map IVB     |                     |               |
| Maximum coverage in coverage limit area | 100%                | 20%           |
| Maximum facade length <sup>1</sup>      | no limit            | 90'           |
| Priority 2 streets shown on Map IVB     |                     |               |
| Maximum coverage in coverage limit area | 100%                | 30%           |
| Maximum facade length <sup>1</sup>      | no limit            | 90'           |
| Priority 3 streets shown on Map IVB     |                     |               |
| Maximum coverage in coverage limit area |                     |               |

Upper-level development standards of abutting zones shall apply

Maximum facade length<sup>1</sup>

<sup>1</sup> Facade length limited only within fifteen (15') feet of street property line. The minimum distance between facades within fifteen (15') feet of street property lines shall be sixty feet (60')

(2) All existing structures retained as part of the proposed project shall be calculated together with the new structure to determine permitted coverage.

c. To contribute to a sense of openness and increase opportunities for light and air to streets, portions of facades of new structures which exceed an elevation of one hundred twenty-five feet (125') shall be separated from all other portions of facades on the same block front which exceed that elevation, both on the project lot and abutting lots, by a minimum distance of sixty feet (60') above an elevation of one hundred feet (100'). (See Exhibit 23.49.096 B.) The depth of the separation shall be at least sixty feet (60'), measured from the street property line.

5. Design Treatment. The materials, scale and details of new development using the major retail store or performing arts theater bonus shall harmonize with existing development in the area and contribute to the visual interest of the pedestrian environment.

a. In addition to the street facade requirements of Section 23.49.106, large expanses of blank walls above street level which are visible from any street or public open space are prohibited. Below an elevation of sixty-five feet (65'), all street facades shall be articulated and contain architectural design features such as windows, columns or other structural features, belt courses, cornices, setbacks, ornamentation, awnings, or canopies, that reflect the character of nearby structures.

1                   b. Building materials shall be compatible with those of  
2 existing structures in the Downtown Retail Core. Large areas of dark or reflective  
3 materials are prohibited.

4                   c. Overhead weather protection is required on all street  
5 frontages of the project. Coverings that are transparent and allow sunlight to reach  
6 the sidewalk are preferred.

7                   6. Scale of Surrounding Development. Project proposals using  
8 the major retail store or performing arts theater bonus shall be considered with  
9 respect to similar scale developments in the Downtown Retail Core. The bonus  
10 shall not be granted if it would result in additional large-scale development which,  
11 considered together with other projects of similar scale, would create traffic and  
12 pedestrian circulation problems and would conflict with the desired scale and  
13 pedestrian character of the area.

14                   7. Combined Lot Option.

15                   a. Two (2) lots located in the DRC zone may be combined  
16 for the purpose of calculating the density for a total project incorporating a major  
17 retail store or a performing arts theater. The lots may be located on the same block  
18 or on different blocks. The ((Council)) administrative conditional use process shall  
19 apply to both lots.

20                   b. The density for all development shall be calculated as if  
21 both lots were a single lot and shall conform to the permitted FAR set forth in  
22 Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken  
23 together exceed the permitted density.

24                   c. The height limits and development standards of  
25 subsection B4 shall apply to each lot.

26                   d. The fee owners of each of the combined lots shall  
27 execute a deed or other agreement which shall be recorded with the titles to both  
28 lots. In the agreement or deed, the owners shall acknowledge that development on  
29 the combined lots shall not exceed the combined FAR limits for both lots and,  
30 should development on one (1) lot exceed the FAR limit for that lot, then  
31 development on the other lot shall be restricted by the amount of excess FAR used  
32 on the more developed lot, for the life of the improvement on the more developed  
33 lot. The deed or agreement shall also provide that its covenants and conditions  
34 shall run with the land and shall be specifically enforceable by the parties and by  
35 The City of Seattle.

36  
37                   \* \* \*

38                   E. ~~((City facilities and public projects which do not meet development  
39 standards may be permitted by the Council pursuant to Chapter 23.76, Procedures  
40 for Master Use Permits and Council Land Use Decisions.))~~ Public Facilities.

1                   1.     Uses in public facilities that are most similar to uses permitted  
2 as a conditional use under this Chapter shall also be permitted as a conditional use  
3 subject to the same conditional use criteria that govern the similar uses.

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

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

17                  4.     Expansion of Uses in Public Facilities.

18                  a.     Major Expansion. Major expansions may be permitted  
19 to uses in public facilities allowed in subsections E1, E2 and E3 above according to  
20 the same provisions and procedural requirements as described in these  
21 subsections. A major expansion of a public facility use occurs when the expansion  
22 that is proposed would not meet development standards or exceed either seven-  
23 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
24 is greater, including gross floor area and areas devoted to active outdoor uses  
25 other than parking.

26                  b.     Minor Expansion. When an expansion falls below the  
27 major expansion threshold level, it is a minor expansion. Minor expansions may be  
28 permitted to uses in public facilities allowed in subsections E1, E2 and E3 above  
29 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
30 and Council Land Use Decisions, for a Type I Master Use Permit when the  
31 development standards of the zone in which the public facility is located are met.

32                  F.     Rooftop features listed in subsection C4 of Section 23.49.008 more  
33 than fifty feet (50') above the roof of the structure on which they are located may be  
34 authorized by the ((Council)) Director as ((a-Council)) an administrative conditional  
35 use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council  
36 Land Use Decisions, according to the criteria of Section 23.49.008, Structure  
37 height.

38  
39 \* \* \*



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

5 4. Expansion of Uses in Public Facilities.

6 a. Major Expansion. Major expansions may be permitted  
7 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
8 the same provisions and procedural requirements as described in these  
9 subsections. A major expansion of a public facility use occurs when the expansion  
10 that is proposed would not meet development standards or exceed either seven-  
11 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
12 is greater, including gross floor area and areas devoted to active outdoor uses  
13 other than parking.

14 b. Minor Expansion. When an expansion falls below the  
15 major expansion threshold level, it is a minor expansion. Minor expansions may be  
16 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
17 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
18 and Council Land Use Decisions, for a Type I Master Use Permit when the  
19 development standards of the zone in which the public facility is located are met.

20 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
21 than fifty feet (50') above the roof of the structure on which they are located may be  
22 authorized by the ((Council)) Director as an administrative conditional use pursuant  
23 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
24 Decisions, according to the criteria of Section 23.49.008, Structure height.

25 \*\*\*

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28  
29 **Section 17.** Subsection C of Section 23.49.142 of the Seattle Municipal  
30 Code, which Section was last amended by Ordinance 117430, is amended as  
31 follows:

32  
33 **Section 23.49.142 Downtown Mixed Residential, permitted uses.**

34 \*\*\*

35  
36  
37 **C. Public Facilities.**

38 1. Except as provided in subsection 23.49.148.D.2, uses in public  
39 facilities that are most similar to uses permitted outright under this Chapter shall  
40 also be permitted outright subject to the same use regulations and development  
41 standards that govern the similar uses.



1                    b. Minor Expansion. When an expansion falls below the  
2 major expansion threshold level, it is a minor expansion. Minor expansions may be  
3 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
4 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
5 and Council Land Use Decisions, for a Type I Master Use Permit when the  
6 development standards of the zone in which the public facility is located are met.

7                    E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
8 than fifty feet (50') above the roof of the structure on which they are located may be  
9 authorized by the ((Council)) Director as an administrative conditional use pursuant  
10 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
11 Decisions, according to the criteria of Section 23.49.008, Structure height.

12                    \* \* \*

13  
14  
15  
16                    **Section 19.** Subsection C of Section 23.49.318 of the Seattle Municipal  
17 Code, which Section was last amended by Ordinance 117430, is amended as  
18 follows:

19  
20                    **Section 23.49.318 Downtown Harborfront 2, permitted uses.**

21                    \* \* \*

22  
23  
24                    C. Public Facilities.

25                    1. Except as provided in subsection 23.49.324.D.2, uses in public  
26 facilities that are most similar to uses permitted outright under this Chapter shall  
27 also be permitted outright subject to the same use regulations and development  
28 standards that govern the similar uses.

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

32  
33  
34                    **Section 20.** Subsections D and E of Section 23.49.324 of the Seattle  
35 Municipal Code, which Section was last amended by Ordinance 116907, are  
36 amended as follows:

37  
38                    **23.49.324 Downtown Harborfront 2, conditional uses and Council**  
39 **decisions.**

40                    \* \* \*

1 D. ~~((City facilities and public projects which do not meet development~~  
2 ~~standards of this subchapter but do meet the development standards of the Seattle~~  
3 ~~Shoreline Master Program, where applicable, may be permitted by the Council~~  
4 ~~pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land~~  
5 ~~Use Decisions.)) Public Facilities.~~

6 1. Uses in public facilities that are most similar to uses permitted  
7 as a conditional use under this Chapter shall also be permitted as a conditional use  
8 subject to the same conditional use criteria that govern the similar uses.

9 2. When uses in public facilities meet the development standards  
10 of the Shoreline Master Program, where applicable, the City Council may waive or  
11 modify applicable development standards of the underlying zone or conditional use  
12 criteria for those uses in public facilities that are similar to uses permitted outright or  
13 permitted as a conditional use according to the provisions of Chapter 23.76,  
14 Subchapter III, Council Land Use Decisions, with public projects considered as  
15 Type IV quasi-judicial decisions and City facilities considered as Type V legislative  
16 decisions.

17 3. Other Uses Permitted in Public Facilities. When uses in public  
18 facilities meet the development standards of the Shoreline Master Program, where  
19 applicable, and unless specifically prohibited, uses in public facilities that are not  
20 similar to uses permitted outright or permitted as a conditional use under this  
21 Chapter may be permitted by the City Council. City Council may waive or modify  
22 development standards or conditional use criteria according to the provisions of  
23 Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects  
24 considered as Type IV quasi-judicial decisions and City facilities considered as  
25 Type V legislative decisions.

26 4. Expansion of Uses in Public Facilities.

27 a. Major Expansion. Major expansions may be permitted  
28 to uses in public facilities allowed in subsections D1, D2 and D3 above according to  
29 the same provisions and procedural requirements as described in these  
30 subsections. A major expansion of a public facility use occurs when the expansion  
31 that is proposed would not meet development standards or exceed either seven-  
32 hundred-fifty (750) square feet or ten percent (10%) of its existing area, whichever  
33 is greater, including gross floor area and areas devoted to active outdoor uses  
34 other than parking.

35 b. Minor Expansion. When an expansion falls below the  
36 major expansion threshold level, it is a minor expansion. Minor expansions may be  
37 permitted to uses in public facilities allowed in subsections D1, D2 and D3 above  
38 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
39 and Council Land Use Decisions, for a Type I Master Use Permit when the  
40 development standards of the zone in which the public facility is located are met.

41 E. Rooftop features listed in subsection C4 of Section 23.49.008 more  
42 than fifty feet (50') above the roof of the structure on which they are located may be

1 authorized by the ((Council)) Director as an administrative conditional use pursuant  
2 to Chapter 23.76, Procedures for Master Use Permits and Council Land Use  
3 Decisions, according to the criteria of Section 23.49.008, Structure height.  
4

5  
6 **Section 21.** Subsection A of Section 23.49.336 of the Seattle Municipal  
7 Code, which Section was last amended by Ordinance 117430, is amended as  
8 follows:  
9

10 **Section 23.49.336 Pike Market Mixed, permitted uses.**  
11

12 A. Permitted uses within the Pike Market Historic District, shown on Map  
13 XIIA,1 shall be determined by the Pike Place Market Historical Commission  
14 pursuant to the Pike Market Historical District Ordinance, Chapter 25.((4))24,  
15 Seattle Municipal Code.  
16

17 \* \* \*

18  
19  
20 **Section 22.** Subsections C and D of Section 23.50.012 of the Seattle  
21 Municipal Code, which Section was last amended by Ordinance 118216, are  
22 amended as follows:  
23

24 **23.50.012 Permitted and prohibited uses.**  
25

26 \* \* \*

27  
28 C. ~~((City facilities and public projects which do not meet development  
29 standards may be permitted by the City Council pursuant to Chapter 23.76,  
30 Procedures for Master Use Permits and Council Land Use decisions.))~~ Public  
31 Facilities.

32 1. Except as provided in subsections 2a and 2b below, uses in  
33 public facilities that are most similar to uses permitted outright or permitted by  
34 conditional use in this Chapter shall also be permitted outright or by conditional use,  
35 subject to the same use regulations, development standards and administrative  
36 conditional use criteria that govern the similar uses.

37 2. Public Facilities not Meeting Development Standards Requiring  
38 City Council Approval.

39 a. The City Council may waive or modify applicable  
40 development standards or conditional use criteria for those uses in public facilities  
41 that are similar to uses permitted outright or permitted by conditional use according  
42 to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions.

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

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

10 3. In all industrial zones, uses in public facilities not meeting  
11 development standards may be permitted by the Council if the following criteria are  
12 satisfied:

13 a. The project provides unique services which are not  
14 provided to the community by the private sector, such as police and fire stations;  
15 and

16 b. The proposed location is required to meet specific public  
17 service delivery needs; and

18 c. The waiver or modification to the development  
19 standards is necessary to meet specific public service delivery needs; and

20 d. The relationship of the project to the surrounding area  
21 has been considered in the design, siting, landscaping and screening of the facility.

22 4. Expansion of Uses in Public Facilities.

23 a. Major Expansion. Major expansions may be permitted  
24 to uses in public facilities allowed in subsections C1, C2a and C2b above according  
25 to the same provisions and procedural requirements as described in these  
26 subsections. A major expansion of a public facility use occurs when the expansion  
27 that is proposed would not meet development standards or not meet development  
28 standards or exceed either seven-hundred-fifty (750) square feet or ten percent  
29 (10%) of its existing area, whichever is greater, including gross floor area and areas  
30 devoted to active outdoor uses other than parking.

31 b. Minor Expansion. When an expansion falls below the  
32 major expansion threshold level, it is a minor expansion. Minor expansions may be  
33 permitted to uses in public facilities allowed in subsections C1, C2a and C2b above  
34 according to the provisions of Chapter 23.76, Procedures for Master Use Permits  
35 and Council Land Use Decisions, for a Type I Master Use Permit when the  
36 development standards of the zone in which the public facility is located are met.

37 ((D))5. Essential Public Facilities. Permitted essential public facilities  
38 shall also be reviewed according to the provisions of chapter 23.80, Essential  
39 Public Facilities.

**Section 23.** Section 23.66.132 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is repealed.

**Section 24.** Exhibit 23.76.004A of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by ordinance 118012, is amended as follows:

**Exhibit 23.76.004A  
LAND USE DECISION FRAMEWORK  
DIRECTOR'S AND HEARING EXAMINER'S  
DECISIONS REQUIRING MASTER USE PERMITS**

**TYPE I  
Director's Decision  
(No Administrative Appeal)**

- Compliance with development standards
- Uses permitted outright
- Temporary uses, four weeks or less
- Certain street uses
- Lot boundary adjustments
- Modifications of features bonused under Title 24
- Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements
- Special accommodation
- Reasonable accommodation
- Minor amendment to a Major Phased Development Permit

**TYPE II  
Director's Decision  
(Appealable to Hearing Examiner\*)**

- Temporary uses, more than four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (\*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. Determination of nonsignificance (EIS not required)
  2. Determination of final EIS adequacy
  3. Determinations of significance based solely on historic and cultural preservation
  4. A decision by the Director to approve, condition or deny a project based on SEPA Policies
- Major Phased Development

**TYPE III  
Hearing Examiner's Decision  
(No Administrative Appeal)**

- Subdivisions (Preliminary Plats)

**COUNCIL LAND USE DECISIONS**

**TYPE IV  
(Quasi-Judicial)**

- Land use map amendments (Rezoning)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments

**TYPE V  
(Legislative)**

- Land Use Code text amendments
- Rezoning to implement new City policies
- Concept approval for City facilities
- Major institution designations
- Waive or modify development standards for City facilities



1 (2) The applicant is not the property owner, and the  
2 property owner does not consent to the proposal;

3 (3) The site is subject to physical characteristics such  
4 as steep slopes or is located such that the ~~((large))~~ environmental review sign  
5 would not be highly visible to neighboring residents and property owners or  
6 interested citizens.

7 d. The Director may require both an ~~((large))~~ environmental  
8 review sign and the alternative posting measures described in subsection B1c, or  
9 may require that more than one (1) ~~((large))~~ environmental review sign be posted,  
10 when necessary to assure that notice is clearly visible to the public.

11 2. For projects which are categorically exempt from environmental  
12 review, the Director shall post ~~((four (4) placards))~~ one (1) land use sign at each  
13 street frontage ~~((on or near))~~ abutting the site.

14 3. For all projects requiring notice of application, the Director shall  
15 provide notice by General Mailed Release. For projects subject to the ~~((large))~~  
16 environmental review and land use sign requirements, notice in the General Mailed  
17 Release shall be published after certification is received by the department that the  
18 ~~((large))~~ environmental review and land use signs ~~((has))~~ have been installed and  
19 posted.

20 4. In addition, for variances, administrative conditional uses,  
21 temporary uses for more than four (4) weeks, shoreline variances, ~~((and))~~ shoreline  
22 conditional uses, short plats, pre-design review, School Use Advisory Committee  
23 (SUAC) formation, and school development standard departure, the Director shall  
24 provide mailed notice.

25 5. Mailed notice of application for a project subject to design  
26 review shall be provided to all persons establishing themselves as parties of record  
27 by attending the pre-design public meeting for the project or by corresponding with  
28 the Department about the proposed project before the date of publication.

29 6. Additional notice for subdivisions shall include mailed notice  
30 and publication in at least one (1) community newspaper in the area affected by the  
31 subdivision.

32 C. Contents of Notice.

33 1. The City's official notice of application shall be the notice  
34 placed in the General Mailed Release, which shall include the following required  
35 elements as specified in RCW 36.70B.110;

36 a. Date of application, date of notice of completion for the  
37 application, and the date of the notice of application;

38 b. A description of the proposed project action and a list of  
39 the project permits included in the application and, if applicable, a list of any studies  
40 requested by the Director;

41 c. The identification of other permits not included in the  
42 application to the extent known by the Director;

1 d. The identification of existing environmental documents  
2 that evaluate the proposed project, and the location where the application and any  
3 studies can be reviewed;

4 e. A statement of the public comment period and the right  
5 of any person to comment on the application, request an extension of the comment  
6 period, receive notice of and participate in any hearings, and request a copy of the  
7 decision once made, and a statement of any administrative appeal rights;

8 f. The date, time, place and type of hearing, if applicable  
9 and if scheduled at the date of notice of the application;

10 g. A statement of the preliminary determination, if one has  
11 been made at the time of notice, of those development regulations that will be used  
12 for project mitigation and the proposed project's consistency with development  
13 regulations; and

14 h. Any other information determined appropriate by the  
15 Director.

16 2. All other additional forms of notice, including, but not limited to  
17 environmental review and land use signs, placards and mailed notice, shall include  
18 the following information: the project description, location of the project, date of  
19 application, location where the complete application file may be reviewed, and a  
20 statement that persons who desire to submit comments on the application or who  
21 request notification of the decision may so inform the Director in writing within the  
22 comment period specified in subsection D. The Director may, but need not, include  
23 other information to the extent known at the time of notice of application. Except for  
24 the ((large)) environmental review sign requirement, each notice shall also include a  
25 list of the land use decisions sought. The Director shall specify detailed  
26 requirements for ((large)) environmental review and land use signs.

27  
28 \* \* \*

29  
30  
31 **Section 27.** Subsection B of Section 23.76.036 of the Seattle Municipal  
32 code, which Section was last amended by Ordinance 118012, is amended as  
33 follows:

34  
35 **23.76.036** Council decisions required.

36  
37 \* \* \*

38  
39 B. Council action shall be required for the following Type V land use  
40 decisions:

41 1. City-initiated amendments to the Official Land Use Map to  
42 implement new land use policies;

2. Amendments to the text of SMC Title 23, Land Use Code;
3. Concept approval for the location or expansion of City facilities requiring Council land use approval by SMC Title 23, Land Use Code; ~~((and))~~
4. Major Institution designations and revocations of Major Institution designations; and
5. Waive or modify development standards for City facilities.

**Section 28.** Subsection C of Section 23.76.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

**23.76.052 Hearing Examiner open record predecision hearing and recommendation.**

\* \* \*

**C. Notice.**

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

- a. General Mailed Release;
- b. Publication in the City official newspaper;
- c. Submission of the General Mailed Release to at least one (1) community newspaper in the area affected by the proposal;
- d. At least ~~((four (4) placards))~~ one (1) land use sign visible to the public posted at each street frontage abutting the site ~~((places visible to the public, including street intersections, within three hundred feet (300') of the boundaries of the project))~~. For hearings on Major Institution Master Plans, ~~((a minimum of ten (10) placards shall be posted))~~ one (1) land use sign posted at each street frontage abutting the site but not to exceed ten (10) land use signs;
- e. Mailed notice; and
- f. Posting in the Department.

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

3. The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that

1 the environmental determination is subject to appeal and shall describe the appeal  
2 procedure.

3  
4 \* \* \*

5  
6  
7 **Section 29.** A new subsection D is added to Section 23.76.058 of the  
8 Seattle Municipal code, which Section was last amended by ordinance 118012, as  
9 follows:

10  
11 **23.76.058 Rules for special decisions**

12  
13 \* \* \*

14  
15 D. Public Projects not meeting Development Standards. The City Council  
16 may waive or modify applicable developments standards, accessory use  
17 requirements, special use requirements, or conditional use criteria for public  
18 projects, except for those proposed in the Pike Market Mixed (PMM) zone, the  
19 Pioneer Square Preservation District or the International Special Review District.  
20

21  
22 **Section 30.** Subsection B of Section 23.76.062 of the Seattle Municipal  
23 Code, which Section was last amended by Ordinance 115002, is amended as  
24 follows:

25  
26 **23.76.062 Council hearing and decision.**

27  
28 \* \* \*

29  
30 **B. Notice of Hearings.**

31 1. Notice of the Council hearing on a Type V decision shall be  
32 provided by the Director at least thirty (30) days prior to the hearing in the following  
33 manner:

- 34 a. Inclusion in the General Mailed Release;  
35 b. Posting in the Department; and  
36 c. Publication in the City's official newspaper.

37 2. Additional notice shall be provided by the Director for public  
38 hearings on City facilities, Major Institution designations and revocation of Major  
39 Institution designations, as follows:

- 40 a. Mailed notice; and  
41 b. ((At least four (4) placards)) One (1) land use sign  
42 posted at each street frontage abutting ((on or near)) the site.

\*\*\*

**Section 31.** Section 23.76.064 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

**23.76.064 Approval of city facilities.**

A. Concept Approval for City Facilities.

~~((A))~~1. In acting on the proposed siting or expansion of a City facility, the Council shall decide whether to approve in concept the facility. If concept approval is granted, the Council may impose terms and conditions, including but not limited to design criteria and conditions relating to the size and configuration of the proposed facility.

~~((B))~~2. Following Council approval, final plans for a City facility shall be submitted to the Director. If the Director determines that the project is consistent with the Council's concept approval, the Director shall issue the necessary permits for the facility.

~~((C))~~3. No further Council action is required for a City facility unless the Director determines that the final plans represent a major departure from the terms of the original Council concept approval, in which case the final plan shall be submitted to the Council for approval in the same manner as the original application.

B. City Facilities not meeting development standards. The Council may waive or modify applicable development standards, accessory use requirements, special use requirements, or conditional use criteria for City facilities, except for those proposed in the Pike Market Mixed (PMM) zone, the Pioneer Square Preservation District or the International Special Review District.

**Section 32.** Section 23.78.006 of the Seattle Municipal Code, which Section was adopted by Ordinance 110381, is amended as follows:

**23.78.006 Notice provided.**

Notification of the application and formation of a SUAC and the first meeting of the SUAC shall be provided by mailed notice, general mailed release, ~~((four (4) placards))~~ one (1) land use sign posted at each street frontage abutting ~~((on or near))~~ the site and publishing in a newspaper of substantial local circulation. If there

1 is an existing parents' organization, notice shall be given through their regular  
2 processes.

3  
4  
5 **Section 33.** Section 23.79.006 of the Seattle Municipal Code, which Section  
6 was adopted by Ordinance 112539, is amended as follows:

7  
8 **23.79.006 Notice provided for development standard departure.**

9  
10 Notification of the application and formation of a Development Standard  
11 Advisory Committee and the first meeting of the advisory committee shall be  
12 provided by mailed notice, general mailed release, ~~((four (4) placards))~~ one (1) land  
13 use sign posted at each street frontage abutting ~~((on or near))~~ the site and  
14 publishing in a newspaper of substantial local circulation and any relevant ethnic  
15 publications having substantial local circulation. If there is an existing parents'  
16 organization, notice shall be given through its regular processes. Notice shall also  
17 be given to community organizations known to the Department as representing the  
18 local area and to other related organizations who have requested notice.  
19

20  
21 **Section 34.** Section 23.84.024 of the Seattle Municipal Code, which Section  
22 was last amended by Ordinance 117929, is amended to delete one definition in  
23 alphabetical order as follows:

24  
25 **SMC 23.84.024 "L."**

26  
27 \* \* \*

28  
29 ~~("Large sign." See "Sign, large.")~~

30  
31 \* \* \*

32  
33  
34 **Section 35.** Section 23.84.025 of the Seattle Municipal Code, which Section  
35 was last amended by Ordinance 118012, is amended as follows:

36  
37 **23.84.025 "M."**

38  
39  
40 "Mailed notice" means notice mailed to such property owners, commercial  
41 lessees and residents of the area within three hundred feet (300') of the boundaries  
42 of a specific site as can be determined from the records of the King County

1 Department of Assessments and such additional references as may be identified by  
2 the Director; provided, that in the downtown area bounded by Denny Way,  
3 Interstate 5, South Royal Brougham Way and Elliott Bay, mailed notice shall mean  
4 notice mailed to owners, lessees and building managers on the project site and to  
5 property owners and building managers within three hundred feet (300') of a  
6 specific site and the posting of ~~((two (2) placards at each of the four (4)~~  
7 ~~intersections around the site))~~ one (1) land use sign at each street frontage abutting  
8 the site but not to exceed ten (10) land use signs. Annually, the Director shall  
9 publish in the City's official newspaper additional reference(s) to be used to  
10 supplement the information obtained from the King County records. The mailed  
11 notice shall request that property managers post the notice in a public area of the  
12 commercial or multifamily building.

13  
14 \* \* \*

15  
16  
17 **Section 36.** Section 23.84.036 of the Seattle Municipal Code, which Section  
18 was last amended by Ordinance 118409, is amended to add seven definitions,  
19 amend two definitions, and delete two definitions in alphabetical order as follows:

20  
21 **23.84.036 "S."**

22  
23 \* \* \*

24  
25 "Sign, chasing" means a sign which includes one or more rows of lights  
26 which light up in sequence.

27  
28 \* \* \*

29  
30 "Sign, double-faced" means a sign which has two display surfaces in  
31 approximately parallel planes backed against each other or against the same  
32 background, one face of which is designed to be seen from one direction and the  
33 other from the opposite direction.

34  
35 \* \* \*

36  
37 "Sign, Environmental Review" means a sign with dimensions of four feet (4')  
38 by eight feet (8') constructed of a durable material, required for public notice of  
39 proposed land use actions according to Chapter 23.76, Procedures for Master Use  
40 permits and council Land Use Decisions.

41  
42 \* \* \*

1  
2 "Sign, fabric" means a sign made of canvas, cloth or similar non-rigid  
3 material.

4  
5 \* \* \*

6  
7 "Sign, flashing" means ((a sign which contains an intermittent or flashing light  
8 source, or an externally mounted, intermittent light source)) an electrical sign or  
9 portion of an electrical sign which changes light intensity in sudden transitory  
10 bursts. Flashing signs do not include changing image or chasing signs.

11 "Sign, freestanding" means a pole or ground sign.

12  
13 \* \* \*

14  
15 "Sign, Land Use" means a sign with dimensions of at least eighteen inches  
16 (18") by twenty-four inches (24") but smaller than an environmental review sign,  
17 constructed of a durable material, required for public notice of proposed land use  
18 actions according to Chapter 23.76, Procedures for Master Use permits and council  
19 Land Use Decisions.

20 (("Sign, large" means a sign four (4) by eight feet (8'), constructed of a  
21 durable material.))

22  
23 \* \* \*

24  
25 "Sign, message board" means an electric sign which has a readerboard for  
26 the display of information, such as time, temperature, of public service or  
27 commercial messages, which can be changed through the turning on and off of  
28 different combinations of light bulbs within the display area.

29  
30 \* \* \*

31 "Sign, wall" means any sign attached to and supported by a wall of a  
32 structure, with the exposed face of the sign on a plane parallel to the plane of the  
33 wall, or any sign painted directly on a building facade.

34 (("Sign, wall" means a sign painted directly on a building facade.))

35  
36 \* \* \*

37  
38  
39 **Section 37.** Subsection B of Seattle Municipal Code Section 25.09.080,  
40 which Section was last amended by Ordinance 116976, is amended as follows:  
41  
42

1 25.09.080 Development standards for landslide-prone hazard areas.  
2

3 \* \* \*

4  
5 B. Staged Review Process. Projects proposed in landslide-prone areas  
6 shall be subject to a staged review process.

7 1. The Staged Review Process may consist of one (1) or more of  
8 the following steps:

- 9 a. Site visit and reconnaissance;  
10 b. Preliminary soils investigations including tests and  
11 borings; and  
12 c. Detailed geotechnical studies and engineering plans.

13 2. During the staged review process, more extensive studies and  
14 investigations may be required for more hazardous sites, based on the degree of  
15 slope, hydrology and underlying soils and geology. The Director may require  
16 detailed site investigation including, but not limited to the following:

- 17 a. Review of available literature regarding the site and  
18 surrounding areas;  
19 b. Detailed topographic analysis;  
20 c. Subsurface data and exploration logs;  
21 d. Ground surface profiles;  
22 e. Analysis of relationship of vegetated cover and slope  
23 stability;  
24 f. Site stability analysis;  
25 g. Geotechnical considerations to reduce risk; and  
26 h. Construction and post-construction monitoring.

27 3. The Director shall determine the amount of additional study  
28 necessary depending on the degree of landslide-prone hazard on a site based on  
29 the information disclosed during the staged review process. The Director may  
30 require third-party review.



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**Section 38.** 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 39.** This ordinance shall take effect and be in force on September 30, 1997.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1997, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Norman B. Rice, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
City Clerk

(SEAL)



# City of Seattle

91-132

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 environmental protection; amending Chapter 23.44 and Sections 23.41.008, 23.44.036, 23.44.041, 23.45.106, 23.47.004, 23.47.006, 23.49.008, 23.49.042, 23.49.046, 23.49.060, 23.49.066, 23.49.090, 23.49.096, 23.49.116, 23.49.122, 23.49.142, 23.49.148, 23.49.318, 23.49.324, 23.49.336, 23.50.012, 23.76.011, 23.76.012, 23.76.052, 23.76.058, 23.76.062, 23.75.064, 23.78.006, 23.79.006, 23.84.024, 23.84.025, and 23.84.036, and repealing Section 23.66.132 of the Seattle Municipal Code (Title 23, Land Use Code); and amending Section 25.09.080 (Chapter 25.09, Regulations for Environmentally Critical Areas) of the Seattle Municipal Code. **NOW THEREFORE,**

*revised*

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

legis\lawltr\gerard18

Enclosure Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104-1826  
Tel: (206) 684-8080, TDD (206) 684-8118, FAX: (206) 233-0085



TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

*[Handwritten signature]*

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

83852  
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

CTORD: 118672

was published on  
08/15/97

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

*R. Patterson*

08/15/97 Subscribed and sworn to before me on  
*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

\*\*\*

limited to, landscaping, screening or other design amenities, parking facilities adequate to accommodate potential parking demands; a traffic management plan; measures to mitigate housing loss; and measures to reduce energy consumption.

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

Section 6. Subsection E of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 118472, is amended as follows:

23.47.004 Permitted and prohibited uses.

\*\*\*

E. Public Facilities.

1. ((Public facilities which are similar to those provided by the private sector, such as offices, athletic facilities or medical service uses, shall be permitted or prohibited in all commercial zones according to the use regulations for the particular type of use. These public facilities shall meet the development standards for the use to which they are similar. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.)) Except as provided in subsection E2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter shall also be permitted outright or as a conditional use, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses. The City Council may waive or modify applicable development standards 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.

2. ((Public facilities which are not similar to those provided by the private sector, such as police and fire stations, shall be permitted unless specifically prohibited in Chart A. These public facilities shall meet the development standards of the zone in which they are located. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Actions.)) Other Permitted Uses in Public Facilities Requiring City Council Approval. Unless specifically prohibited in Chart A, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter may be permitted by the City Council. Uses in public facilities shall meet the development standards of the zone in which they are located. The City Council may waive or modify applicable development standards 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.

3. In all commercial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

- a. The project provides unique services which are not provided to the community by the private sector, such as police and fire stations;
- b. The proposed location is required to meet specific public service delivery needs; and
- c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and
- d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted uses in public facilities allowed in subsections E1 and E2 above according to the same provisions and procedural requirements as described in these subsections. Major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven-hundred (700) 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 sitting.

b. 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 E1 and E2 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.

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

checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

(3) The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained;

(4) The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

(5) The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

(6) The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

(7) The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

(8) Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.

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Section 8. Subsection C of Section 23.49.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows:

23.49.008 Structure height.

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C. Rooftop Features.

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

2. Solar collectors may extend up to seven feet (7') above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, as long as the combined coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) if the total includes stair or elevator penthouses or screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment; and
- d. Play equipment and open-mesh fencing, as long as the

fencing is at least fifteen feet (15') from the roof edge.

4. ((Radio and television receiving)) Major or minor communication utilities: religious symbols ((such as bellies or spires)) and that portion of the roof which supports them, such as bellies or spires; smokestacks; and flagpoles may extend up to fifty feet (50') above the roof of the structure on which they are located or fifty feet (50') above the maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport Height District. They shall be located a minimum of ten feet (10') from all lot lines.

5. ((Council)) Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C4 may exceed a height of fifty feet (50') above the roof of the structure on which they are located if authorized by the Director through an ((Council)) Administrative Conditional Use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

- a. The feature shall be compatible with and not adversely affect the downtown skyline.
- b. The feature shall not have a significant adverse effect upon the light, air, solar and visual access of properties within a three-hundred-foot (300') radius.
- c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.
- d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.
- e. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

Section 9. Subsection C of Section 23.49.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, is amended as follows: