

Ordinance No. 119904

Council Bill No. 113100

# The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, adding a new subsection "E" to Section 23.42.040, and amending Sections 23.76.006, 23.76.010, and 23.84.024 of the Seattle Municipal Code to permit temporary facilities and uses necessary for the construction of the Sound Transit Link Light Rail system.

4-1-00 - Joint Committee 5 (Comm)  
4/10/00 Full

CF No. \_\_\_\_\_

Date Introduced:	FEB 14 2000	
Date 1st Referred:	To: (committee)	TRANSPORTATION <i>and</i>
	Landlord/Tenant &	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>4-10-00</u>	<u>8-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>4-11-00</u>	<u>4-17-00</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/>
<u>4-17-00</u>		F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

*Law Department*

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: McIVER and NICASTRO  
Councilmember

of

## Committee Action: E

4-4-00 - Joint Committee 5 (Environment/Health/Transport + Land Use) - PASS AS AMENDED 4-0 ON (MC, PS, MP)

4/10/00 Full Council passed as amended 8-0  
(PS & UUC)

E amended 4/10/00

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(Initial/Date)

*Law Department*

Law Dept. Review

OMP  
Review

E  
City Clerk  
Review

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ORDINANCE 119904

AN ORDINANCE relating to land use and zoning, adding a new subsection "E" to Section 23.42.040, and amending Sections 23.76.006, 23.76.010, and 23.84.024 of the Seattle Municipal Code, to permit temporary facilities and uses necessary for the construction of the Sound Transit Link Light Rail system.

WHEREAS, Sound Transit (formally known as the Central Puget Sound Regional Transit Authority) is proceeding to implement Sound Move, the ten year regional transit system plan approved by voters in November, 1996; and

WHEREAS, Sound Move includes the Link electric light rail line connecting the cities of SeaTac, Tukwila and Seattle, which will provide numerous benefits to Seattle's residents, workers, and visitors, and which will help the City meet its Comprehensive Plan goals for dense, mixed use urban centers and urban villages connected by high-quality public transit; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors, of which two City of Seattle elected officials are members, approved the light rail alignment, station locations, and maintenance base location in the city; and

WHEREAS, the City Council and Mayor have committed to work cooperatively with Sound Transit to ensure that the light rail system gets built cost effectively, and that it is sensitive to the needs and interests of the citizens of Seattle; and

WHEREAS, Sound Transit will apply to the City of Seattle for permits for components of the light rail system, both within and outside of public rights of way, for temporary construction-related facilities and uses, and for permanent uses and facilities; and

WHEREAS, currently, the City's Land Use Code (SMC Title 23) does not include an applicable category of use or facility that encompasses the construction-related uses and facilities needed to build the light rail system; and

WHEREAS, the City Council wants to add such a category of use or facility to the Land Use Code to accommodate Sound Transit's Link light rail system;

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

**Section 1.** Section 23.42.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended to add a new subsection "E", as follows:



1     **23.42.040     Temporary uses.**  
2

3             The Director may grant, deny or condition applications for temporary use  
4 authorization for uses not otherwise permitted or not meeting development standards in  
5 the zone, which are in keeping with the spirit and purpose of the Land Use Code.  
6

7                                     \* \* \*

8  
9             E.     Light rail transit facility construction. A temporary structure or use that  
10 supports the construction of a light rail transit facility may be authorized by the Director  
11 pursuant to a Master Use Permit if:  
12

13                     1.     The alignment, station locations, and maintenance base location of  
14 the light rail transit system has been approved by the City Council by ordinance or  
15 resolution;  
16

17                     2.     The temporary use or structure is authorized for only so long as is  
18 necessary to support construction of the light rail transit system;  
19

20                     3.     The applicant must submit plans for the establishment of  
21 temporary construction uses and facilities to the Director for approval. When reviewing  
22 the application, the Director shall consider the duration and severity of impacts, and the  
23 number and special needs of people and businesses exposed, such as frail, elderly, and  
24 special needs residents. Following review of proposed plans and measures to mitigate  
25 impacts of light rail transit facility construction, and prior to the issuance of any permits  
26 granting permission to establish construction facilities and uses, the Director may impose  
27 reasonable conditions to reduce construction impacts on surrounding businesses and  
28 residences, including but not limited to the following:  
29

30                             a.     Noise impacts will be governed by the Noise Control  
31 Ordinance (SMC 25.08) and off-site impacts associated with grading and drainage will be  
32 governed by the Stormwater, Grading and Drainage Ordinance (SMC 22.800 – 22.808).  
33

34                             b.     Light. To the extent feasible, light should be shielded and  
35 directed away from adjoining properties;  
36

37                             c.     Best Management Practices. Construction activities on the  
38 site must comply with Director's Rule # 6-93, Best Management Practices for  
39 Construction Erosion and Sedimentation Control Plans;  
40

41                             d.     Parking and Traffic. Measures addressing parking and  
42 traffic impacts associated with truck haul routes, truck loading and off-loading facilities,  
43 parking supply displaced by construction activity, and resulting from temporary  
44 construction-worker parking, including measures to reduce demand for parking by  
45 construction employees must be included;  
46

1 e. Local Businesses. The applicant must address measures to  
2 limit disruption of local business, including pedestrian and/or auto access to business,  
3 loss of customer activity, or other impacts due to protracted construction activity.  
4

5 f. Security. The applicant must address site security and  
6 undertake measures to ensure the site is secure at all times and to limit trespassing or the  
7 attraction of illegal activity to the surrounding neighborhood.  
8

9 g. Site Design. The construction site should be designed in a  
10 manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede  
11 pedestrian mobility around the site and through adjoining neighborhoods. Measures  
12 should also be undertaken to ensure appropriate screening of materials storage and other  
13 construction activities from surrounding streets and properties.  
14

15 h. Public Information. Actions should be taken that will  
16 inform surrounding residents and businesses of construction activities taking place and  
17 their anticipated duration, including a 24-hour phone number to seek additional  
18 information or to report problems.  
19

20 i. Temporary structures must be constructed to withstand  
21 inclement weather conditions.  
22

23 j. Vibration. The applicant must consider measures to  
24 mitigate vibration impacts on surrounding residents and businesses.  
25

26 4. Site Restoration.  
27

28 a. The applicant must also agree, in writing, to submit a  
29 restoration plan to the Director for restoring areas occupied by temporary construction  
30 activities, uses or structures.  
31

32 b. The restoration plan must be submitted and approved prior to  
33 the applicant vacating the construction site and it must include proposals for cleaning,  
34 clearing, removing construction debris, grading, remediation of landscaping, and  
35 restoration of grade and drainage.  
36

37 c. Site restoration must generally be accomplished within 180  
38 days of cessation of use of the site for construction uses and activities, unless otherwise  
39 agreed to between the applicant and the Director.  
40

41 d. The Director will approve plans for site restoration in  
42 accordance with mitigation plans authorized under this Section.  
43

44 5. A master use permit for a temporary structure or use that supports  
45 the construction of a light rail transit facility shall not be issued until the Director has  
46 received satisfactory evidence that the applicant has obtained sufficient funding (which  
47 might include a Full Funding Grant Agreement with a federal agency) to complete the  
48 work described in the master use permit application.



1  
2  
3       **Section 2.**     Subsection C of Section 23.76.006 of the Seattle Municipal Code,  
4 which Section was last amended by Ordinance 119618, is amended as follows:  
5

6     **23.76.006     Master Use Permits required.**  
7

8                             \* \* \*

9       C.     The following are Type II decisions:  
10

11             1.     The following procedural environmental decisions for Master Use  
12 Permits and for building, demolition, grading and other construction permits are subject  
13 to appeal to the Hearing Examiner and are not subject to further appeal to the City  
14 Council (supplemental procedures for environmental review are established in SMC  
15 Chapter 25.05, Environmental Policies and Procedures):  
16

- 17                     a.     Determinations of Non-significance (DNSs), including  
18 mitigated DNSs;  
19                     b.     Determination that a final environmental impact statement  
20 (EIS) is adequate; and  
21                     c.     Determination of Significance based solely on historic and  
22 cultural preservation.  
23

24             2.     The following decisions, including any integrated decisions to  
25 approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing  
26 Examiner (except shoreline decisions and related environmental determinations which  
27 are appealable to the Shoreline Hearings Board):  
28

- 29                     a.     Establishment or change of use for temporary uses more  
30 than four (4) weeks not otherwise permitted in the zone or not meeting development  
31 standards, including the establishment of temporary uses and facilities to construct a  
32 light rail transit system for so long as is necessary to construct the system as provided in  
33 Section 23.42.040E, and excepting the temporary relocation of police and fire stations for  
34 twelve (12) months or less;  
35  
36                     b.     Short subdivisions;  
37  
38                     c.     Variances; provided that, variances sought as part of a Type  
39 IV decision may be granted by the Council pursuant to Section 23.76.036;  
40  
41                     d.     Special exceptions; provided that, special exceptions  
42 sought as part of a Type IV decision may be granted by the Council pursuant to Section  
43 23.76.036;  
44                     e.     Design review;  
45  
46                     f.     Administrative conditional uses; provided that,  
47 administrative conditional uses sought as part of a Type IV decision may be granted by  
48 the Council pursuant to Section 23.76. 036;



1  
2 g. The following shoreline decisions (supplemental  
3 procedures for shoreline decisions are established in Chapter 23.60):  
4

- 5 (1) Shoreline substantial development permits,  
6 (2) Shorelines variances,  
7 (3) Shorelines conditional uses;

8  
9 h. Northgate General Development Plan;

10  
11 i. Major Phased Development; and

12  
13 j. Determination of project consistency with a planned action  
14 ordinance and EIS.

15  
16 \* \* \*

17  
18 **Section 3.** Subsection A of Section 23.76.010 of the Seattle Municipal Code,  
19 which Section was last amended by Ordinance 118794, is amended as follows:  
20

21 **23.76.010 Applications for Master Use Permits.**

22  
23 A. Applications for Master Use Permits shall be made by the property owner,  
24 lessee, contract purchaser, ~~((or))~~ a City agency, or other public agency proposing a  
25 project the location of which has been approved by the City Council by ordinance or  
26 resolution, or by an authorized agent thereof. A Master Use Permit applicant shall  
27 designate a single person or entity to receive determinations and notices from the  
28 Director.

29  
30 \* \* \*

31  
32 **Section 4.** Section 23.84.024 of the Seattle Municipal Code, which Section  
33 was last amended by Ordinance 119618, is amended by adding the following new  
34 definitional subsections:  
35

36 **23.84.024 "L"**

37 \* \* \*

38  
39 "Light rail transit facility" means a structure, rail track, equipment, maintenance  
40 base or other improvement of a light rail transit system, including but not limited to  
41 ventilation structures, traction power substations, light rail transit stations and related  
42 passenger amenities, bus layover and inter-modal passenger transfer facilities, and transit  
43 station access facilities.

44  
45 "Light rail transit system" means a public rail transit line that operates at grade  
46 level, above grade level, or in a tunnel and that provides high-capacity, regional transit  
47 service owned or operated by a regional transit authority authorized under Chapter  
48 81.112 RCW. A light rail transit system may be designed to share a street right-of-way



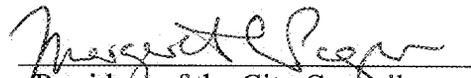
1 although it may also use a separate right-of-way. Commuter rail, and low capacity, or  
2 excursion rail transit service, such as the Waterfront Streetcar or Seattle Monorail, are not  
3 included.

4  
5 \* \* \*

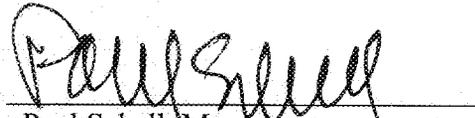
6  
7 **Section 5.** Any act made consistent with the authority and prior to the  
8 effective date of this ordinance is hereby ratified and confirmed.

9  
10 **Section 6.** This ordinance shall take effect and be in force thirty (30) days  
11 from and after its approval by the Mayor, but if not approved and returned by the Mayor  
12 within ten (10) days after presentation, it shall take effect as provided by Municipal Code  
13 Section 1.04.020.

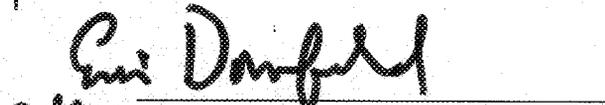
14  
15  
16 Passed by the City Council the 10 day of April, 2000, and signed  
17 by me in open session in authentication of its passage this 10 day of April,  
18 2000.

19  
20   
21 \_\_\_\_\_  
22 President of the City Council

23 Approved by me this 17<sup>th</sup> day of April, 2000.

24  
25   
26 \_\_\_\_\_  
27 Paul Schell, Mayor

28 Filed by me this 17<sup>th</sup> day of April, 2000

29  
30   
31 \_\_\_\_\_  
32 acting City Clerk

33  
34 (SEAL)  
35





# City of Seattle

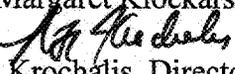
Paul Schell, Mayor

## Department of Design, Construction and Land Use

R. F. Krochalis, Director

### MEMORANDUM

**To:** Margaret Pageler, Council President  
Via Margaret Klockars, Law Department

**From:**   
Rick Krochalis, Director

**Date:** January 27, 2000

**Subject:** Sound Transit Temporary Construction Activities Ordinance

The attached ordinance is hereby submitted for your review and approval. The proposed ordinance will establish a temporary permit approval for construction of the Link light rail system. The Land Use Code amendments are necessary to permit and mitigate the impacts of the temporary construction activities that will be necessary along the light rail system alignment, approved by the Sound Transit Board on November 18, 1999. Temporary construction activities are anticipated to continue for the next six years.

The proposed amendments establish the basis for City approval of temporary use permits for structures and uses of sites throughout the alignment. The criteria proposed to review Sound Transit's submittals will allow mitigation of the anticipated impacts of light rail construction on surrounding neighborhoods and businesses. The decision to permit and mitigate temporary construction activities will be a Type II discretionary decision within the City's Land Use Decision Framework and is appealable to City's Hearing Examiner.

Environmental review of the proposed amendments to the Land Use Code is covered by the environmental analysis of construction related impacts and mitigation proposed in Sound Transit's Environmental Impact Statement on the light rail system. No further environmental analysis of the text amendments is necessary. The decision to approve the proposed text amendments will take place after Council has scheduled a public hearing at a date yet to be announced.

The proposed legislation is not of a fiscal nature. Costs associated with administration of the new temporary permit decision will be borne by the applicant through permit fees. Other anticipated costs to the City for implementation and administration of the proposed amendments are anticipated to be absorbed by the Department within existing sources of revenue and funding.

Further information on the proposed ordinance is available from John Skelton at 233-3883.

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City of Seattle, Department of Design, Construction and Land Use  
710 Second Avenue, Suite 200, Seattle, WA 98104-1703

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



**Full City Council Meeting – Monday, April 10, 1999**

**C.B. 113100 (agenda item #2) – Relating to Light Rail Permitting**

(STconstructord-amend.doc M★L 4/8/00)

Possible amendments for discussion at full Council on April 10 are as follows. (Page and line references are to version 9, which was passed out of the joint committee meeting on April 4, and which is behind tab 2 in councilmembers' Bill Books.)

---

**Amendment A:** On page 3, line 22, add new subsection "j." to read as follows:

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

---

**Amendment B:** On page 4, line 28, correct typo so first word is "than" (not "that").

---

**Amendment C:** On page 2, lines 26-27, change word in phrase to read "the Director may shall impose reasonable conditions . . . ."

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8-0  
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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:

*Richard J. McIver*

*John A.*

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

JS:STConstructOrd  
2/8/00 12:50 PM  
V2

**ORDINANCE** \_\_\_\_\_

1  
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3

1     **23.42.040     Temporary uses.**

2  
3     The Director may grant, deny or condition applications for temporary use  
4 authorization for uses not otherwise permitted or not meeting development standards in  
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10 supports the construction of a light rail transit facility may be authorized by the Director  
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13             1.     The alignment, station locations, and maintenance base location of  
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15 resolution;  
16

17             2.     The temporary use or structure is authorized for only so long as is  
18 necessary to support construction of the light rail transit system;  
19

20             3.     The applicant must submit plans for the establishment of  
21 temporary construction uses and facilities to the Director for approval. Following review  
22 of proposed plans and measures to mitigate impacts of light rail transit facility  
23 construction, and prior to the issuance of any permits granting permission to establish  
24 construction facilities and uses, the Director may impose conditions to reduce  
25 construction impacts, to the extent practicable, on surrounding businesses and residences  
26 as follows:  
27

28                     a.     Noise and off-site impacts associated with grading and  
29 drainage will be governed by the Noise Control Ordinance (SMC 25.08) and the  
30 Stormwater, Grading and Drainage Ordinance (SMC 22.800 – 22.808).  
31

32                     b.     Light. To the extent feasible, light should be shielded and  
33 directed away from adjoining properties;  
34

35                     c.     Best Management Practices. Construction activities on the  
36 site must comply with Director's Rule # 6-93, Best Management Practices for  
37 Construction Erosion and Sedimentation Control Plans;  
38

39                     d.     Parking and Traffic. Measures addressing parking and  
40 traffic impacts associated with truck haul routes, truck loading and off-loading facilities,  
41 parking supply displaced by construction activity, and resulting from temporary  
42 construction-worker parking, including measures to reduce demand for parking by  
43 construction employees must be included;  
44



1 e. Local Businesses. The applicant must address measures to  
2 limit disruption of local business including, pedestrian and/or auto access to business,  
3 loss of business revenue, or other displacement due to protracted construction activity.  
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5 f. Security. The applicant must address site security and  
6 undertake measures to ensure the site is secure at all times and to limit trespassing or the  
7 attraction of illegal activity to the surrounding neighborhood.  
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9 g. Site Design. The construction site should be designed in a  
10 manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede  
11 pedestrian mobility around the site and through adjoining neighborhoods. Measures  
12 should also be undertaken to ensure appropriate screening of materials storage and other  
13 construction activities from surrounding streets and properties.  
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15 h. Public Information. Actions should be taken that will  
16 inform surrounding residents and businesses of construction activities taking place and  
17 their anticipated duration, including a 24-hour phone number to seek additional  
18 information or to report problems.  
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20 i. Temporary structures must be constructed to withstand  
21 inclement weather conditions.  
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23 4. Site Restoration.  
24

25 a. The applicant must also agree, in writing, to submit a  
26 restoration plan to the Director for restoring areas occupied by temporary construction  
27 activities, uses or structures.  
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29 b. The restoration plan must be submitted and approved prior to  
30 the applicant vacating the construction site and it must include proposals for cleaning,  
31 clearing, grading, remediation of landscaping, and restoration of grade and drainage.  
32

33 c. Site restoration must generally be accomplished within 180  
34 days of cessation of use of the site for construction uses and activities, unless otherwise  
35 agreed to between the applicant and the Director.  
36

37 d. The Director will approve plans for site restoration in  
38 accordance with mitigation plans authorized under this Section.  
39

40 **Section 2.** Section 23.76.006 of the Seattle Municipal Code, which Section  
41 was last amended by Ordinance 119618, is amended as follows:  
42



1 **23.76.006 Master Use Permits required.**

2  
3 \* \* \*

4 C. The following are Type II decisions:

5  
6 1. The following procedural environmental decisions for Master Use  
7 Permits and for building, demolition, grading and other construction permits are subject  
8 to appeal to the Hearing Examiner and are not subject to further appeal to the City  
9 Council (supplemental procedures for environmental review are established in SMC  
10 Chapter 25.05, Environmental Policies and Procedures):

- 11  
12 a. Determinations of Non-significance (DNSs), including  
13 mitigated DNSs;  
14 b. Determination that a final environmental impact statement  
15 (EIS) is adequate; and  
16 c. Determination of Significance based solely on historic and  
17 cultural preservation.

18  
19 2. The following decisions, including any integrated decisions to  
20 approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing  
21 Examiner (except shoreline decisions and related environmental determinations which  
22 are appealable to the Shoreline Hearings Board):

23  
24 a. Establishment or change of use for temporary uses more  
25 than four (4) weeks not otherwise permitted in the zone or not meeting development  
26 standards, including the establishment of temporary uses and facilities to construct a  
27 light rail transit system for so long as is necessary to construct the system as provided in  
28 Section 23.42.040E, and excepting the temporary relocation of police and fire stations for  
29 twelve (12) months or less;

30 b. Short subdivisions;

31  
32 c. Variances; provided that, variances sought as part of a Type  
33 IV decision may be granted by the Council pursuant to Section 23.76.036;

34  
35 d. Special exceptions; provided that, special exceptions  
36 sought as part of a Type IV decision may be granted by the Council pursuant to Section  
37 23.76.036;

38 e. Design review;

39  
40 f. Administrative conditional uses; provided that,  
41 administrative conditional uses sought as part of a Type IV decision may be granted by  
42 the Council pursuant to Section 23.76.036;

43  
44 g. The following shoreline decisions (supplemental  
45 procedures for shoreline decisions are established in Chapter 23.60):  
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- (1) Shoreline substantial development permits,
- (2) Shorelines variances,
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h. Northgate General Development Plan;

i. Major Phased Development; and

j. Determination of project consistency with a planned action

ordinance and EIS.

\* \* \*

**Section 3.** Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794, is amended as follows:

**23.76.010 Applications for Master Use Permits.**

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City or other public agency, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

\* \* \*





1  
2  
3 **ORDINANCE**  
4

5  
6 **AN ORDINANCE** relating to land use and zoning, adding a new subsection "E" to  
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9 the construction of the Sound Transit Link Light Rail system.

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11 **WHEREAS**, Sound Transit (formally known as the Central Puget Sound Regional  
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15 **WHEREAS**, Sound Move includes the Link electric light rail line connecting the cities  
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18 Plan goals for dense, mixed use urban centers and urban villages connected by high-  
19 quality public transit; and

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21 **WHEREAS**, on November 18, 1999, the Sound Transit Board of Directors, of which two  
22 City of Seattle elected officials are members, approved the light rail alignment, station  
23 locations, and maintenance base location in the city; and

24  
25 **WHEREAS**, the City Council and Mayor have committed to work cooperatively with  
26 Sound Transit to ensure that the light rail system gets built cost effectively, and that it is  
27 sensitive to the needs and interests of the citizens of Seattle; and

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29 **WHEREAS**, Sound Transit will apply to the City of Seattle for permits for components  
30 of the light rail system, both within and outside of public rights of way, for temporary  
31 construction-related facilities and uses, and for permanent uses and facilities; and

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33 **WHEREAS**, currently, the City's Land Use Code (SMC Title 23) does not include an  
34 applicable category of use or facility that encompasses the construction-related uses and  
35 facilities needed to build the light rail system; and

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37 **WHEREAS**, the City Council wants to add such a category of use or facility to the Land  
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11 pursuant to a Master Use Permit if:

12  
13                     1.     The alignment, station locations, and maintenance base location of  
14 the light rail transit system has been approved by the City Council by ordinance or  
15 resolution;

16  
17                     2.     The temporary use or structure is authorized for only so long as is  
18 necessary to support construction of the light rail transit system;

19  
20                     3.     The applicant must submit plans for the establishment of  
21 temporary construction uses and facilities to the Director for approval. When reviewing  
22 the application, the Director shall consider the duration and severity of impacts, and the  
23 number and special needs of people and businesses exposed, such as frail, elderly, and  
24 special needs residents. Following review of proposed plans and measures to mitigate  
25 impacts of light rail transit facility construction, and prior to the issuance of any permits  
26 granting permission to establish construction facilities and uses, the Director shall impose  
27 reasonable conditions to reduce construction impacts on surrounding businesses and  
28 residences, including but not limited to the following:

29  
30                             a.     Noise impacts will be governed by the Noise Control  
31 Ordinance (SMC 25.08) and off-site impacts associated with grading and drainage will be  
32 governed by the Stormwater, Grading and Drainage Ordinance (SMC 22.800 – 22.808).

33  
34                             b.     Light. To the extent feasible, light should be shielded and  
35 directed away from adjoining properties;

36  
37                             c.     Best Management Practices. Construction activities on the  
38 site must comply with Director's Rule # 6-93, Best Management Practices for  
39 Construction Erosion and Sedimentation Control Plans;

40  
41                             d.     Parking and Traffic. Measures addressing parking and  
42 traffic impacts associated with truck haul routes, truck loading and off-loading facilities,  
43 parking supply displaced by construction activity, and resulting from temporary  
44 construction-worker parking, including measures to reduce demand for parking by  
45 construction employees must be included;

1 e. Local Businesses. The applicant must address measures to  
2 limit disruption of local business, including pedestrian and/or auto access to business,  
3 loss of customer activity, or other impacts due to protracted construction activity.

4  
5 f. Security. The applicant must address site security and  
6 undertake measures to ensure the site is secure at all times and to limit trespassing or the  
7 attraction of illegal activity to the surrounding neighborhood.

8  
9 g. Site Design. The construction site should be designed in a  
10 manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede  
11 pedestrian mobility around the site and through adjoining neighborhoods. Measures  
12 should also be undertaken to ensure appropriate screening of materials storage and other  
13 construction activities from surrounding streets and properties.

14  
15 h. Public Information. Actions should be taken that will  
16 inform surrounding residents and businesses of construction activities taking place and  
17 their anticipated duration, including a 24-hour phone number to seek additional  
18 information or to report problems.

19  
20 i. Temporary structures must be constructed to withstand  
21 inclement weather conditions.

22  
23 4. Site Restoration.

24  
25 a. The applicant must also agree, in writing, to submit a  
26 restoration plan to the Director for restoring areas occupied by temporary construction  
27 activities, uses or structures.

28  
29 b. The restoration plan must be submitted and approved prior to  
30 the applicant vacating the construction site and it must include proposals for cleaning,  
31 clearing, removing construction debris, grading, remediation of landscaping, and  
32 restoration of grade and drainage.

33  
34 c. Site restoration must generally be accomplished within 180  
35 days of cessation of use of the site for construction uses and activities, unless otherwise  
36 agreed to between the applicant and the Director.

37  
38 d. The Director will approve plans for site restoration in  
39 accordance with mitigation plans authorized under this Section.

40  
41 5. A master use permit for a temporary structure or use that supports  
42 the construction of a light rail transit facility shall not be issued until the Director has  
43 received satisfactory evidence that the applicant has obtained sufficient funding (which  
44 might include a Full Funding Grant Agreement with a federal agency) to complete the  
45 work described in the master use permit application.

1           **Section 2.**     Subsection C of Section 23.76.006 of the Seattle Municipal Code,  
2     which Section was last amended by Ordinance 119618, is amended as follows:

3  
4     **23.76.006     Master Use Permits required.**

5  
6                                     \* \* \*

7           C.       The following are Type II decisions:

8  
9                     1.     The following procedural environmental decisions for Master Use  
10     Permits and for building, demolition, grading and other construction permits are subject  
11     to appeal to the Hearing Examiner and are not subject to further appeal to the City  
12     Council (supplemental procedures for environmental review are established in SMC  
13     Chapter 25.05, Environmental Policies and Procedures):

- 14  
15                             a.     Determinations of Non-significance (DNSs), including  
16     mitigated DNSs;  
17                             b.     Determination that a final environmental impact statement  
18     (EIS) is adequate; and  
19                             c.     Determination of Significance based solely on historic and  
20     cultural preservation.

21  
22                     2.     The following decisions, including any integrated decisions to  
23     approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing  
24     Examiner (except shoreline decisions and related environmental determinations which  
25     are appealable to the Shoreline Hearings Board):

26  
27                             a.     Establishment or change of use for temporary uses more  
28     than four (4) weeks not otherwise permitted in the zone or not meeting development  
29     standards, including the establishment of temporary uses and facilities to construct a  
30     light rail transit system for so long as is necessary to construct the system as provided in  
31     Section 23.42.040E, and excepting the temporary relocation of police and fire stations for  
32     twelve (12) months or less;

33  
34                             b.     Short subdivisions;

35  
36                             c.     Variances; provided that, variances sought as part of a Type  
37     IV decision may be granted by the Council pursuant to Section 23.76.036;

38  
39                             d.     Special exceptions; provided that, special exceptions  
40     sought as part of a Type IV decision may be granted by the Council pursuant to Section  
41     23.76.036;

42                             e.     Design review;

43  
44                             f.     Administrative conditional uses; provided that,  
45     administrative conditional uses sought as part of a Type IV decision may be granted by  
46     the Council pursuant to Section 23.76.036;

1 g. The following shoreline decisions (supplemental  
2 procedures for shoreline decisions are established in Chapter 23.60):

- 3 (1) Shoreline substantial development permits,
- 4 (2) Shorelines variances,
- 5 (3) Shorelines conditional uses;

6 h. Northgate General Development Plan;

7 i. Major Phased Development; and

8 j. Determination of project consistency with a planned action  
9 ordinance and EIS.

10 \* \* \*

11 **Section 3.** Subsection A of Section 23.76.010 of the Seattle Municipal Code,  
12 which Section was last amended by Ordinance 118794, is amended as follows:

13 **23.76.010 Applications for Master Use Permits.**

14 A. Applications for Master Use Permits shall be made by the property owner,  
15 lessee, contract purchaser, ~~((or))~~ a City agency, or other public agency proposing a  
16 project the location of which has been approved by the City Council by ordinance or  
17 resolution, or by an authorized agent thereof. A Master Use Permit applicant shall  
18 designate a single person or entity to receive determinations and notices from the  
19 Director.

20 \* \* \*

21 **Section 4.** Section 23.84.024 of the Seattle Municipal Code, which Section  
22 was last amended by Ordinance 119618, is amended by adding the following new  
23 definitional subsections:

24 **23.84.024 "L"**

25 \* \* \*

26 "Light rail transit facility" means a structure, rail track, equipment, maintenance  
27 base or other improvement of a light rail transit system, including but not limited to  
28 ventilation structures, traction power substations, light rail transit stations and related  
29 passenger amenities, bus layover and inter-modal passenger transfer facilities, and transit  
30 station access facilities.

31 "Light rail transit system" means a public rail transit line that operates at grade  
32 level, above grade level, or in a tunnel and that provides high-capacity, regional transit  
33 service owned or operated by a regional transit authority authorized under Chapter  
34 81.112 RCW. A light rail transit system may be designed to share a street right-of-way  
35 although it may also use a separate right-of-way. Commuter rail, and low capacity, or



1 excursion rail transit service, such as the Waterfront Streetcar or Seattle Monorail, are not  
2 included.

3  
4 \* \* \*

5  
6 **Section 5.** Any act made consistent with the authority and prior to the  
7 effective date of this ordinance is hereby ratified and confirmed.

8  
9 **Section 6.** This ordinance shall take effect and be in force thirty (30) days  
10 from and after its approval by the Mayor, but if not approved and returned by the Mayor  
11 within ten (10) days after presentation, it shall take effect as provided by Municipal Code  
12 Section 1.04.020.

13  
14  
15 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2000, and signed  
16 by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_,  
17 2000.

18 \_\_\_\_\_  
19 President of the City Council

20  
21 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2000.

22  
23  
24 \_\_\_\_\_  
25 Paul Schell, Mayor

26  
27 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2000

28  
29  
30 \_\_\_\_\_  
31 City Clerk

32  
33 (SEAL)  
34



STATE OF WASHINGTON - KING COUNTY

117578

City of Seattle, City Clerk

-ss.

No. FULL ORD

Affidavit of Publication

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

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:119904 ORDINANCE

was published on

04/28/00

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

*[Handwritten signature]*

Subscribed and sworn to before me on  
04/28/00

*[Handwritten signature]*  
Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 119904

AN ORDINANCE relating to land use and zoning, adding a new subsection "E" to Section 23.42.040, and amending Sections 23.76.006, 23.76.010, and 23.84.024 of the Seattle Municipal Code, to permit temporary facilities and uses necessary for the construction of the Sound Transit Link Light Rail system.

WHEREAS, Sound Transit (formally known as the Central Puget Sound Regional Transit Authority) is proceeding to implement Sound Move, the ten year regional transit system plan approved by voters in November, 1996; and

WHEREAS, Sound Move includes the Link electric light rail line connecting the cities of SeaTac, Tukwila and Seattle, which will provide numerous benefits to Seattle's residents, workers, and visitors, and which will help the City meet its Comprehensive Plan goals for dense, mixed use urban centers and urban villages connected by high-quality public transit; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors, of which two City of Seattle elected officials are members, approved the light rail alignment, station locations, and maintenance base location in the city; and

WHEREAS, the City Council and Mayor have committed to work cooperatively with Sound Transit to ensure that the light rail system gets built cost effectively, and that it is sensitive to the needs and interests of the citizens of Seattle; and

WHEREAS, Sound Transit will apply to the City of Seattle for permits for components of the light rail system, both within and outside of public rights of way, for temporary construction-related facilities and uses, and for permanent uses and facilities; and

WHEREAS, currently, the City's Land Use Code (SMC Title 23) does not include an applicable category of use or facility that encompasses the construction-related uses and facilities needed to build the light rail system; and

WHEREAS, the City Council wants to add such a category of use or facility to the Land Use Code to accommodate Sound Transit's Link light rail system.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.42.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended to add a new subsection "E", as follows:

### 23.42.040 TEMPORARY USES

The Director may grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in the zone, which are in keeping with the spirit and purpose of the Land Use Code.

\*\*\*

E. Light rail transit facility construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit if:

1. The alignment, station locations, and maintenance base location of the light rail transit system has been approved by the City Council by ordinance or resolution;

2. The temporary use or structure is authorized for only so long as is necessary to support construction of the light rail transit system;

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:

activities taking place and their anticipated duration, including a 24-hour phone number to seek additional information or to report problems.

i. Temporary structures must be constructed to withstand inclement weather conditions.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

#### 4. Site Restoration

a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.

b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.

c. Site restoration must generally be accomplished within 180 days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.

d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this Section.

5. A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.

SECTION 2. Subsection C of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 119618, is amended as follows:

### 23.76.006 MASTER USE PERMITS REQUIRED

\*\*\*

The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.06, Environmental Policies and Procedures):

a. Determination of Non-significance (DNSs), including mitigated DNSs;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on CEQA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shoreline Hearings Board):

a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting the temporary relocation of poles and fire stations for twelve (12) months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review;

f. Administrative conditional uses; provided that...