Ordinance No. 120155

Council Bill No. 113230

AN ORDINANCE relating to land use and zoning, amending Sections 23.50.012 and 23.50.027 to provide a special exception in IG1 zones from size limits for office uses in public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City on lots containing existing vacant structures.

CF No. _____

Date Introduced: 5-22-00	
Date 1st Referred: 5-22-00	To: (committee) Finance, Budget & Economic Development
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 11-13-00	Full Council Vote: 9-0
Date Presented to Mayor: 11-14-00	Date Approved: 11-14-00
Date Returned to City Clerk: 11-14-00	Date Published: 6 pg. / T.O. ___ F.T. ✓
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattl

Council Bill/Ordina

8-16-00

8/21/00 He

11-13-00 Pas

This file is complete and read

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Drago

Councilmember

Committee Actions:

8-16-00 Do Pass 4-0 Drago

McIver

Conlin

8/21/00 Held Licata

11-13-00 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (Initial/date)

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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kk:kk
May 17, 2000
Industrialsizelimit.ord
(Ver. 1)

ORDINANCE 120155

AN ORDINANCE relating to land use and zoning, amending Sections 23.50.012 and 23.50.027 to provide a special exception in IG1 zones from size limits for office uses in public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City on lots containing existing vacant structures.

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

Section 1. Subsection C of Section 23.50.012 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 119370, is hereby amended as follows:

SMC 23.50.012 Permitted and prohibited uses.

* * *

C. Public Facilities.

1. Except as provided in subsections C2((~~a~~)) and C((~~2b~~)) 3 below and in SMC 23.50.027, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this chapter shall also be permitted outright or by conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar uses.

2. Public Facilities Not Meeting Development Standards Requiring City Council Approval.

((~~a.~~)) 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 by 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 by a conditional use or special exception under this chapter may be permitted by the City Council. 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. In all industrial 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; and

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.

5. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections C1, C2((~~a~~)) and C((~~2b~~)) 3 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 (10) percent 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 C1, C2((~~a~~)) and C((~~2b~~)) 3 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.

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

Section 2. Subsections A and C of Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, are hereby amended as follows:

SMC 23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C and D of this section below, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028 A, with sixty-five (65) foot or eighty-five (85) foot height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two (2) categories of use listed in Chart A of this section.

2. The maximum size of use limits shall not apply to the area identified in Exhibit 23.50.027 A provided that no single retail establishment shall exceed fifty thousand (50,000) square feet in size.

CHART A

Categories of Uses Subject to Size of Use Limits	INDUSTRIAL ZONES IG1	IG2 and IB	IC
Retail sales and service or entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

* * *

C. Special Exceptions for Office Use.

1. Office Uses that are not Public Facilities operated for Public Purposes by Units or Instrumentalities of Special or General Purpose Government or the City..

a. The Director may permit an office use to exceed the size of use limits as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions provided that the total gross floor area devoted to the uses limited in Chart A shall not exceed an area equal to the area of the lot in an IG1 zone or two and one-half (2.5) times the area of the lot in an IG2 or IB zone((~~.~~)), and either ((~~Such an exception may be considered only if~~))

((~~a.~~ The)) the office is on the same lot as, and accessory to, a permitted use not listed in Chart A; or

((~~b. The~~)) the office is a principal use on the same or another lot within one (1) mile distance of a permitted use not listed in Chart A and is directly related to and supportive of that use.

((~~2.~~))b. The Director shall use the following characteristics to determine whether to approve, approve with conditions or deny a special exception:

((~~a.~~))(1) Characteristics that make a lot more appropriate for office uses are:

(((~~1~~))) (a) The presence of well-defined boundaries, buffers, edge conditions or circulation patterns which separate office uses from industrial activity;

(((~~2~~))) (b) The likelihood that the proposed use will provide or encourage improvements that will directly support industrial activity in the area;

((~~(3)~~)) (c) The likelihood that the proposed use, because of its type, size and location, will operate without substantial conflicts with the industrial function of the area;

((~~(4)~~))(d) A sufficiently large industrial area such that the proposed use would not undermine the area's industrial character.

((~~b.~~)) (2) Characteristics that make a lot less appropriate for office uses are:

((~~(1)~~))(a) The presence of heavy industrial uses which would conflict with office use;

((~~(2)~~)) (b) The presence of any special features, such as access to the water, rail and the regional highway systems, which make the land especially well-suited to industrial use.

2. Office Uses in Public Facilities operated for Public Purposes by Units or Instrumentalities of Special or General Purpose Government or the City in IG1 zones. The Director may permit office uses in existing vacant structures that were and are to be used as public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City on lots zoned IG1 to exceed the size limits referenced in Chart A as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions under the following circumstances:

a. Eligible Sites. To be eligible to apply for this exception the lot must meet the following criteria:

(1) The lot and its structures must be owned by a unit or instrumentality of special or general purpose government or the City and must have been owned by a unit or instrumentality of special or general purpose government or the City on January 1, 2000;

(2) The lot is at least 500,000 square feet;

(3) The lot contains existing structures with a total gross floor area of at least 300,000 square feet that were at least 50% vacant continuously since September 1, 1997; and

(4) The lot and the existing structures on the lot must have functioned most recently as a public facility operated for a public purpose by a unit or instrumentality of special or general purpose government or the City, and

(a) The previous public facility must have had at least ten percent (10%) of its gross floor area functioning as accessory or principal offices; and

(b) The previous public facility must have had at least twenty-five percent (25%) of its gross floor area functioning as one or more of the following uses or categories of uses:

(i) Warehouse;
(ii) Light, general or heavy manufacturing;
(iii) Food processing or craft work;
(iv) Transportation facilities;
(v) Salvage and recycling; or

(vi) Utilities other than solid waste landfills.

b. Development Standards. The proposed public facility must meet the following development standards in order for a special exception to be approved:

(1) The existing structure or structures will remain on the lot and will be reused for the proposed public facility, except that demolition of up to 20% of the gross floor area of the existing structures and/or an addition of up to 20% of the gross floor area of the existing structures is allowed;

(2) The total gross floor area to be devoted to office use in the proposed public facility will not exceed the lesser of fifty-five percent (55%) of the gross floor area of the existing structures on the lot or an area equal to the area of the lot; and

(3) At least twenty-five percent (25%) of the gross floor area of the structures in the proposed public facility must include one or more of the following uses or categories of uses:

(a) Warehouse;

(b) Light, general or heavy manufacturing;

(c) Food processing or craft work;

(d) Transportation facilities;
(e) Salvage or recycling; or
(f) Utilities other than solid waste landfills.

* * *

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 13th day of November, 2000, and signed by me in open session in authentication of its passage this 13th day of November, 2000.

President of the City Council

Approved by me this 14th day of NOVEMBER, 2000.

Paul Schell, Mayor

Filed by me this 14th day of November, 2000.

City Clerk

(SEAL)

DIRECTOR'S REPORT AND RECOMMENDATION

Proposed Land Use Code Amendment:

Proposed revised amendment creating an exception to size limits for office uses in existing vacant structures that were and are to be public facilities operated for public purposes by units of special or general purpose government or the City on lots zoned Industrial General 1 (IG1).

Introduction

DCLU is proposing to amend the Land Use Code to create an exception to size limits on office uses where existing vacant structures are reused in public facilities in IG1 zones. This amendment is a revision to a prior proposed amendment. The purpose of the revision is to narrow the scope of the amendment and consequently reduce the number of potentially affected properties, in order to address potential consequences that might arise from the prior draft of the amendment that was broader than intended. The new exception would be a Type II decision, which is a discretionary decision made by DCLU's Director and subject to appeal to the Hearing Examiner.

Background

The Land Use Code places limits on the maximum square footage allowed for office use in industrial zones. The limit in IG1 zones is normally 50,000 square feet, although the current Code allows this limit to be exceeded through a special exception process. Even if a special exception is granted under the current Code, in no case can the amount of space used for office use exceed the size of the lot. In other words, there is a second limit – the size of the lot – that controls the outer limit of the amount of office space that can be granted through the special exception that exists in the current Code. Therefore, if the size of the lot is less than 50,000 sq. ft., the maximum amount of office space allowed is equal to the size of the lot. For lots larger than 50,000 sq. ft., the maximum amount of office space allowed outright is 50,000 sq. ft.; additional office space may be allowed through the special exception process up to a maximum of the size of the lot. The current Code also provides that public facilities not meeting development standards may apply for a Council conditional use that allows modification or waiver of development standards (SMC 23.50.012).

The proposed revised Code amendment would limit the current special exception to private uses and add a new special exception that would allow public facilities to exceed the 50,000 sq. ft. of office space only on larger lots in order to reuse existing substantially vacant structures that were formerly used as public facilities and that formerly contained both office and industrial uses. The new special exception has the same outer limit on the amount of office space as the former special exception—1.0 FAR. However, the new special exception allows the 1.0 FAR to be reached only when 1.0 FAR is smaller than 55% of the gross floor areas of the existing structures on the lot.

SIGN HERE

These size limits were established to accomplish Comprehensive Plan goals and policies of preserving industrial land for industrial uses, while maintaining the flexibility to allow other complementary or supportive uses, such as offices, that are limited in size and/or density. The proposed amendment is generally consistent with the Comprehensive Plan.

The proposed amendment also complies with Implementation Guideline 1 of the General Industrial Land Use Policies. (SMC 23.12.090). That Implementation Guideline states that protection of industrial uses is accomplished by "limiting unrelated commercial and retail uses to a density or size limit lower than that allowed for industrial uses." The density limit for industrial uses in IG1 is 2.5 FAR, or 2.5 times the area of the lot. The density limit for office uses in IG1 is 1.0 FAR. This FAR limit for office uses is continued, and in some instances, limited further in the proposed amendment. Because it continues to limit office uses to a density or size limit lower than the limit for industrial uses, it complies with Implementation Guideline 1.

As an example of how Implementation Guideline 1 is applied in practice under the current Code, the Director of DCLU may permit development of more than 50,000 square feet of office as a special exception, but through the special exception process, the Director may permit no more square footage of office use than the size of the lot. For example, an applicant with a 75,000 square foot lot may request an exception for more than 50,000 square feet of office, but the maximum that may be granted through the special exception process is 75,000 square feet of office – that is, the size of the lot.

Under the proposed revised Code amendment, the process would work the same as under the above example for a private project. For a public project, however, there would be no special exception allowed to increase office space on lots between 50,000 and 500,000 sq. ft. The new special exception would apply only to lots 500,000 sq. ft or larger that were formerly public facilities, have large substantially vacant structures of at least 300,000 sq. ft. and that are proposed to be reused for public facilities. The new special exception would allow office space to exceed 50,000 sq. ft. only if the former public facility had at least 10% office use and at least 25% industrial use. The new office use would be limited to 55% of the size of the existing structure or 1.0 FAR, whichever is smaller, and would have to contain at least 25% industrial uses. In sum, the proposed revised Code amendment continues to carry out Implementation Guideline 1 by continuing to limit office to less than the limit for industrial use and also requires that industrial use be included in order for the higher amount of office space to be approved.

Implementation Guideline 3 of the Land Use Policies addresses density and floor area ratio as a means of limiting density by zone. The Guideline states: "A floor area ratio shall be established to limit the density of development to a level compatible with industrial activity and to ensure that new development can be accommodated without major redevelopment of transportation and utility systems, or without crating other substantial negative impacts" In the IG1 zone, density for commercial uses not directly related to industrial activity is more limited; e.g., in IG1, the density limit is 1.0 FAR for office uses. The proposed amendment continues to limit office uses to a density lower than that for industrial uses, and thus complies with Implementation Guideline 3.

The Department of Design, Construction and Land Use had proposed a previous amendment for the same purpose as this amendment. The original amendment had the same purpose, but was drafted to be broader than intended, i.e., so that it potentially applied to more properties than expected. Because this could result in greater environmental impacts than intended, this revised amendment is now being proposed.

Comparison of original and revised amendment

The original proposed amendment was intended to allow the reuse of vacant government owned structures that had formerly been used as public facilities and that had had significant amounts of both office space and other industrial use in them. The original proposed amendment did not clearly require ownership by a unit of government prior to the time of application, although this was the intent. The revised amendment provides that the lot and its structures must have been owned by a public entity as of January 1, 2000 and at the time of application for the special exception. The revised amendment also clarifies that the most recent activity on the lot and within the structures must have been for a public purpose.

The previous amendment did not require that the existing structures on the lot be at least 50% vacant continuously since September 1, 1997, but allowed any period of vacancy totaling two years as long as that period of vacancy was prior to September 1, 1999.

Under the revised proposed amendment, the existing structures on the lot must remain on the lot and be reused. This would prevent a public entity from demolishing structures on the lot and thus avoid the criteria regarding vacancy and prior use of structures. This was not the intention of the original amendment, and the revised amendment clarifies that. Some flexibility is provided under the revised amendment by allowing demolition or additions to the existing structures equivalent to 20% of the gross floor area.

Analysis

The revised amendment requires proposals seeking the exception to meet the following strict eligibility criteria:

- As of January 1, 2000 and at the time of application for the exception, the lot and its structures must be owned by a unit of special or general purpose government or the City and operated most recently as a public facility, i.e., in use by a public entity for a public purpose; existing structures on the lot must have been at least 50% vacant continuously since September 1, 1997, although the structures on the lot must have functioned most recently as a public facility
- The lot must be at least 500,000 square feet in size;
- Existing structures on the lot must be at least 300,000 square feet;
- The previous public facility must have had at least 10% of its gross floor area functioning as office, and 25% of its gross floor area functioning as warehouse, manufacturing, food processing, craft work, transportation facilities, salvage, recycling, or utilities.

The revised proposed amendment also requires proposed public facilities to meet the following development standards:

- Existing structures will remain on the lot and be reused for the proposed public facility, with an allowance that 20% of the gross floor area of the existing structure may be demolished or added.
- The gross floor area devoted to office cannot exceed the lesser of fifty-five percent (55%) of the gross floor area of the existing structure(s) on the lot or an area equal to the area of the lot.
- At least 25% of the gross floor are of the structures in the proposed public facility must include warehouse, manufacturing, food processing, craft work, transportation facilities, salvage, recycling or utilities uses.

The proposed revised amendment requires that vacant structures on the lot be maintained and re-used as part of the proposed public facility. This requirement encourages returning vacant structures to active use and promotes the adaptive reuse of existing structures.

The requirement that at least 25% of the gross floor area of the structures be devoted to one or more uses not limited by size under SMC 23.50.027 ensures that a significant amount of these traditional industrial activities will continue on the lot. However, requiring that these uses be included in a particular project does not imply that they will be allowed, if other provisions of the Land Use Code or review of a specific project prohibits or conditions those uses.

A significant difference between the revised proposed amendment and the existing Code is the primacy it places on 'industrial' activity on large lots. There is no requirement in the existing Code that office uses also include more traditional industrial uses. By contrast, the proposed amendment requires that public facilities seeking to develop more than 50,000 sq. ft. of office space on a 500,000 sq. ft. lot with a 300,000 sq. ft. existing structures must also devote at least 25% of the gross floor area to uses listed in the special exception, i.e., uses that are considered as more traditional "industrial" activities.

In order to qualify for this special exception the public facility that most recently existed and functioned on the lot must have included at least 10% of its gross floor area in office use. The 10% requirement ensures that land that was completely devoted to traditional industrial activity is not converted to office use.

Each of these criteria serve the public purpose of continuing industrial use of industrially zoned land and preventing its conversion to nonindustrial use, while providing necessary flexibility for the unique mix of uses that characterizes public facilities. A narrow exception that allows reuse of vacant existing structures previously used as public facilities with combined office and industrial uses will encourage the reuse of currently vacant land and structures and promote significant amounts of industrial uses on large lots.

Summary of Recommendations
The proposed revised amendment that would allow a new special exception to office size limits is the same that prompted the original size limits: to preserve industrial lands. In this case, a narrowly tailored amendment, revised to address unintentional impacts perceived in the original amendment, will advance the City's goals of maintaining and preserving industrial activity on large parcels of industrially zoned land.

Contact
If you have questions, please call Kristian F. Kofoed, Land Use Planner, 233-7191.

City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use
R. F. Krochalis, Director

MEMORANDUM

TO: President, City Council President
via Law Department

FROM: Rick Krochalis, Director

DATE: May 16, 2000

SUBJECT: Special exception in IG1 zones from size limits for public facility office uses

Transmittal

With this memorandum we are transmitting for City Council consideration proposed legislation amending the Land Use Code to add a special exception in IG1 zones from size limits for public facility office uses, where those facilities have been and will be operated for public purposes by units of special or general purpose government or the City on lots containing existing vacant structures.

Background

The Department of Design, Construction and Land Use had proposed a previous amendment for the same purpose as this amendment. The original amendment could be interpreted to be broader than Council intended, so that it potentially applied to more properties than expected.

DCLU is therefore proposing a new amendment which revises the original amendment. The purpose of the revision is to narrow the scope of the amendment and consequently the number of potentially affected properties. The new exception would be a Type II decision, which is a discretionary decision made by DCLU's Director and subject to appeal to the Hearing Examiner.

The original proposed amendment was intended to allow the reuse of vacant government-owned structures that had formerly been used as public facilities and that had had significant amounts of both office space and more traditional industrial activities in them. The original proposed amendment did not clearly require ownership by a unit of government prior to the time of application, although this was the intent.

The revised amendment provides that the lot and its structures must have been owned by a public entity as of January 1, 2000 and at the time of application for the special exception. The revised amendment also clarifies that the most recent activity on the lot and within the structures must have been for a public purpose.

The previous amendment did not require that the existing structures on the lot be at least 50% vacant continuously since September 1, 1997, but allowed any period of vacancy totaling two years as long as that period of vacancy was prior to September 1, 1999.

Under the revised proposed amendment, the existing structures on the lot must remain on the lot and be reused. This would prevent a public entity from demolishing structures on the lot and thus avoiding the criteria regarding vacancy and prior use of structures. The revised amendment clarifies that this was not the intention of the original amendment. Some flexibility is provided under the revised amendment by allowing demolition or additions to the existing structures equivalent to 20% of the gross floor area.

Other requirements include that the lot must be at least 500,000 square feet in size and that existing structures on the lot must be at least 300,000 square feet. The previous public facility must have had at least 10% of its gross floor area functioning as office, and 25% of its gross floor area functioning as warehouse, manufacturing, food processing, craft work, transportation facilities, salvage, recycling, or utilities.

The revised proposed amendment sets a maximum on the gross floor area devoted to office; office uses cannot exceed the lesser of fifty-five percent (55%) of the gross floor area of the existing structure(s) on the lot or an area equal to the area of the lot. At least 25% of the gross floor area of the structures in the proposed public facility must include warehouse, manufacturing, food processing, craft work, transportation facilities, salvage, recycling or utilities uses.

Public Hearing Scheduled

A public hearing on this legislation has been scheduled before the City Council's Finance, Budget, and Economic Development Committee at 9:30 a.m., Wednesday, June 7, 2000.

Non-Financial Legislation

The proposed legislation has no financial implications.

If you have any questions about the proposed legislation, please contact Kristian Kofoed by email at *kristian.kofoed@ci.seattle.wa.us* or by phone at (206) 233-7191.

Attachments:
Staff Report

August 16th →

Manufacturing Industrial Council of Seattle

PO Box 30085 Seattle, WA. 98103 Telephone (206) 706-8196

July 5, 2000

Hon. Jan Drago, Chair
Finance, Budget and
Economic Development Committee
Seattle City Council
1100 Municipal Building
600 4th Avenue
Seattle, WA. 98104-1876

Dear Councilmember Drago,

The Manufacturing Industrial Council (MIC) of Seattle was briefed on June 27th by staff from the Department of Construction and Land Use (DCLU) regarding the proposed land-use code amendment associated with the school district proposal for the old US Post Office site in the north Duwamish industrial area. At that briefing, members of the MIC were informed by DCLU staff that the post office site is the only property that will be impacted by the proposed amendment. With the understanding that the impact of the proposal will be limited in this manner, the MIC members in attendance voted unanimously to support the proposed code amendment as presented at our June 27th meeting.

Thank you for putting so much effort into this issue.

Sincerely,

Dan Gatchet, Co-Chair
Manufacturing Industrial Council

Terry Seaman, Co-Chair
Manufacturing Industrial Council

MEMORANDUM

TO: Councilmember Jan Drago

FROM: Diane Sugimura, DCLU, 3-3882
Kristian F. Kofoed, DCLU, 3-7191 KFK

DATE: July 11, 2000

SUBJECT: Update on Public Facilities Amendment

At your Committee's June 7 meeting, Councilmembers instructed staff to work with members of the Greater Duwamish Manufacturing/Industrial Council to identify and address their concerns about the public facilities amendment. Staff from OED, DCLU and Law met twice with the M/I Council and analyzed alternatives to the amendment, concluding that the proposed amendment, as revised, is the appropriate means for addressing the City's purpose. The M/I Council has provided you with a letter of support for the amendment.

DCLU has also completed its analysis of the impact of the amendment and identified only one site, the Post Office site, that would be eligible for the special exception to size limits that the amendment would provide.

Another concern of the M/I Council was that the amendment was unnecessarily complex. In response to this concern, DCLU reviewed the amendment and determined that several eligibility criteria appeared to have no effect on the scope of impact and were unnecessary to accomplish the City's purpose. These two criteria are (1) requiring that the existing public facility have at least 10% of its gross floor area in use as office and (2) requiring that at least 25% of its gross floor area be dedicated to more traditional industrial uses.

Therefore, DCLU is proposing to clarify the amendment by deleting these two criteria. The revised version of the amendment is attached. If this version of the amendment is introduced, it may be helpful to explain that the clarification would provide a more straightforward means of accomplishing the City's purpose and would not increase the impact of the amendment – i.e., that only one site will be eligible with or without these criteria.

Please let us know if you would like further information.

Manufacturing Industrial Council of Seattle

PO Box 30085 Seattle, WA. 98103 Telephone (206) 706-8196

July 5, 2000

Hon. Jan Drago, Chair
Finance, Budget and
Economic Development Committee
Seattle City Council
1100 Municipal Building
600 4th Avenue
Seattle, WA. 98104-1876

Dear Councilmember Drago,

The Manufacturing Industrial Council (MIC) of Seattle was briefed on June 27th by staff from the Department of Construction and Land Use (DCLU) regarding the proposed land-use code amendment associated with the school district proposal for the old US Post Office site in the north Duwamish industrial area. At that briefing, members of the MIC were informed by DCLU staff that the post office site is the only property that will be impacted by the proposed amendment. With the understanding that the impact of the proposal will be limited in this manner, the MIC members in attendance voted unanimously to support the proposed code amendment as presented at our June 27th meeting.

Thank you for putting so much effort into this issue.

Sincerely,

Dan Gatchet, Co-Chair
Manufacturing Industrial Council

Terry Seaman, Co-Chair
Manufacturing Industrial Council

July 30, 2000

TO: Stephanie Haines, Land Use Planner
Department of Construction and Land Use
710 2nd Avenue Suite 200, Seattle WA 98104
684-5014; 684-8467

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063, Seattle, WA 98124
521-3288

REGARDING:
Comments on
Master Use Permit application project # 2003349
2445 3rd Ave S, Zone IG1 U/85'
Changing the use of 340,807 sq. ft. of former postal facility to a public facility (Seattle School District Support Center)

Dear Stephanie Haines;

Thanks for your phone message on July 26, 2000, responding to some of the issues that I had raised in my July 24, 2000, letter to you, regarding the Master Use Permit application for the Seattle School District Support Center.

As you know, the application for the School District Support Center is not based on the currently adopted Land Use Code.

- It seems incorrect that the DCLU is having the required public comment period on a project, without the public knowing which version of amended Code might be adopted in the future.

I appreciated your explaining the reason the DCLU is proceeding in this way:

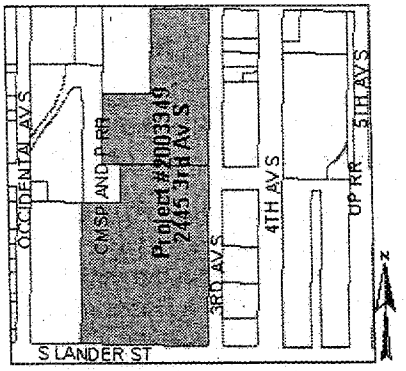
- That, as you stated, the settlement agreement between the City and the Seattle School District specifically stated that the DCLU could process the Master Use Permit application while the Code amendment was going through the process. (You noted that the DCLU Decision would not be issued until the Code amendment had been adopted.)

Sincerely,

Chris Jackins

South

2445 3rd Av S
Zone IG1 U/85'
Project #2003349



Date of Application: May 4, 2000
Date Application Deemed Complete: June 16, 2000

Applicant Contact: Pirayeh Long
Phone: (206) 727-3367

DCLU Senior Land Use Planner: Stephanie L. Haines
Phone: (206) 684-5014

Master Use Permit to change the use of an existing 340,807 sq. ft. postal facility to a public facility (Seattle School District Support Center). Project includes 185,553 sq. ft. office, 19,951 sq. ft. lecture/meeting hall, 3,686 sq. ft. business support service, 47,504 sq. ft. light manufacturing, 54,699 sq. ft. warehouse; and 38,607 sq. ft. food processing. Demolition of 2,266 sq. ft. of existing building and grading of 140 cu. yds. of material. Surface parking for 493 to 582 vehicles is proposed. Amendment to SMC 23.50.027 pending Council approval.
The following approvals are required:

Special Exception to exceed maximum size limit for office use.
SEPA Environmental Determination

Written comments may be submitted through **August 2, 2000**.

Other permits that may be needed which are not included in this application:

- Building Permit
- Grading Permit
- PSCAA Permit
- Street Use Permit

AGREEMENT

This Agreement ("Agreement"), dated February 22, 2000, is by and between Seattle School District No. 1, a Washington municipal corporation ("School District") and the City of Seattle, a Washington municipal corporation ("City").

The School District has filed a lawsuit against the City, Seattle School District v. City of Seattle, et al, King County Superior Court No. 99-2-24089-8SEA ("Lawsuit"). The Lawsuit alleges claims against the City relating to the City's denial of the School District's proposed School Support Center ("Project"). The School District and the City wish to settle the claims in the Lawsuit, and all other claims they may have against each other relating to the Project. Accordingly, the School District and the City agree as follows:

1. Revised Project. The School District agrees to modify the Project to incorporate the following conditions:

a. No Subleasing. The School District agrees not to sublease any of the Project site for any purpose. This limitation would not prevent the School District from subleasing portions of the site to food or restaurant vendors who will serve exclusively School District employees and visitors to the School District. This limitation also would not prevent the School District from allowing educational use of the facility's training center.

b. Limitation on Parking for Sporting Events. Except for the months of July and August, the School District agrees not to rent or sublease parking spaces or allow its onsite parking to be used for those sporting events at Safeco Field or the new football stadium scheduled to begin during normal weekday business hours, i.e., non-holiday Monday through Fridays prior to 5:00 p.m. and to take reasonable actions to prohibit parking on the site for this purpose during these times. Note: In July and August, there is an approximately 30% to 40% reduction in School District staff proposed to be working onsite and there is currently only one daytime Safeco Field sporting event scheduled during the months of July and August of 2000.

c. No Increase in Office Space Use. The School District agrees not to increase the square footage of space in the facility designated for use as office space beyond the 189,000 square feet currently proposed.

d. Transportation components. The School District agrees to the following:

(i) Issues related to Heavy Rail and Truck Traffic and Proximity of Train Tracks:

(a) School District agrees to provide maps, driving directions, and other appropriate information as part of its public outreach that would direct traffic to the site along 4th Avenue and away from First Avenue.

(b) The School District intends to continue its current practice to hold most large public meetings at venues other than the School Support Center. The School District and the City agree that for meetings and events that will occur at the School Support Center, pedestrian safety, and particularly pedestrian safety for children, is paramount. With respect to such meetings and events, the School District agrees to prepare a Pedestrian Safety Management Plan in consultation with DCLU and SeaTran. Once approved, the School District agrees to implement the Plan. That plan will incorporate measures to protect the safety of pedestrians, and especially children, who attend meetings and events held at this site.
Note: Generally, there are not expected to be significant numbers of children at School District meetings and events expected to be held at this site. When significant numbers of children do attend, it is anticipated that these children would arrive and depart in school-sponsored buses, which would load and unload on the site itself.

(ii) Issues related to proximity of the stadia.

(a) School District agrees that it will avoid scheduling special occasion school district meetings or events at the same time as major stadium events except in rare instances. This is not intended to prevent "normal course of business" meetings onsite, nor to prevent school board meetings onsite.

(b) School District agrees that, except in rare instances, during times of major stadium events, the School District will hold special occasion meetings or events at alternate sites. This is not intended to prevent "normal course of business" meetings onsite, nor to prevent school board meetings onsite. School District agrees that, if special occasion school district meetings or events are held onsite at the same time as major stadium events, the School District will coordinate with stadium transportation coordinators to ensure the smoothest and safest possible flow of vehicular and pedestrian traffic in the vicinity of the School District site.

(iii) Commute Trip Reduction.

School District is already required to comply with the Commute Trip Reduction program, i.e., to reduce the SOV rates of its employee commuters to 57% by 2002. School District agrees to use more aggressive measures to be approved in the Commute Trip Reduction Plan to achieve these goals, which measures may include, e.g., vanpools, carpools, increased use of transit, and inclusion of financial incentives.

e. Acknowledgement and Acceptance of Industrial Character of the Site. School District agrees to acknowledge and accept the industrial character of the Project site, i.e.:

(i) that the Project property and surrounding neighborhood is an industrial area, with all of the activity and noise that such a zone does or could contain, including but not limited to rail and truck activities at all times of the day and night, odors from neighboring industrial uses, along with many other uses not associated with residential areas;

(ii) that the Project property will be occupied with the understanding and expectation that the industrial uses in the area exist now, will exist in the future, and may change in character or intensity over time;

(iii) that existing or permitted industrial uses in the neighborhood do not constitute a nuisance or other inappropriate or unlawful use of land, including, e.g., the odors emanating from current uses on neighboring sites;

(iv) that the School District will not object to lawful activity related to continued or expanded industrial uses of properties in the surrounding areas and zone. "Object" includes complaints to regulatory bodies or City Council regarding lawful activity in the industrial-zoned area; petitions to and lobbying of City Council for changes in City policy and regulations regarding restrictions on industrial or non-industrial uses in the area of the property; encouraging the media to call for changes in City policy regarding the restrictions on non-industrial uses in the area of the property. To the extent the City or a third party is proposing a change in City policy and the City invites public comment, the School District may comment as to the direct effect of the proposed change on the School District's operations of the site. To the extent the City or a third party is proposing a development project and the City invites public comment, the School District may comment as to the direct effect of the proposed development on the School District's operations of the site. Any such public comment shall acknowledge, however, the School District's acceptance of the industrial character of the Project site as set forth in this paragraph.

2. Agreement to work with Industrial groups. The School District agrees to meet at least two times per year with the Seattle Manufacturing and Industrial Council (M & I Council) to discuss issues related to the industrial area, including how the School District's use of industrial zoned sites is impacting the industrial area and to propose and agree to changes mutually agreed upon between the Manufacturing and Industrial Council and the School District.

3. District Logistics Center (4141- 4th Ave. So.)–Restrict to Strictly Industrial Use. The School District agrees to have recorded against that portion of the District Logistics Center property shown on the attached Exhibit A ("Covenant Property") a covenant running with the land and binding on all heirs, successors and assignees, that would restrict its use to "strictly" industrial uses, i.e., "the manufacture, assembly, storage, repair, distribution, research/development and/or transportation of materials, goods and finished products, including advanced technologies, commercial fishing and resource extraction and handling." The covenant would also provide that minor modifications to the southern boundary of the Covenant Property may be made by mutual agreement of the City and the property owner so long as the modifications do not materially, detrimentally affect the Covenant Property's building access,

parking, rail and loading dock access. Any proposal to "subdivide" off a small portion or modify the southern boundary of the District Logistics Center property must leave the industrial site with good building access, parking, rail and loading dock access. The covenant will be recorded promptly after approval of the Project in final, unappealable form and prior to issuance of the master use permit for the Project .

4. Proposed Land Use Code amendment. The City Council agrees to consider an amendment to the Land Use Code that would allow the School District to locate at the Post Office under a special exception process (Type II decision) that would be decided by the DCLU Director. The current concept of the proposed text amendment will allow office use in a public facility to exceed 50,000 sq. ft. pursuant to a special exception (Type II decision), if the office use is to be located in a structure that is at least 200,000 square feet, and the structure has been substantially vacant for at least 24 consecutive months prior to September 1, 1999. (This concept may be varied and might include different variables.)

5. Timing of City Review of Proposed Code Amendment. The City agrees to process the review of the Proposed Code Amendment in a timely and diligent manner.

6. Dismissal of Lawsuit. The School District shall, upon approval of the Revised Project in final, nonappealable form with conditions reasonably satisfactory to the School District, promptly dismiss the Lawsuit with prejudice and without costs to any party. The conditions set forth in this Agreement are satisfactory to the School District. Pending such approval, the School District will not refile any of the claims that it has voluntarily dismissed from the Lawsuit (if requested in order to address potential statute of limitations issues, the City will enter into a tolling agreement with respect to such voluntarily dismissed claims). The School District further agrees not to refile any of the claims that it voluntarily dismissed after such approval is obtained. The School District and the City agree to join in a request to delay the Lawsuit for the time period needed to implement this Agreement.

7. Heirs, Successors and Assigns. The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the School District and the City.

8. Entire Agreement. This Agreement contains the entire agreement among the parties with respect to the subject matter hereof and shall not be modified or amended in any way except in writing signed by the parties hereto.

9. Attorney Fees. In the event that any action or legal proceedings are commenced to enforce any of the terms or conditions hereof or to terminate this Agreement (whether the same shall proceed to judgment or otherwise) the prevailing party shall receive from the other a reasonable sum as attorney fees, together with costs.

10. Authority. The parties hereto represent and warrant, each to the other, that they have the necessary authority and power to execute this Agreement on behalf of themselves and the respective entities which are parties to this Agreement.

11. Compromise. The Parties understand and agree that this Agreement is the compromise of disputed claims and that the entering into and performance of this Agreement does not constitute and shall not be construed as an admission of liability, fault, or responsibility by any Party.

12. Specific Performance. The Parties specifically agree that damages are not an adequate remedy for breach of this Agreement and that the Parties are entitled to compel specific performance of this Agreement by any Party in default hereof as well as damages. All terms and provisions of this Agreement are material.

13. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington, except to the extent preempted by federal law. Venue for any action arising out of or relating to this Agreement shall lie in King County Superior Court.

14. Waiver. No waiver by any party of any default in the performance of any other party of any agreement contained herein shall be construed as a waiver of any subsequent default.

15. Severability. If any of the provisions of this Agreement shall prove to be invalid, void or illegal, it shall in no way affect, impair, or invalidate any of the other provisions hereof.

16. Notices. Unless otherwise specified, all notices hereunder shall be in writing and shall be effectively given when delivered personally, on the date of delivery or, if mailed, three (3) days after deposit in the United States mail, first-class postage prepaid, certified or registered. For purposes of notice, the addresses of the Parties shall be:

For School District:

Mark Green, General Counsel
Seattle School District No. 1
815 Fourth Ave. N.
Seattle WA 98109

For City:

Sandra Watson
Assistant City Attorney
600 Fourth Ave., 10th Floor
Seattle WA 98104

17. Mutual Release of Claims. In the event the lawsuit is dismissed in accordance with paragraph 6 hereof, the School District shall release the City, and the City shall release the School District , from all Released Claims. "Released Claims" means any and all claims, demands, causes of action, rights, liabilities, contract obligations, damages, attorneys fees, costs, torts, suits, debts, sums of money, accountings, reckonings, bills, covenants, controversies, agreements, or promises whatsoever, at law or in equity or otherwise, whether direct or indirect, known or unknown, which the releasing party now owns or holds, or has at any time heretofore owned or held, or may in the future own or hold, against the party being released, and which are related in any way to the subject matter of the Lawsuit. This release shall not include the obligations in this Agreement.

18. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original.

Executed as of the day and year first above written.

SEATTLE SCHOOL DISTRICT NO. 1

By _____
Its _____

CITY OF SEATTLE

By Sandra M. Watson
Its Assistant City Attorney

future own or hold, against the party being released, and which are related in any way to the subject matter of the Lawsuit. This release shall not include the obligations in this Agreement.

18. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original.

Executed as of the day and year first above written.

SEATTLE SCHOOL DISTRICT NO. 1

By Mark Green
Its General Counsel

CITY OF SEATTLE

By _____
Its _____

July 30, 2000

TO: Margaret Pageler, President, City Council

COPIES TO:
Seattle City Councilmembers

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063, Seattle, WA 98124
521-3288

ATTACHED:
Excerpts from DCLU Decision, dated July 13, 2000, on Amendments to the Land Use Code

REGARDING:
Greater Duwamish Manufacturing / Industrial Center Neighborhood Plan

Dear Margaret Pageler;

I had a question regarding the Greater Duwamish Manufacturing / Industrial Center Neighborhood Plan. If you could direct the question to the appropriate Council Committee, I would appreciate it.

The DCLU issued a Decision on July 13, 2000, regarding Amendments to the Land Use Code. The DCLU notes that the Duwamish Neighborhood Plan is *"potentially relevant"* to the proposed code amendments. However:

- The DCLU states that although the City Council adopted the Duwamish Plan, *"Ordinance 119973 did not explicitly identify any of its elements intended to have application for SEPA purposes; therefore DCLU has no authority to mitigate this action based on the Duwamish Manufacturing/Industrial Center Plan"*. (From pages 10 and 11 of the Decision, excerpts enclosed.)

Question:

- What did the City Council intend to have the Duwamish Neighborhood Plan apply to, and was the Duwamish Plan intended to have application for SEPA purposes?

Thank you for your help.

Sincerely,

Chris Jackins

RECEIVED
AUG 03 2000
JAN DRAGO
COUNCILMEMBER

significantly reduced to less than one-half of one percent and the amendment complies with applicable Land Use Policies.

The amendment's eligibility criteria have been revised to require that

- ownership of the lot be by a unit or instrumentality of special or general purpose government or the City prior to January 1, 2000;
- the lot must have existing structures of at least 300,000 square feet that were at least 50 percent vacant continuously since September 1, 1997; and,
- the existing structures must have been functioning most recently as a public facility operated for a public purpose by a unit or instrumentality of special or general purpose government or the City.

The amendment's development standards have been revised to include:

- The existing structure or structures will remain on the lot and will be reused for the proposed public facility, except that demolition of up to 20 percent of the gross floor area of the existing structures and/or an addition of up to 20 percent of the gross floor area of the existing structures is allowed.

These changes to the eligibility criteria of the amendment have minimized the potential for adverse impacts to the City's industrial land, specifically the IG1 zoned land. These revisions have reduced the maximum potential impact from approximately 45 percent of the IG1 zoned land to less than one-half of one percent, ensuring that that a substantial amount of land is left for industrial uses. The amendment complies with the Industrial Land Use Policies and Implementation Guidelines and therefore no further mitigation is required.

The identified parcel affected by this code amendment is located within the boundaries of the Greater Duwamish Manufacturing/Industrial Center Neighborhood Plan. Council passed Ordinance 119973 amending the Seattle Comprehensive Plan to incorporate portions of the Greater Duwamish Manufacturing/Industrial Center Neighborhood Plan and to revise and add related policies for industrial areas; and amending the Official Land Use Map, Title 23 of the Seattle Municipal Code, to reflect the boundaries of the Duwamish Manufacturing/Industrial Center. The Mayor signed the ordinance on June 16, 2000. The ordinance will take effect and be in force on July 17, 2000. SEPA Overview policy states that "Neighborhood and business district plans that have been adopted by the City Council may serve as the basis for exercising substantive SEPA authority (SMC 25.05.665C)." Amendments to the Comprehensive Plan detailed in Section 1, A – D and shown as attachments to Ordinance 119973 are constitute the adopted neighborhood plan.

There are several Land Use goals and policies, as well as a few Jobs and Economics goals and policies that are potentially relevant to the proposed code amendment in that they seek to protect industrial land from encroachment by non-industrial uses. However, Section 25.05.665C1 states that Neighborhood and business district plans, which have been adopted by the City Council, may serve as the basis for exercising substantive SEPA authority only to the extent that the

the duwamish committee

5001 first avenue south * seattle, wa. 98134

phone: 206/762-8050 fax: 206/763-3039

To : JAN DRAGO

Fax Number : 233-0040

Company : SEATTLE CITY COUNCIL

Date : 6/30/00 Time : 9:11:12 PM Pages : 2

Subject : SCHOOL DISTRICT MUP 3

STEPHANIE HAINES, SR. LAND USE PLANNER -- DCLU, CITY OF SEATTLE

WE TAKE NOTE OF THE JUNE 22, 2000 NOTICE FOR NO. 3-- MUP APPLICATION SEATTLE SCHOOL DISTRICT: (See following copy of L.U. Notice)

1. We noted that it stated that comments were to be submitted by July 5, 2000, and sought to request the full 2 week extension of that comment period.

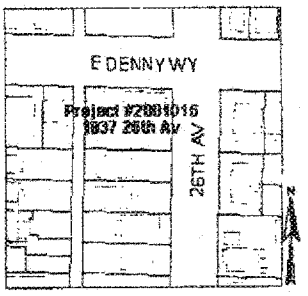
2. HOWEVER, This *Notice must be published again* with the correct information and the period for comments starting over. As can be seen on the following copy of that notice, it states that the application relies on an "Amendment to SMC 23.57.027 pending Council approval." Even if one could complete an application and have it reviewed on that basis, unless there is something remaining undisclosed, the SMC section referred to covers major communication facilities which would not seem applicable here. Further, the sign posted at the property also lists this same SMC section and would need to be corrected. Also, that sign (now hard to discover) needs to be placed in a prominent position -- and should replace the old one posted many months ago, or al least be placed next to it. Additionally, the sign should show the new deadlines for comments. (Those spaces are now blank.)

3. All notices must also provide reference to and information on "The Agreement" drawn up between the City Attorney's Office and the Seattle School District, as well as listing this under approvals required by the City Council.

We look forward to and appreciate you prompt response. Thank you.
shirley mesher, for the duwamish committee

Downtown / Central

1837 26th Av
Zone L1
Project #2001016



Date of Application: June 1, 2000
Date Application Deemed Complete: June 15, 2000

Applicant Contact: John R. Hunt
Phone: (206) 443-9935 Ext. 118

DCLU Land Use Planner: David Van Skike
Phone: (206) 684-5399

Master Use Permit to establish use for future construction of two, 2 unit- townhouses and conversion of the existing single family residence to a duplex (total of six units). Project includes below grade garage parking for six vehicles and two surface parking spaces (total of eight), and grading of 1,900 cu. yds. of material. Future subdivision of the property is included in the environmental review.
The following approvals are required:

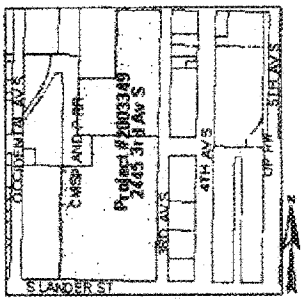
Administrative Design Review departures - side yard setback, front setback and access to parking.
SEPA Environmental Determination

Written comments may be submitted through **July 5, 2000.**

Other permits that may be needed which are not included in this application:
- Building Permit
- Curb Cut Permit
- Grading Permit

South

2445 3rd Av S
Zone IG1 U/85'
Project #2003349



Date of Application: May 4, 2000
Date Application Deemed Complete: June 16, 2000

Applicant Contact: Pirayeh Long
Phone: (206) 727-3367

DCLU Senior Land Use Planner: Stephanie L. Haines
Phone: (206) 684-5014

Master Use Permit to change the use of an existing 340,807 sq. ft. postal facility to a public facility (Seattle School District Support Center). Project includes 185,553 sq. ft. office, 19,951 sq. ft. lecture/meeting hall, 3,686 sq. ft. business support service, 47,504 sq. ft. light manufacturing, 54,699 sq. ft. warehouse; and 38,607 sq. ft. food processing. Demolition of 2,266 sq. ft. of existing building and grading of 140 cu. yds. of material. Surface parking for 493 to 582 vehicles is proposed. Amendment to SMC 23.57.027 pending Council approval.
The following approvals are required:

Special Exception to exceed maximum size limit for office use.
SEPA Environmental Determination

Written comments may be submitted through **July 5, 2000.**

Other permits that may be needed which are not included in this application:
- Building Permit
- PSCAA Permit
- Grading Permit
- Street Use Permit

for the record

the duwamish committee
P.O. Box 80951
Seattle, Wa. 98108

June 6. 2000

The Honorable Jan Drago, Chair and Members
Finance, Budget and Economic Development Committee
City Council, City of Seattle
Municipal Building, 600 Fourth Avenue
Seattle, Wa. 98104

VIA FAX
URGENT

RE: URGENT COMMUNICATION ON PROPOSED CODE AMENDMENT TO PROVIDE SPECIAL EXCEPTION TO SIZE LIMITS FOR OFFICE USES IN PUBLIC FACILITIES IN INDUSTRIAL GENERAL 1 (IG-1) ZONES

After several unsuccessful attempts to reach "live" persons in several Council offices, am sending this urgent fax. Already concerned that proper procedures and notice requirements had NOT been followed for a Hearing on this matter set for tomorrow morning (June 7), I was shocked to just learn that a VOTE is also apparently scheduled for then. We find this rash "rush to judgment" on such an important matter not only in violation of procedural and notice requirements, but void of indepth and rational study and analysis and unnecessarily inviting the passage of incredibly damaging and precedent setting legislation .

We therefore strongly urge that this matter be set aside and that, as provided in the code procedures for Legislative Decisions, further fact finding be conducted -- including consultation with industrial organizations and planning committee -- and various potential alternatives be explored. (SMC 23.76.062 -- see discussion below.)

THE DEVIL AND DUE PROCESS

Given the disastrous results and "unintended consequences" of the just concluded prior attempt at code amendment for the same purpose, one would assume that very careful consideration and drafting would go into a new proposal. Instead, the ink on the May 1 Hearing Examiner's remand decision was not even dry when within three days a purported "*notice*" was already printed in the Land Use Bulletin (May 4,2000) announcing another Council Hearing would be held on a revised ordinance amendment to the same IG-1 zone sections . *However, the "notice" was totally void of any details and the actual new proposed ordinance was NOT made available until about 20 days later.* Nor does the DCLU "Director' Report" fully comport with that required by applicable code in content or in timeliness.

As we all learned from the recent prior proposed legislation on this same subject: "*The Devil is in the Details*". It is of little use to simply know that a hearing is going to held on a certain date and NOT know the details of what will be addressed. The SMC (23.76.062B) requires that "Notice" of the Council Hearing on Type V (Legislative) decisions be given at least 30 days before such hearing. When "notice" is required, that is part of your right to DUE PROCESS. BUT SIMPLY TELLING SOMEONE THE TOPIC IS NOT SUFFICIENT NOTICE... no matter how far in advance. It does NOT meet the Constitutional standard.

the duwamish committee/IG-1 Proposal -2-

Well over 50 years ago, the Supreme Court of the United States made it clear that "notice" also means that you must be provided with sufficient detailed information in a timely manner so as to know what is at stake to be able to defend, challenge etc. if you wish. That information in this matter (minimally the proposed ordinance) was required to have been provided AT LEAST 30 DAY BEFORE THIS HEARING. As previously stated, this was NOT the case. (We have been told that unfortunately that such "notice" requirements are more and more frequently ignored on City matters -- thus severely diminishing our due process rights.}

As asked by one of your colleagues WHO INDEED WROTE THIS? AND WHY?
What is of further concern is that *the same staff persons* who did not understand or recognize the "unintended consequences" of their first proposed code amendment -- and yet were prepared to and did indeed adamantly defend it -- are again coming forward with their latest revision. And are again pushing it down the tracks at high speed. *They blatantly mislead and misrepresented their product to the Council.... and they are doing the same again.* Further, in preparing their new proposal, NO CONSULTATION OR SUGGESTIONS were even sought from those non-staff individuals and/or groups who HAD exposed the very serious consequences of the initial product. Nor was commentary from such persons and others concerned or from any affected City departments and other governmental agencies included in a report that the Director should have presented to the City Council some 15 days ago, though such is mandated by the code procedures for amending code. (SMC 23.76.050)

INSIGNIFICANT DIFFERENCE AND NEED FOR FORUM AND TIME TO DETAIL CONCERNS
The new proposed amendment contains MOST OF THE SAME PROBLEMS AND CONSEQUENCES that was recognized in the prior version. The changes made are no where near sufficient ... and the results largely the same. But, as with the initial proposal, *it requires indepth and close examination to realize the severely damaging and conflicting consequences to the WHOLE of the industrial area -- not just most of the IG-1 zones*, which provide for and contain the heaviest of industrial use and functions. A Zoning Map makes it clear that about half of the industrial zones are IG-1, and most of that is owned or in use by public facilities. Virtually all of this is also within that which has been officially designed under the Growth Management Act as Seattle's Manufacturing/Industrial Centers.

In examining the original proposed code amendment, it took ONE AND HALF DAYS during the Hearing Examiner proceedings, followed by additional written commentary, to expose the severe and significant adverse impacts. The necessary details and review are certainly then NOT something that can be presented and explained in a couple of minutes in the usual public hearings format before City Council. Nor can that be accomplish in this brief written communication. It would therefore seem obvious that an indepth process for discussing and analyzing the ramifications needs to be pursued. *Such is in fact provided in the Land Use Code, SMC 23.76.062, Part 3 Legislative Decisions (Type V) which provides that:*

> *"The Council may also appoint a hearing officer to conduct an additional fact-finding hearing to assist the Council in gathering information."*

the duwamish committee/IG-1 Proposal -3-

OUT OF A SOW'S EAR.....
The largest part of the problem stems from the fact that what is actually being attempted is really "spot-zoning", which is of course illegal. After first widely rejecting the application to centralize the School District's massive administrative operations in the industrial area at the former post office terminal site, the Council now appears to be reversing itself. Everyone knows what this is about, but pretends it to be something else. *This in itself creates bad, ill-conceived laws.* It should then be seeking a suitable and legal narrow alternative that is applicable for that purpose. The Council, for example, could even consider reversing their previous vote and rationale. Instead, an OVERLY BROAD, OVERLY REACHING AND OVERLY DAMAGING code amendment is proposed that unnecessarily and unwisely negatively affects and endangers much of the scarce industrial land and all of its ability to function and survive. *This controverts all concepts of zoning, all policy and procedures and further produces precedents that endanger ALL land use classifications and zones.* But, this is NOT about the merits of the School District proposed project. It IS about principles,purpose and policies of Zoning , *orderly decision making and the survival of industrial areas.*

THE NEWEST CREATION: THE "MITIGATED DECLARATION OF NON-SIGNIFICANCE" (MDNS) AS APPLIED TO THE CODE AMENDMENT ITSELF. REMOVAL FROM REVIEW AND FROM COUNCIL JURISDICTION
If dealing with the irrational damaging proposed land use ordinance were not enough, DCLU and other staff involved have now created "mitigated law". How this can be done, we do not know or understand. *We do NOT know how you "mitigate" legislation.* But a few days ago, a surprising "Director's SEPA Decision" *declared this newly proposed ordinance to be "mitigated", as in a "Mitigated DNS".* We have not found anyone knowledgeable in these matters who understands how that can be done, or what that really means. Up to now, *specific projects* in obtaining such as a MUP could be conditioned so that adverse impacts were "mitigated". As far as we know, the law or code is supposed to be specific as to what it demands or entails.
How you "mitigate" the law, remains beyond logic.

However, we suspect that the DCLU and other authors of that creative new category wish to shield the application of this "ordinance" from requiring any further SEPA or other review when it reaches the specific project stage. It would appear to extend to legislative action, that which is now applied only at the specific project stage. This portends even FURTHER DANGERS, since that would appear to contradict and effectively destroy all of the provisions and special conditions placed on the actual School District project in the *Agreement* drafted and agreed to between legal representation of the City of Seattlle and the School District. *Presumably that Agreement would have to be approved by the City Council under normal circumstances.* <u>HOWEVER, IF THIS ORDINANCE WERE PASSED AS PROPOSED, THE SPECIAL EXCEPTIONS FOR OVER-SIZED OFFICES FOR PUBLIC FACILITIES WOULD NO LONGER BE A CITY COUNCIL DECISION, BUT WOULD BECOME MERELY ONLY A DISCRETIONARY ONE FOR THE DIRECTOR OF DCLU.</u> And without meeting any criteria in relationship to their presence in the

industrial areas, as is now required . This further abdication of the authority of the City Council over such major decisions and in turn over policy, has been steadily occurring and with it the growth of numerous problems as well as confusion and inequities and the disappearance of the protections and purposes for which zoning laws and policies exist.

The effect on policy and zoning concepts generally , the result of removing such critical decisions from Council review and decision-making as well as the ramification of the so-called "mitigation" of law needs to fully explained and closely studied before acting on this proposed code amendment. These are just some of the many serious concerns that need to considered and addressed before proceeding ... and glib brushing over of these matters does a grave disservice to the responsibility for enacting laws.

THE PURPOSE OF PROCESS IS TO ASSIST THE COUNCIL IN DECISION-MAKING. Obviously, there remain numerous very serious concerns and details that can not all be addressed in this communication -- and certainly not significantly or even meaningfully touched upon in the very brief time allotted in "public hearings". There is no rational excuse for not knowing what is being proposed and what the ramifications are if it is blithely allowed to pass. IT NEEDS TO COME OFF THE FAST TRACK. The insistence of some to quickly slide it through without full analysis and understanding makes it all the more suspect and is a gross disservice. We ask that this matter be approached with logic and understanding that does not include the unnecessary destruction of a very valuable source of jobs, services, products and economic and tax benefits.

We again therefore asks that this matter be put on hold, and that the fact-finding process be set up so that detailed understanding and analysis can be obtained , including from knowledgeable citizen input, to assist the Council in its critical decision making. We will be glad to and look forward to a more meaningful and indepth discussion about this, and will also endeavor to prepare a more detailed written overview.

Yours sincerely,

shirley mesher , for
the duwamish committee

p.s. All of this onslaught does make one wonder if anyone cares whether there remains a healthy industrial presence -- public or private -- in Seattle along with its well-paying jobs and economic benefits. One wonders, given what appears to be mutilation of the planning process for Duwamish, the largest of the M/I Center. The doubt grows even more given what we understand is a new proposal to allow outright religious facilities in all of the industrial zones-- again without any real evaluation of the impact of allowing that and scheduled to be voted on in a few days by Council without even any hearing whatsoever. Who will turn off the lights?

for the record

June 5, 2000

POAmC8

TO: City Council
Finance, Budget, and
Economic Development Committee
Councilmember Jan Drago, Chair

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063
Seattle, WA 98124
521-3288

My name is Chris Jackins.

I oppose the proposed amendments to the Seattle Land Use Code, that would create an exception from industrial size of use limits, for office uses in public facilities.

The proposed amendments would allow projects with large office components to be established within the IG1 industrial zone, projects which would not currently be permitted.

The amendments aim to allow a specific project: moving the Seattle School District headquarters to a new location at 2445 3rd Ave S, at former U.S. Post Office facilities in the industrial zone. This project involves the moving of existing School District facilities to the site of a former U.S. Postal facility, to establish a "Seattle School District Support Center". The entire site is 359,200 square feet, of which 189,500 square feet would be used for offices: the current allowed maximum is 50,000 square feet for offices. The proposed administrative office space is the only reason an exemption from the zoning was sought by the District. The City Council previously voted 7 to 2, to deny the permit for the school headquarters.

The amendments, by allowing the School District project, would further degrade the industrial zone.

The Council has found that the project is not compatible with surrounding uses, that it is contrary to City industrial land use policies, and that the location is not necessary.

The school headquarters is an office site: eighty-five percent of the school employees at the site – 620 out of 728 – would be employed in offices. It would be located in an area of industrial noise, odors, traffic, and busy train crossings. The public, including parents, young children, and teachers, would be invited into this area daily: for meetings, for parent conferences, for training.

At the new site, the School District would be forbidden from seeking mitigation for such things as industrial noise and odors.

The amendments would allow large office developments at a number of other industrial sites. The DCLU has estimated that perhaps 15% of all IG1-zoned land in Seattle could be affected by the amendments.

Allowing office development to push industry out of Seattle is a mistake. A number of businesses in the industrial area have written to the Council, opposing the amendments, and opposing the location of the school office headquarters in the industrial zone.

Please vote "NO" on these amendments.

Thank you.

Chris Jackins

(I MAY NOT BE ABLE TO ATTEND THE JUNE 7, 2000, 9:30 AM HEARING)

RECEIVED BY
00 AUG -1 AM 9:02
OFFICE OF HEARING EXAMINER

City of Seattle
OFFICE OF HEARING EXAMINER
Alaska Building Room 1320, 618 Second Avenue, Seattle, WA 98104
(206) 684-0521

RECEIVED BY
00 AUG -1 AM 8:59
OFFICE OF HEARING EXAMINER

LAND USE/SEPA DECISION APPEAL FORM

You do not have to use this form to file an appeal. However, if you do not use it, please make sure t your appeal includes all the information requested on this form. The appeal, along with any required fi fee, must reach the Office of Hearing Examiner, no later than 5:00 p.m. of the last day of the appeal peri

APPELLANT INFORMATION

1. Appellant If several individuals are appealing together, list names and addresses on separate sheet. If appeal is on behalf of organization, indicate group's name and mailing addres

Name _____ Seattle Committee to Save Schools _____
Addresss _____ P.O. Box 84063, Seattle, WA 98124 _____
521-3288

Phone Work:_____ Home:_____

2. Authorized Representative Name of representative if different from the appellant indicate above. Groups must specify one person to be representative/contact person.

Name _____ _____
Addresss _____ Chris Jackins _____
P.O. Box 84063, Seattle, WA 98124
521-3288

Phone Work:_____ Home:_____

DECISION BEING APPEALED

3. Decision appealed (Indicate MUP

DCLU decision of DNS (Determination of Non-significance) dated July 13, 2000: No EIS required
Regarding amendment to the Seattle Land Use Code to create a special exception in General Industrial 1 (IG1) zones from size limits for office uses in public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City of Seattle on lots at least 500,000 square feet in size with at least 300,000 square feet of existing structures that were at least 50 percent vacant since September 1, 1997

4. Property address of decision being appealed: Code amendment

5. Elements of decision being appealed. (Check one or more as appropriate)

____ Adequacy of conditions	____ Variance	____ Design Departure
____ Adequacy of EIS	____ Conditional Use	____ Interpretation
✓ EIS not required	____ Short Plat	____ Master Plan
____ Rezone	____ Other (specify:_____)	

APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

6. What is your interest in this decision? How are you affected by it?

Our group is concerned about preserving historic schools, and providing a good environment for education and neighborhoods; we include taxpayers of the Seattle School District, the City of Seattle, and the State of Washington; we include alumni and parents of children of the Seattle School District; we include people who live or work in neighborhoods who are affected by construction, traffic, parking, etc, impacts

7. What are your objections to the decision? List and describe what you believe to be the errors, omissions, or other problems with this decision.

The proposed amendment would allow projects with large office components to be established within the IG1 industrial zone, projects which would not currently be permitted. This would be likely to have a significant adverse environmental impact, and so an Environmental Impact Statement should be required.

The amendment was specifically motivated and intended to be tailored to one specific project and site: to allow the Seattle School District Support Center at 2445 3rd Ave S, at former U.S. Post Office facilities. In the case of this proposed project, the City Council found adverse impacts significant enough to deny the permit for the project. The amendment, by allowing this project, would thus lead to significant adverse impacts, and so require an EIS.

The DCLU contends that the amendment will be *"compatible with existing and projected land uses and plans"* aimed at limiting non-industrial use and ensuring availability of land for industrial uses; in fact, the opposite is true -- the amendment will encourage office uses on industrial land.

The amendment would also allow greater development of office space than that previously applied for at the former U.S. Post Office site.

The DCLU should have considered the impacts of the amendment in relation to the recently adopted Greater Duwamish Manufacturing / Industrial Center Neighborhood Plan. The DCLU acknowledges that the Plan is "potentially relevant" to the amendment, but contends that it lacks authority to mitigate this action based on the Duwamish Plan.

Potential significant adverse impacts include those from transportation, traffic, parking, employment, economics goals, public services, utilities, environmental health, aesthetics, light and glare, land and shoreline use.

Problems include: inadequate assessment of impacts; a new Environmental Checklist was not prepared after the DCLU's withdrawal of its May 18, 2000, Mitigated Determination of Non-significance; inadequate analysis and conclusion on office use effects -- should have explicitly noted that the new amendments could result in greater office use than could result under existing Code; some data may be in error or missing or analyzed incorrectly or inadequately, which may affect the results of the analyses of the amendment's applicability; the amendment entails wider applicability than that analyzed and acknowledged by the DCLU; some details of the application of the amendment remain unclear and imprecise; may limit industrial development.

The DCLU did not adequately address issues raised by the City Council in denying the permit for the school headquarters project (MUP # 9808204; at 2445 3rd Ave S), including parking, incompatibility with surrounding uses, and negative effects on opportunities for industrial use.

As a result of passing the amendments, the City and the School District would also apparently agree to allow "expanded use" of school facilities. These impacts have not been analyzed.

8. What relief do you want? Specify what you want the Examiner to do. Reverse the decision, modify conditions, etc.

Reverse the decision; require an EIS

Or, remand the decision back to the DCLU

Signature Chris Jackins

Appellant or Authorized Representative

Date AUGUST 1, 2000

July 30, 2000

TO: Margaret Pageler, President, City Council

Mark Sidran, City Attorney

Rick Krochalis, Director, DCLU

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063, Seattle, WA 98124
521-3288

REGARDING:
DCLU permit process and
City / School District Agreement
on Seattle School District Support Center
Master Use Permit application project # 2003349
2445 3rd Ave S, Zone IG1 U/85'

COPIES TO:
Seattle City Councilmembers

Sandra Watson, Assistant City Attorney
600 4th Avenue, 10th Floor, Seattle WA 98104
684-8257

Stephanie Haines, Land Use Planner
Department of Construction and Land Use
710 2nd Avenue Suite 200, Seattle WA 98104
684-5014; 684-8467

ATTACHED:
1. Copy of City / School District Agreement
2. Copy of DCLU notice for School District Support Center
3. Copy of letter to Stephanie Haines, DCLU Land Use Planner

Dear Margaret Pageler, Mark Sidran, Rick Krochalis;

I had some questions regarding the City / School District Agreement on the proposed Seattle School District Support Center, and the Agreement's application to the DCLU permit process, which I hope you might be able to help me with.

- Background: The application for the School District Support Center is not based on the currently adopted Land Use Code. Nevertheless, the DCLU is proceeding with the processing of the application, including having the required public comment period on the project, without the public knowing which version of amended Code might be adopted in the future. The DCLU's stated reason for doing this, is that the City / School District Agreement stated that the DCLU could process the Master Use Permit application while the Code amendment was being considered.

The City / School District Agreement seems to be modifying the rules for processing of Land Use permit applications.

Question for the City Attorney's Office

1. Can an agreement signed by representatives of the School District and the City Attorney's Office supersede established Land Use regulations?

Questions for the DCLU

1. When Land Use regulations are changed, is a public notice required?
2. Was there an official notice that Land Use regulations were changed?
3. When Land Use regulations are changed, is an environmental determination required?
4. Was there an official notice of an environmental determination?

Questions for the City Council

1. Was the Agreement voted on by the City Council?
2. When such a vote is taken, is a public notice required?
3. Was there an official notice of a vote?

Thank you for your help.

Sincerely,

Chris Jackins

July 30, 2000

TO: Stephanie Haines, Land Use Planner
Department of Construction and Land Use
710 2nd Avenue Suite 200, Seattle WA 98104
684-5014; 684-8467

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063, Seattle, WA 98124
521-3288

REGARDING:
Comments on
Master Use Permit application project # 2003349
2445 3rd Ave S, Zone IG1 U/85'
Changing the use of 340,807 sq. ft. of former postal facility to a public facility (Seattle School District Support Center)

Dear Stephanie Haines;

Thanks for your phone message on July 26, 2000, responding to some of the issues that I had raised in my July 24, 2000, letter to you, regarding the Master Use Permit application for the Seattle School District Support Center.

As you know, the application for the School District Support Center is not based on the currently adopted Land Use Code.

- It seems incorrect that the DCLU is having the required public comment period on a project, without the public knowing which version of amended Code might be adopted in the future.

I appreciated your explaining the reason the DCLU is proceeding in this way:

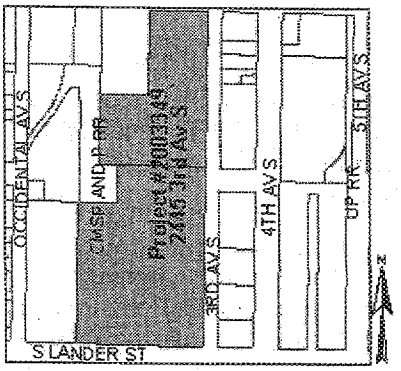
- That, as you stated, the settlement agreement between the City and the Seattle School District specifically stated that the DCLU could process the Master Use Permit application while the Code amendment was going through the process. (You noted that the DCLU Decision would not be issued until the Code amendment had been adopted.)

Sincerely,

Chris Jackins

South

2445 3rd Av S
Zone IG1 U/85'
Project #2003349



Date of Application: May 4, 2000
Date Application Deemed Complete: June 16, 2000

Applicant Contact: Pirayeh Long
Phone: (206) 727-3367

DCLU Senior Land Use Planner: Stephanie L. Haines
Phone: (206) 684-5014

Master Use Permit to change the use of an existing 340,807 sq. ft. postal facility to a public facility (Seattle School District Support Center). Project includes 185,553 sq. ft. office, 19,951 sq. ft. lecture/meeting hall, 3,686 sq. ft. business support service, 47,504 sq. ft. light manufacturing, 54,699 sq. ft. warehouse; and 38,607 sq. ft. food processing. Demolition of 2,266 sq. ft. of existing building and grading of 140 cu. yds. of material. Surface parking for 493 to 582 vehicles is proposed. Amendment to SMC 23.50.027 pending Council approval.
The following approvals are required:

> **Special Exception** to exceed maximum size limit for office use.
> **SEPA Environmental Determination**
>
> Written comments may be submitted through **August 2, 2000.**

Other permits that may be needed which are not included in this application:

- Building Permit
- Grading Permit
- PSCAA Permit
- Street Use Permit

AGREEMENT

This Agreement ("Agreement"), dated February 22, 2000, is by and between Seattle School District No. 1, a Washington municipal corporation ("School District") and the City of Seattle, a Washington municipal corporation ("City").

The School District has filed a lawsuit against the City, Seattle School District v. City of Seattle, et al, King County Superior Court No. 99-2-24089-8SEA ("Lawsuit"). The Lawsuit alleges claims against the City relating to the City's denial of the School District's proposed School Support Center ("Project"). The School District and the City wish to settle the claims in the Lawsuit, and all other claims they may have against each other relating to the Project. Accordingly, the School District and the City agree as follows:

1. Revised Project. The School District agrees to modify the Project to incorporate the following conditions:

a. No Subleasing. The School District agrees not to sublease any of the Project site for any purpose. This limitation would not prevent the School District from subleasing portions of the site to food or restaurant vendors who will serve exclusively School District employees and visitors to the School District. This limitation also would not prevent the School District from allowing educational use of the facility's training center.

b. Limitation on Parking for Sporting Events. Except for the months of July and August, the School District agrees not to rent or sublease parking spaces or allow its onsite parking to be used for those sporting events at Safeco Field or the new football stadium scheduled to begin during normal weekday business hours, i.e., non-holiday Monday through Fridays prior to 5:00 p.m. and to take reasonable actions to prohibit parking on the site for this purpose during these times. Note: In July and August, there is an approximately 30% to 40% reduction in School District staff proposed to be working onsite and there is currently only one daytime Safeco Field sporting event scheduled during the months of July and August of 2000.

c. No Increase in Office Space Use. The School District agrees not to increase the square footage of space in the facility designated for use as office space beyond the 189,000 square feet currently proposed.

d. Transportation components. The School District agrees to the following:

(i) Issues related to Heavy Rail and Truck Traffic and Proximity of Train Tracks:

(a) School District agrees to provide maps, driving directions, and other appropriate information as part of its public outreach that would direct traffic to the site along 4th Avenue and away from First Avenue.

(b) The School District intends to continue its current practice to hold most large public meetings at venues other than the School Support Center. The School District and the City agree that for meetings and events that will occur at the School Support Center, pedestrian safety, and particularly pedestrian safety for children, is paramount. With respect to such meetings and events, the School District agrees to prepare a Pedestrian Safety Management Plan in consultation with DCLU and SeaTran. Once approved, the School District agrees to implement the Plan. That plan will incorporate measures to protect the safety of pedestrians, and especially children, who attend meetings and events held at this site.
Note: Generally, there are not expected to be significant numbers of children at School District meetings and events expected to be held at this site. When significant numbers of children do attend, it is anticipated that these children would arrive and depart in school-sponsored buses, which would load and unload on the site itself.

(ii) Issues related to proximity of the stadia.

(a) School District agrees that it will avoid scheduling special occasion school district meetings or events at the same time as major stadium events except in rare instances. This is not intended to prevent "normal course of business" meetings onsite, nor to prevent school board meetings onsite.

(b) School District agrees that, except in rare instances, during times of major stadium events, the School District will hold special occasion meetings or events at alternate sites. This is not intended to prevent "normal course of business" meetings onsite, nor to prevent school board meetings onsite. School District agrees that, if special occasion school district meetings or events are held onsite at the same time as major stadium events, the School District will coordinate with stadium transportation coordinators to ensure the smoothest and safest possible flow of vehicular and pedestrian traffic in the vicinity of the School District site.

(iii) Commute Trip Reduction.

School District is already required to comply with the Commute Trip Reduction program, i.e., to reduce the SOV rates of its employee commuters to 57% by 2002. School District agrees to use more aggressive measures to be approved in the Commute Trip Reduction Plan to achieve these goals, which measures may include, e.g., vanpools, carpools, increased use of transit, and inclusion of financial incentives.

e. Acknowledgement and Acceptance of Industrial Character of the Site. School District agrees to acknowledge and accept the industrial character of the Project site, i.e.:

(i) that the Project property and surrounding neighborhood is an industrial area, with all of the activity and noise that such a zone does or could contain, including but not limited to rail and truck activities at all times of the day and night, odors from neighboring industrial uses, along with many other uses not associated with residential areas;

(ii) that the Project property will be occupied with the understanding and expectation that the industrial uses in the area exist now, will exist in the future, and may change in character or intensity over time;

(iii) that existing or permitted industrial uses in the neighborhood do not constitute a nuisance or other inappropriate or unlawful use of land, including, e.g., the odors emanating from current uses on neighboring sites;

(iv) that the School District will not object to lawful activity related to continued or expanded industrial uses of properties in the surrounding areas and zone. "Object" includes complaints to regulatory bodies or City Council regarding lawful activity in the industrial-zoned area; petitions to and lobbying of City Council for changes in City policy and regulations regarding restrictions on industrial or non-industrial uses in the area of the property; encouraging the media to call for changes in City policy regarding the restrictions on non-industrial uses in the area of the property. To the extent the City or a third party is proposing a change in City policy and the City invites public comment, the School District may comment as to the direct effect of the proposed change on the School District's operations of the site. To the extent the City or a third party is proposing a development project and the City invites public comment, the School District may comment as to the direct effect of the proposed development on the School District's operations of the site. Any such public comment shall acknowledge, however, the School District's acceptance of the industrial character of the Project site as set forth in this paragraph.

2. Agreement to work with Industrial groups. The School District agrees to meet at least two times per year with the Seattle Manufacturing and Industrial Council (M & I Council) to discuss issues related to the industrial area, including how the School District's use of industrial zoned sites is impacting the industrial area and to propose and agree to changes mutually agreed upon between the Manufacturing and Industrial Council and the School District.

3. District Logistics Center (4141- 4th Ave. So.)–Restrict to Strictly Industrial Use. The School District agrees to have recorded against that portion of the District Logistics Center property shown on the attached Exhibit A ("Covenant Property") a covenant running with the land and binding on all heirs, successors and assignees, that would restrict its use to "strictly" industrial uses, i.e., "the manufacture, assembly, storage, repair, distribution, research/development and/or transportation of materials, goods and finished products, including advanced technologies, commercial fishing and resource extraction and handling." The covenant would also provide that minor modifications to the southern boundary of the Covenant Property may be made by mutual agreement of the City and the property owner so long as the modifications do not materially, detrimentally affect the Covenant Property's building access,

parking, rail and loading dock access. Any proposal to "subdivide" off a small portion or modify the southern boundary of the District Logistics Center property must leave the industrial site with good building access, parking, rail and loading dock access. The covenant will be recorded promptly after approval of the Project in final, unappealable form and prior to issuance of the master use permit for the Project .

4. Proposed Land Use Code amendment. The City Council agrees to consider an amendment to the Land Use Code that would allow the School District to locate at the Post Office under a special exception process (Type II decision) that would be decided by the DCLU Director. The current concept of the proposed text amendment will allow office use in a public facility to exceed 50,000 sq. ft. pursuant to a special exception (Type II decision), if the office use is to be located in a structure that is at least 200,000 square feet, and the structure has been substantially vacant for at least 24 consecutive months prior to September 1, 1999. (This concept may be varied and might include different variables.)

5. Timing of City Review of Proposed Code Amendment. The City agrees to process the review of the Proposed Code Amendment in a timely and diligent manner.

6. Dismissal of Lawsuit. The School District shall, upon approval of the Revised Project in final, nonappealable form with conditions reasonably satisfactory to the School District, promptly dismiss the Lawsuit with prejudice and without costs to any party. The conditions set forth in this Agreement are satisfactory to the School District. Pending such approval, the School District will not refile any of the claims that it has voluntarily dismissed from the Lawsuit (if requested in order to address potential statute of limitations issues, the City will enter into a tolling agreement with respect to such voluntarily dismissed claims). The School District further agrees not to refile any of the claims that it voluntarily dismissed after such approval is obtained. The School District and the City agree to join in a request to delay the Lawsuit for the time period needed to implement this Agreement.

7. Heirs, Successors and Assigns. The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the School District and the City.

8. Entire Agreement. This Agreement contains the entire agreement among the parties with respect to the subject matter hereof and shall not be modified or amended in any way except in writing signed by the parties hereto.

9. Attorney Fees. In the event that any action or legal proceedings are commenced to enforce any of the terms or conditions hereof or to terminate this Agreement (whether the same shall proceed to judgment or otherwise) the prevailing party shall receive from the other a reasonable sum as attorney fees, together with costs.

10. Authority. The parties hereto represent and warrant, each to the other, that they have the necessary authority and power to execute this Agreement on behalf of themselves and the respective entities which are parties to this Agreement.

11. Compromise. The Parties understand and agree that this Agreement is the compromise of disputed claims and that the entering into and performance of this Agreement does not constitute and shall not be construed as an admission of liability, fault, or responsibility by any Party.

12. Specific Performance. The Parties specifically agree that damages are not an adequate remedy for breach of this Agreement and that the Parties are entitled to compel specific performance of this Agreement by any Party in default hereof as well as damages. All terms and provisions of this Agreement are material.

13. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington, except to the extent preempted by federal law. Venue for any action arising out of or relating to this Agreement shall lie in King County Superior Court.

14. Waiver. No waiver by any party of any default in the performance of any other party of any agreement contained herein shall be construed as a waiver of any subsequent default.

15. Severability. If any of the provisions of this Agreement shall prove to be invalid, void or illegal, it shall in no way affect, impair, or invalidate any of the other provisions hereof.

16. Notices. Unless otherwise specified, all notices hereunder shall be in writing and shall be effectively given when delivered personally, on the date of delivery or, if mailed, three (3) days after deposit in the United States mail, first-class postage prepaid, certified or registered. For purposes of notice, the addresses of the Parties shall be:

For School District:

Mark Green, General Counsel
Seattle School District No. 1
815 Fourth Ave. N.
Seattle WA 98109

For City:

Sandra Watson
Assistant City Attorney
600 Fourth Ave., 10th Floor
Seattle WA 98104

17. Mutual Release of Claims. In the event the lawsuit is dismissed in accordance with paragraph 6 hereof, the School District shall release the City, and the City shall release the School District , from all Released Claims. "Released Claims" means any and all claims, demands, causes of action, rights, liabilities, contract obligations, damages, attorneys fees, costs, torts, suits, debts, sums of money, accountings, reckonings, bills, covenants, controversies, agreements, or promises whatsoever, at law or in equity or otherwise, whether direct or indirect, known or unknown, which the releasing party now owns or holds, or has at any time heretofore owned or held, or may in the future own or hold, against the party being released, and which are related in any way to the subject matter of the Lawsuit. This release shall not include the obligations in this Agreement.

18. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original.

Executed as of the day and year first above written.

SEATTLE SCHOOL DISTRICT NO. 1

By _____

Its _____

CITY OF SEATTLE

By Sandra M. Watson

Its Assistant City Attorney

future own or hold, against the party being released, and which are related in any way to the subject matter of the Lawsuit. This release shall not include the obligations in this Agreement.

18. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original.

Executed as of the day and year first above written.

SEATTLE SCHOOL DISTRICT NO. 1

By Mark Green

Its General Counsel

CITY OF SEATTLE

By _____

Its _____

July 30, 2000

TO: Margaret Pageler, President, City Council

COPIES TO:
Seattle City Councilmembers

FROM: Chris Jackins, Coordinator
Seattle Committee to Save Schools
P.O. Box 84063, Seattle, WA 98124
521-3288

ATTACHED:
Excerpts from DCLU Decision, dated July 13, 2000, on Amendments to the Land Use Code

REGARDING:
Greater Duwamish Manufacturing / Industrial Center Neighborhood Plan

Dear Margaret Pageler;

I had a question regarding the Greater Duwamish Manufacturing / Industrial Center Neighborhood Plan. If you could direct the question to the appropriate Council Committee, I would appreciate it.

The DCLU issued a Decision on July 13, 2000, regarding Amendments to the Land Use Code. The DCLU notes that the Duwamish Neighborhood Plan is *"potentially relevant"* to the proposed code amendments. However:

- The DCLU states that although the City Council adopted the Duwamish Plan, *"Ordinance 119973 did not explicitly identify any of its elements intended to have application for SEPA purposes; therefore DCLU has no authority to mitigate this action based on the Duwamish Manufacturing/Industrial Center Plan"*. (From pages 10 and 11 of the Decision, excerpts enclosed.)

Question:

- What did the City Council intend to have the Duwamish Neighborhood Plan apply to, and was the Duwamish Plan intended to have application for SEPA purposes?

Thank you for your help.

Sincerely,

Chris Jackins

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number:	Amendments to the City of Seattle Land Use Code, Title 23, Chapter 23.50 Industrial.
Applicant Name:	City of Seattle Department of Design, Construction and Land Use.
Address of Proposal:	This non-project action is a Land Use Code amendment that is limited to publicly owned General Industrial 1 zoned properties within the City of Seattle, which meet a variety of specified criteria.

SUMMARY OF PROPOSED ACTION

The proposal is an ordinance amending Sections 23.50.012 and 23.50.027 of the Seattle Municipal Code, to provide a special exception in General Industrial 1 (IG1) zones from size limits for office uses in public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City of Seattle on lots at least 500,000 square feet in size with at least 300,000 square feet of existing structures that were at least 50 percent vacant since September 1, 1997.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

significantly reduced to less than one-half of one percent and the amendment complies with applicable Land Use Policies.

The amendment's eligibility criteria have been revised to require that

- ownership of the lot be by a unit or instrumentality of special or general purpose government or the City prior to January 1, 2000;
- the lot must have existing structures of at least 300,000 square feet that were at least 50 percent vacant continuously since September 1, 1997; and,
- the existing structures must have been functioning most recently as a public facility operated for a public purpose by a unit or instrumentality of special or general purpose government or the City.

The amendment's development standards have been revised to include:

- The existing structure or structures will remain on the lot and will be reused for the proposed public facility, except that demolition of up to 20 percent of the gross floor area of the existing structures and/or an addition of up to 20 percent of the gross floor area of the existing structures is allowed.

These changes to the eligibility criteria of the amendment have minimized the potential for adverse impacts to the City's industrial land, specifically the IG1 zoned land. These revisions have reduced the maximum potential impact from approximately 45 percent of the IG1 zoned land to less than one-half of one percent, ensuring that that a substantial amount of land is left for industrial uses. The amendment complies with the Industrial Land Use Policies and Implementation Guidelines and therefore no further mitigation is required.

The identified parcel affected by this code amendment is located within the boundaries of the Greater Duwamish Manufacturing/Industrial Center Neighborhood Plan. Council passed Ordinance 119973 amending the Seattle Comprehensive Plan to incorporate portions of the Greater Duwamish Manufacturing/Industrial Center Neighborhood Plan and to revise and add related policies for industrial areas; and amending the Official Land Use Map, Title 23 of the Seattle Municipal Code, to reflect the boundaries of the Duwamish Manufacturing/Industrial Center. The Mayor signed the ordinance on June 16, 2000. The ordinance will take effect and be in force on July 17, 2000. SEPA Overview policy states that "Neighborhood and business district plans that have been adopted by the City Council may serve as the basis for exercising substantive SEPA authority (SMC 25.05.665C)." Amendments to the Comprehensive Plan detailed in Section 1, A – D and shown as attachments to Ordinance 119973 are constitute the adopted neighborhood plan.

There are several Land Use goals and policies, as well as a few Jobs and Economics goals and policies that are potentially relevant to the proposed code amendment in that they seek to protect industrial land from encroachment by non-industrial uses. However, Section 25.05.665C1 states that Neighborhood and business district plans, which have been adopted by the City Council, may serve as the basis for exercising substantive SEPA authority only to the extent that the

provisions of the plan explicitly identify any of its elements intended to have application for SEPA purposes. Ordinance 119973 did not explicitly identify any of its elements intended to have application for SEPA purposes; therefore DCLU has no authority to mitigate this action based on the Duwamish Manufacturing/Industrial Center Plan.

It should be noted that the proponent is considering revisions to the ordinance that would simplify the code language (see attached ordinance labeled Alt. B). The alternate ordinance may be presented at the time the ordinance, which is the subject of this SEPA analysis, is introduced to City Council. The alternate language proposes to delete a section of the eligibility criteria that are discussed in the Director's Report: that the lot and the existing structures must have functioned most recently as a public facility operated for a public purpose, that it must have had at least ten percent of its gross floor area functioning as accessory or principal offices, and that it must have had at least twenty-five percent of its gross floor area functioning as one or more of a specified category of uses of an industrial nature. After review of the alternative ordinance, the Director has determined that the change in language has the same effect in terms of impacts to the environment as the ordinance considered under this threshold determination. The reason it has no greater effect is that only one site potentially is affected by this proposed amendment, whether this section of eligibility criteria is applied or not.

City of Seattle
OFFICE OF HEARING EXAMINER
Alaska Building Room 1320, 618 Second Avenue, Seattle WA 98104
(206) 684-0521

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LAND USE/SEPA DECISION APPEAL FORM

You do not have to use this form to file an appeal. However, if you do not use it, please make sure th your appeal includes all the information requested on this form. The appeal, along with any required fili fee, must reach the Office of Hearing Examiner, no later than 5:00 p.m. of the last day of the appeal peric

APPELLANT INFORMATION

1. Appellant If several individuals are appealing together, list names and addresses on separate sheet. If appeal is on behalf of organization, indicate group's name and mailing address

Name _____ Seattle Committee to Save Schools
Addresss _____ P.O. Box 84063, Seattle, WA 98124
521-3288

Phone Work:_____ Home:_____

2. Authorized Representative Name of representative if different from the appellant indicatec above. Groups must specify one person to be representative/contact person.

Name _____ Chris Jackins
Addresss _____ P.O. Box 84063, Seattle, WA 98124
521-3288

Phone Work:_____ Home:_____

DECISION BEING APPEALED

3. Decision appealed (Indicate MUP

DCLU decision of Mitigated DNS (Mitigated Determination of Non-significance) dated May 18, 2000: No EIS required

Regarding amendment to the Seattle Land Use Code to create an a special exception in General Industrial 1 (IG1) zones from size limits for office uses in public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City of Seattle on lots at least 500,000 square feet in size with at least 300,000 square feet of existing structures

4. Property address of decision being appealed: ___ Code amendment _____

5. Elements of decision being appealed. (Check one or more as appropriate)

___ Adequacy of conditions	___ Variance	___ Design Departure
___ Adequacy of EIS	___ Conditional Use	___ Interpretation
✓ EIS not required	___ Short Plat	___ Master Plan
	Other (specify: _____)	

APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

6. What is your interest in this decision? How are you affected by it?

Our group is concerned about preserving historic schools, and providing a good environment for education and neighborhoods; we include taxpayers of the Seattle School District, the City of Seattle, and the State of Washington; we include alumni and parents of children of the Seattle School District; we include people who live or work in neighborhoods who are affected by construction, traffic, parking, etc, impacts

7. What are your objections to the decision? List and describe what you believe to be the errors, omissions, or other problems with this decision.

The proposed amendment would allow projects with large office components to be established within the IG1 industrial zone, projects which would not currently be permitted. This would be likely to have a significant adverse environmental impact, and so an Environmental Impact Statement should be required.

On the one hand, the amendment was specifically motivated and intended to be tailored to one specific project and site: to allow the Seattle School District Support Center at 2445 3rd Ave S, at former U.S. Post Office facilities. In the case of this proposed project, the City Council found adverse impacts significant enough to deny the permit for the project. The amendment, by allowing this project, would thus lead to significant adverse impacts, and so require an EIS.

On the other hand, a number of sites would be affected by the amendment; as the DCLU notes, *"Approximately 15% of land zoned IG1 is potentially affected by the revised amendment."* This entails widespread applicability and is not consistent with policies aimed at limiting non-industrial use and ensuring availability of land for industrial uses.

The DCLU contends that the amendment will be *"compatible with existing and projected land uses and plans"* and *"complies with applicable Land Use Policies"*; in fact, the opposite is true – the amendment will encourage office uses on industrial land.

The amendment would also allow greater development of office space than that previously applied for at the former U.S. Post Office site.

Potential significant adverse impacts include those from transportation, traffic, parking, employment, public services, utilities, environmental health, aesthetics, light and glare, land and shoreline use.

The DCLU did not adequately address issues raised by the Hearing Examiner in remanding the prior DNS. Problems include: inadequate assessment of impacts; little time taken to assess impacts (Decision issued two days after Checklist); inadequate opportunity for public review and comment; inadequate analysis and conclusion on office use effects – should have explicitly noted that the new amendments could result in greater office use than could result under existing Code; some data may be in error or missing or analyzed incorrectly or inadequately, which may affect the results of the *"worst case scenario"* on the amendment's applicability; some details of the application of the amendment remain unclear and imprecise; may limit industrial development.

The DCLU did not adequately address issues raised by the City Council in denying the permit for the school headquarters project (MUP # 9808204; at 2445 3rd Ave S), including parking, incompatibility with surrounding uses, and negative effects on opportunities for industrial use.

As a result of passing the amendments, the City and the School District would also apparently agree to allow "expanded use" of school facilities. These impacts have not been analyzed.

8. What relief do you want ? Specify what you want the Examiner to do. Reverse the decision, modify conditions,etc.

Reverse the decision; require an EIS

Or, remand the decision back to the DCLU

Signature [signature]
Appellant or Authorized Representative

Date JUNE 6, 2000

City of Seattle
OFFICE OF HEARING EXAMINER
Alaska Building Room 1320, 618 Second Avenue, Seattle WA 98104
(206) 684-0521

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✓ EIS not required	___ Short Plat	___ Master Plan
___ Rezone	___ Other (specify:_____)	

Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

Public facilities in the Industrial Area amendment to Land Use Code

INFORMATION ON THIS SIGN-UP SHEET IS *PUBLIC RECORD*

#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
✓	Rob Adamson	M.I.C.	5505 1st Ave. S. 98108		206-706-8197
✓	Betty Hoagland	SCPTSA	2617 Belvidere Ave SW ~~98~~	98126	
✓	Ann Bowden	L.W.V.S	3842 45th Ave SW	98116	206-932-6762
✓	Nancy Waldman	School Dist.			
X	Cheryl Ellsworth	School Dist.			
✓	Shirley Medler	the Duwamish comm			
✓	John Dodd	Admiral CommCouncil	2724 Walnut Ave SW	98116	206-935-5925

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Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

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STATE OF WASHINGTON - KING COUNTY

124706
City of Seattle,Clerk's Office —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:120155 ORDINANCE

was published on

11/16/00

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

N. Patterson

Subscribed and sworn to before me on

11/16/00

Notary Public for the State of Washington, residing in Seattle

City of Seattle

ORDINANCE 120155

AN ORDINANCE relating to land use and zoning, amending Sections 23.50.012 and 23.50.027 to provide a special exception in IG1 zones from size limits for office uses in public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City on lots containing existing vacant structures.

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

Section 1. Subsection C of Section 23.50.012 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 119370, is hereby amended as follows:

SMC 23.50.012 Permitted and prohibited uses.

* * *

C. Public Facilities.

1. Except as provided in subsections C2((a)) and C((2b)) 3 below and in SMC 23.50.027, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this chapter shall also be permitted outright or by conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar uses.

2. Public Facilities Not Meeting Development Standards Requiring City Council Approval.

((a)) 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 by 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 by a conditional use or special exception under this chapter may be permitted by the City Council. 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. In all industrial 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; and

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.

5. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections C1, C2((a)) and C((2b)) 3 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 (10) percent 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 C1, C2((a)) and C((2b)) 3 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.

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

Section 2. Subsections A and C of Section 23.50.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, are hereby amended as follows:

SMC 23.50.027 Maximum size of nonindustrial use.

A. Applicability.

1. Except as provided in subsections B, C and D of this section below, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028 A, with sixty-five (65) foot or eighty-five (85) foot height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two (2) categories of use listed in Chart A of this section.

2. The maximum size of use limits shall not apply to the area identified in Exhibit 23.50.027 A provided that no single retail establishment shall exceed fifty thousand (50,000) square feet in size.

CHART A

Categories of Uses Subject to Size of Use Limits	INDUSTRIAL ZONES IG1	IG2 and IB	IC
Retail sales and service or entertainment except	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.

(1) The existing structure or structures will remain on the lot and will be reused for the proposed public facility, except that demolition of up to 20% of the gross floor area of the existing structures and/or an addition of up to 20% of the gross floor area of the existing structures is allowed;

(2) The total gross floor area to be devoted to office use in the proposed public facility will not exceed the lesser of fifty-five percent (55%) of the gross floor area of the existing structures on the lot or an area equal to the area of the lot; and

(3) At least twenty-five percent (25%) of the gross floor area of the structures in the proposed public facility must include one or more of the following uses or categories of uses:

(a) Warehouse;
(b) Light, general or heavy manufacturing;
(c) Food processing or craft work;
(d) Transportation facilities;
(e) Salvage or recycling; or
(f) Utilities other than solid waste landfills.

* * *

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provisions shall not affect the validity of any other provision.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 13th day of November, 2000, and signed by me in open session in authentication of its passage this 13th day of November, 2000.

MARGARET PAGELER,
President of the City Council.
Approved by me this 14th day of November, 2000.
PAUL SCHELL,
Mayor.
Filed by me this 14th day of October, 2000.
(Seal) SCOTT Cl,
City Clerk.
Publication ordered by JUDITH E. PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, November 16, 2000.

11/16(124706CI)