

Ordinance No. 120692

Council Bill No. 113721

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE related to environmental protection, amending Section 25.05.675 of the Seattle Municipal Code, Chapter 25.05, Environmental Policies and Procedures, to correct references to City Land Use Policies previously contained in Chapter 23.12 of the City's Land Use Code.

12/11/01

12-17-01

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

Date Introduced: <u>JUN 25 2001</u>		
Date 1st Referred:	To: (committee) <u>Neighborhoods, Sustainability &amp; Community Development</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12-17-01</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>12-18-01</u>	Date Approved: <u>12/20/01</u>	
Date Returned to City Clerk: <u>12/21/01</u>	Date Published: <u>9pp</u>	T.O. <input checked="" type="checkbox"/> P.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

*Law Department*

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

*Richard Conlin*

Councilmember

Committee Action:

*(Signature)*

*12/11/01 passed unanimously as amended  
1-0 Conlin*

*12-17-01 Passed 9-0*

This file is complete and ready for presentation to Full Council.

Committee:

*RC 12/11/01*

(initial/date)

*Law Department*

Law Dept. Review

OMP  
Review

City Clerk  
Review

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ORDINANCE 120692

AN ORDINANCE related to environmental protection, amending Section 25.05.675 of the Seattle Municipal Code, Chapter 25.05, Environmental Policies and Procedures, to correct references to City Land Use Policies previously contained in Chapter 23.12 of the City's Land Use Code.

WHEREAS, the Growth Management Hearings Board has indicated that municipal land use policies should be embodied in development regulations or comprehensive plans; and

WHEREAS, the City has therefore removed land use policies previously contained in the Land Use Code and integrated these policies into development regulations or the comprehensive plan; and

WHEREAS, Seattle Municipal Code Chapter 25.05, Environmental Policies and Procedures, needs to be amended to reflect the changes to the Land Use Code described above.

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

Section 1. Subsections G, J, M, P, and R of Section 25.05.675, which Section was last amended by either Council Bill 113697 or 113941 (or Ordinance # once assigned), are amended to read as follows:

**25.05.675 Specific environmental policies.**

\* \* \*

G. Height, Bulk and Scale.

1. Policy Background.

a. The purpose of the City's adopted land use (~~polieies are intended~~) regulations is to provide for smooth transition between industrial, commercial, and residential areas, to preserve the character of individual city neighborhoods and to reinforce natural topography by controlling the height, bulk and scale of development. (~~The land use policies are set forth in SMC Chapter 23.12, the shoreline goals and policies are set forth in the land use element of the Seattle comprehensive plan, and the procedures and locational criteria for shoreline environment redesignations are set forth in SMC Sections 23.60.060 and 23.60.220, respectively.~~)

b. (~~The Land Use Code (Title 23) which implements these policies controls height, bulk and scale but~~) However, the City's land use regulations cannot anticipate or address all substantial adverse impacts resulting from incongruous



1 height, bulk and scale. For example, unanticipated adverse impacts may occur when a  
2 project is located on a site with unusual topographic features or on a site which is  
3 substantially larger than the prevalent platting pattern in an area. Similarly, the mapping of  
4 the City's zoning designations cannot always provide a reasonable transition in height, bulk  
5 and scale between development in adjacent zones.

6 ~~((e.—Whenever new land use policies are adopted, adverse impacts~~  
7 ~~may result when height, bulk and scale permitted by previously adopted zoning conflicts~~  
8 ~~with the new land use policies))~~

9 2. Policies.

10 a. It is the City's policy that the height, bulk and scale of  
11 development projects should be reasonably compatible with the general character of  
12 development anticipated by ~~((the adopted land use policies set forth in SMC Chapter 23.12,~~  
13 ~~the goals and policies set forth in section C of land use element of the Seattle comprehensive~~  
14 ~~plan regarding the System of Land Use Regulation, the shoreline goals and policies set forth~~  
15 ~~in section F of the land use element of the Seattle comprehensive plan, ((and)) the~~  
16 ~~procedures and locational criteria for shoreline environment redesignations set forth in SMC~~  
17 ~~Sections 23.60.060 and 23.60.220 ((, respectively,)) and the adopted land use regulations for~~  
18 ~~the area in which they are located, and to provide for a reasonable transition between areas~~  
19 ~~of less intensive zoning and more intensive zoning.~~

20  
21 b. Subject to the overview policy set forth in SMC Section  
22 25.05.665, the decision-maker may condition or deny a project to mitigate the adverse  
23 impacts of substantially incompatible height, bulk and scale. Mitigating measures may  
24 include but are not limited to:

- 25 i. Limiting the height of the development;  
26 ii. Modifying the bulk of the development;  
27 iii. Modifying the development's facade including but not  
28 limited to color and finish material;  
29 iv. Reducing the number or size of accessory structures or  
30 relocating accessory structures including but not limited to towers, railings, and antennae;  
31 v. Repositioning the development on the site; and  
32 vi. Modifying or requiring setbacks, screening,  
33 landscaping or other techniques to offset the appearance of incompatible height, bulk and  
34 scale.

35 c. The Citywide design guidelines (and any Council-approved,  
36 neighborhood design guidelines) are intended to mitigate the same adverse height, bulk and  
37 scale impacts addressed in these policies. A project that is approved pursuant to the design  
38 review process ~~((shall be))~~ is presumed to comply with these height, bulk and scale policies.  
39 This presumption may be rebutted only by clear and convincing evidence that height, bulk  
40 and scale impacts documented through environmental review have not been adequately  
41 mitigated. Any additional mitigation imposed by the decisionmaker pursuant to these height,  
42 bulk and scale policies on projects that have undergone design review shall comply with  
43 design guidelines applicable to the project.  
44



\* \* \*

J. Land Use.

1. Policy Background.

a. The City has adopted land use ~~((policies>Note 5) and code which))~~ regulations that are designed, in part, to minimize or prevent impacts resulting from incompatible land use. ~~((The land use policies are set forth in SMC Chapter 23.12, the shoreline goals and policies are set forth in the land use element of the Seattle comprehensive plan, and the procedures and locational criteria for shoreline environment redesignations are set forth in SMC Sections 23.60.060 and 23.60.220, respectively. b.))~~ However, The adopted Land Use Code (Title 23) cannot identify or anticipate all possible uses and all potential land use impacts. ~~((e.—When land use policy changes are adopted, adverse land use impacts may result when a proposed project includes uses which may be consistent with the applicable zoning requirements but are in conflict with the new land use policies. d. A))~~ For example, adverse cumulative land use impacts may result when a particular use or uses permitted under the Zoning Code occur in an area to such an extent that they foreclose opportunities for higher-priority, preferred uses called for in ~~((the City's land use policies))~~ Section C of the land use element of the comprehensive plan and the shoreline goals and policies set forth in section F of the land use element of the comprehensive plan.

~~((e))~~b. Density-related impacts of development are addressed under the policies set forth in subsections G (height, bulk and scale), M (parking), R (traffic) and O (public services and facilities) of this section and are not addressed under this policy.

2. Policies.

a. It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use ~~((policies))~~ regulations, the goals and policies set forth in section C of land use element of the Seattle comprehensive plan regarding the System of Land Use Regulation, and the shoreline goals and policie set forth in section F of land use element of the Seattle comprehensive plan for the area in which the project is located.

b. Subject to the overview policy set forth in SMC Section 25.05.665, the decisionmaker may condition or deny any project to mitigate adverse land use impacts ~~((associated with))~~ resulting from a proposed project ((and)) or to achieve consistency with the applicable City land use regulations ~~((policies set forth in SMC Chapter 23.12))~~, the goals and policies set forth in section C of land use element of the Seattle comprehensive plan regarding the System of Land Use Regulation, the shoreline goals and policies set forth in section F of the land use element of the Seattle comprehensive plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060 and 23.60.220, respectively, and ((with)) the environmentally critical areas policies.



\* \* \*

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5 M. Parking.

6 1. Policy Background.

7 a. Increased parking demand associated with development  
8 projects may adversely affect the availability of parking in an area.

9 b. Parking (~~(policies designed)~~) regulations to mitigate most  
10 parking impacts and to accommodate most of the cumulative effects of future projects on  
11 parking are (~~(included in the City's land use policies<sup>5</sup> and)~~) implemented through the City's  
12 Land Use Code. However, in some neighborhoods, due to inadequate off- street parking,  
13 streets are unable to absorb (~~(any additional)~~) parking spillover. The (~~(policies)~~) City  
14 recognizes that the cost of providing additional parking may have an adverse effect on the  
15 affordability of housing.

16 2. Policies.

17 a. It is the City's policy to minimize or prevent adverse parking  
18 impacts associated with development projects.

19 b. Subject to the overview and cumulative effects policies set  
20 forth in SMC Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project  
21 to mitigate the effects of development in an area on parking; provided that:

22 i. No SEPA authority is provided to mitigate the impact  
23 of development on parking availability in the downtown zones;

24 ii. In the Seattle Cascade Mixed (SCM) zone and for  
25 residential uses located within the Pike/Pine Overlay District, no SEPA authority is provided  
26 for the decisionmaker to require more parking than the minimum required by the Land Use  
27 Code;

28 iii. Parking impact mitigation for multifamily  
29 development, except in the Alki area, as described in subsection M2c below, may be  
30 required only where on-street parking is at capacity, as defined by Seattle Transportation or  
31 where the development itself would cause on-street parking to reach capacity as so defined.

32 c. For the Alki area, as identified on Exhibit 2, a higher number  
33 of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate  
34 the adverse parking impacts of specific multifamily projects. Projects that generate a greater  
35 need for parking and that are located in places where the street cannot absorb that need -- for  
36 example, because of proximity to the Alki Beach Park -- may be required to provide  
37 additional parking spaces to meet the building's actual need. In determining that need, the  
38 size of the development project, the size of the units and the number of bedrooms in the  
39 units shall be considered.

40 d. Parking impact mitigation for projects outside of downtown  
41 zones may include but is not limited to:

42 i. Transportation management programs;

43 ii. Parking management and allocation plans;



1  
2 iii. Incentives for the use of alternatives to single-  
3 occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle  
4 parking space;

5 iv. Increased parking ratios, unless the project is located  
6 within the Seattle Cascade Mixed (SCM) zone or the Pike/Pine Overlay District; and

7 v. Reduced development densities to the extent that it can  
8 be shown that reduced parking spillover is likely to result; provided, that parking impact  
9 mitigation for multifamily development may not include reduction in development density.

10 \* \* \*

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12 P. Public View Protection.

13 1. Policy Background.

14 a. Seattle has a magnificent natural setting of greenery,  
15 mountains, and water; visual amenities and opportunities are an integral part of the City's  
16 environmental quality.

17 b. The City has developed particular sites for the public's  
18 enjoyment of views of mountains, water and skyline and has many scenic routes and other  
19 public places where such views enhance one's experience.

20 c. Obstruction of public views may occur when a proposed  
21 structure is located in close proximity to the street property line, when development occurs  
22 on lots situated at the foot of a street that terminates or changes direction because of a shift  
23 in the street grid pattern, or when development along a street creates a continuous wall  
24 separating the street from the view.

25 d. Authority provided through the Landmarks Preservation  
26 Ordinance(Note 6) is intended to preserve sites and structures which reflect significant  
27 elements of the City's historic heritage and to designate and regulate such sites and  
28 structures as historic landmarks.

29 e. The adopted ((Downtown)) Land Use ((Policies and)) Code  
30 provides for the preservation of specified view corridors through setback requirements ((and  
31 policies for the use of street space)).

32 f. Adopted Land Use Codes attempt to protect private views  
33 through height and bulk controls and other zoning regulations but it is impractical to protect  
34 private views through project-specific review.

35 2. Policies.

36 a. i. It is the City's policy to protect public views of  
37 significant natural and human-made features: Mount Rainer, the Olympic and Cascade  
38 Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake  
39 Washington, Lake Union and the Ship Canal, from public places consisting of the specified  
40 viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1.  
41 (Attachment 1 is located at the end of this Section 25.05.675.) This subsection does not  
42 apply to the Space Needle, which is governed by subsection P2c of this section.

43 ii. The decisionmaker may condition or deny a proposal  
44 to eliminate or reduce its adverse impacts on designated public views, whether or not the



1 project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665;  
2 provided that downtown projects may be conditioned or denied only when public views  
3 from outside of downtown would be blocked as a result of a change in the street grid pattern.

4 b. i. It is the City's policy to protect public views of historic  
5 landmarks designated by the Landmarks Preservation Board which, because of their  
6 prominence of location or contrasts of siting, age, or scale, are easily identifiable visual  
7 features of their neighborhood or the City and contribute to the distinctive quality or identity  
8 of their neighborhood or the City. This subsection does not apply to the Space Needle,  
9 which is governed by subsection P2c of this section.

10 ii. A proposed project may be conditioned or denied to  
11 mitigate view impacts on historic landmarks, whether or not the project meets the criteria of  
12 the Overview Policy set forth in SMC Section 25.05.665.

13 c. It is the City's policy to protect public views of the Space Needle  
14 from the following public places. A proposed project may be conditioned or denied to  
15 protect such views, whether or not the project meets the criteria of the Overview Policy set  
16 forth in SMC Section 25.05.665.

- 17 i. Alki Beach Park (Duwamish Head)
- 18 ii. Bhy Kracke Park
- 19 iii. Gasworks Park
- 20 iv. Hamilton View Point
- 21 v. Kerry Park
- 22 vi. Myrtle Edwards Park
- 23 vii. Olympic Sculpture Park (City-owned parcel)
- 24 viii. Seacrest Park
- 25 ix. Seattle Center
- 26 x. Volunteer Park

27 d. Mitigating measures may include, but are not limited to:

- 28 i. Requiring a change in the height of the development;
- 29 ii. Requiring a change in the bulk of the development;
- 30 iii. Requiring a redesign of the profile of the development;
- 31 iv. Requiring on-site view corridors or requiring  
32 enhancements to off-site view corridors;
- 33 v. Relocating the project on the site;
- 34 vi. Requiring a reduction or rearrangement of walls,  
35 fences or plant material; and
- 36 vii. Requiring a reduction or rearrangement of accessory  
37 structures including, but not limited to towers, railings and antennae.

38 \* \* \*

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41 R. Traffic and Transportation.

42 1. Policy Background.

43 a. Excessive traffic can adversely affect the stability, safety and  
44 character of Seattle's communities.



1                   b.       Substantial traffic volumes associated with major projects may  
2 adversely impact surrounding areas.

3                   c.       Individual projects may create adverse impacts on  
4 transportation facilities which service such projects. Such impacts may result in a need for  
5 turn channelization, right-of-way dedication, street widening or other improvements  
6 including traffic signalization.

7                   d.       Seattle's land use policies call for decreasing reliance on the  
8 single occupant automobile and increased use of alternative transportation modes.

9                   e.       Regional traffic and transportation impacts arising as a result  
10 of downtown development have been addressed in substantial part by the ~~((Downtown Land  
11 Use and Transportation Plan. Actions underway to mitigate impacts include the  
12 implementation of the Downtown))~~ Land Use Code<sup>8</sup> ~~((and the construction of the downtown  
13 transit tunnel, both of which promote and encourage transit use)).~~

14                  f.       The University District is an area of the City which is subject  
15 to particularly severe traffic congestion problems, as highlighted in the 1983 City-University  
16 Agreement, and therefore deserves special attention in the environmental review of project  
17 proposals.

18                   2.       Policies.

19                  a.       It is the City's policy to minimize or prevent adverse traffic  
20 impacts which would undermine the stability, safety and/or character of a neighborhood or  
21 surrounding areas.

22                  b.       In determining the necessary traffic and transportation impact  
23 mitigation, the decisionmaker shall examine the expected peak traffic and circulation pattern  
24 of the proposed project weighed against such factors as the availability of public transit;  
25 existing vehicular and pedestrian traffic conditions; accident history; the trend in local area  
26 development; parking characteristics of the immediate area; the use of the street as  
27 determined by the Seattle Transportation Department's Seattle Comprehensive  
28 Transportation Plan; and the availability of goods, services and recreation within reasonable  
29 walking distance.



1 c. Mitigation of traffic and transportation impacts shall be  
2 permitted whether or not the project meets the criteria of the Overview Policy set forth in  
3 SMC Section 25.05.665.

4 d. Mitigation measures which may be applied to residential  
5 projects in downtown are limited to the following:

6 i. Signage;  
7 ii. Provision of information on transit and ride-sharing  
8 programs; and

9 iii. Bicycle parking.  
10 e. Mitigating measures which may be applied to nonresidential  
11 projects in downtown are limited to the following:

12 i. Provision of transit incentives including transit pass  
13 subsidies;

14 ii. Signage;  
15 iii. Improvements to pedestrian and vehicular traffic  
16 operations, signalization, turn channelization, right-of-way dedication, street widening, or  
17 other improvements proportionate to the impact of the project; and

18 iv. Transportation management plans.

19 f. i. Mitigating measures which may be applied to projects  
20 outside of downtown may include, but are not limited to:

21 (A) Changes in access;

22 (B) Changes in the location, number and size of  
23 curb cuts and driveways;

24 (C) Provision of transit incentives including transit  
25 pass subsidies;

26 (D) Bicycle parking;

27 (E) Signage;

28 (F) Improvements to pedestrian and vehicular  
29 traffic operations including signalization, turn channelization, right-of- way dedication,  
30 street widening, or other improvements proportionate to the impacts of the project; and

31 (G) Transportation management plans.

32 ii. For projects outside downtown which result in adverse  
33 impacts, the decisionmaker may reduce the size and/or scale of the project only if the  
34 decisionmaker determines that the traffic improvements outlined under subparagraph R2fi  
35 above would not be adequate to effectively mitigate the adverse impacts of the project.  
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37 \*\*\*







# City of Seattle

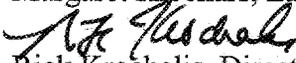
Paul Schell, Mayor

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

## DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

### MEMORANDUM

**TO:** Margaret Pageler, City Council President, via  
Margaret Klockars, Law Department

**FROM:**   
Rick Krochalis, Director

**DATE:** June 15, 2001

**SUBJECT:** PUBLIC HEARING ON PROPOSED AMENDMENTS  
TO THE CITY'S LAND USE CODE AND  
STATE ENVIRONMENTAL POLICY ACT (SEPA)  
TO REMOVE REFERENCES TO LAND USE POLICIES

#### Transmittal

With this memorandum we are transmitting for City Council consideration proposed amendments to the City's Land Use Code and SEPA Ordinance to remove references to land use policies.

#### Background

The Growth Management Hearings Board has indicated that municipal land use policies should be embodied in development regulations or comprehensive plans. In 2000, the City Council amended the Comprehensive Plan so that it includes all pertinent portions of the City's Land Use Policies. The proposed legislation would remove land use policies previously contained or referenced in the SEPA Ordinance and Land Use Code. The proposed amendments to the Land Use Code were introduced to City Council late last year. This transmittal contains proposed amendments to the SEPA Ordinance; both ordinances will be reviewed before City Council as one legislative package.



## **SEPA Environmental Review Determination**

A Declaration of Non-Significance (no environmental impact statement required) was previously issued for the proposed amendments to the Land Use Code. The Director of DCLU has determined that the proposed code amendments to SEPA are non-substantive and categorically exempt from threshold determination and EIS requirements per WAC 197-11-800(20).

## **Public Hearing Scheduled**

A public hearing on this legislation before City Council's Neighborhoods, Sustainability and Community Development Committee will be held on Thursday, July 5, 2001, at 5:30 pm in the City Council Chamber.

## **Non-Financial Legislation**

The proposed legislation has no financial implications.

Questions regarding the legislation may be directed to Tom Hauger, Strategic Planning Office, by phone at (206) 684-8380 or email at [tom.hauger@ci.seattle.wa.us](mailto:tom.hauger@ci.seattle.wa.us), or Cliff Portman, DCLU, by phone at (206) 684-5593 or email at [cliff.portman@ci.seattle.wa.us](mailto:cliff.portman@ci.seattle.wa.us).

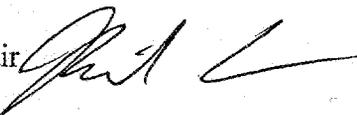
## **Attachments**

kd  
land use policies-tm  
6/15/01





**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** December 12, 2001  
**To:** All Councilmembers  
**From:** Richard Conlin, Chair  
NS&CD Committee   
**Subject:** **Land Use Policies Repeal:** CB 113381 and CB 113721  
For Full Council Agenda: Monday, December 17, 2001  
Items #12 and #13.

Last year, the Council adopted into the Comprehensive Plan a set Land Use Policies. These policies now in the Comprehensive Plan serve to explain the intent of the City's land use regulations, and guide future amendments to the regulations. The land use policies in the Comprehensive Plan are intended to replace the policies that currently reside in the Land Use Code, Chapter 23.12.

The Legislation before you on Monday December 17 would repeal the Land Use Policies from the Land Use Code. This legislation was postponed last year primarily because of concerns about the regulatory effect of eliminating code references to the policies. The code calls for consideration of the policies when making certain discretionary land use decisions and in SEPA review.

Central staff conducted an extensive review of the use of the land use policies. Staff concluded that substantive regulatory effect from the proposed repeal of the policies could be avoided by adding limited policy intent to the code, and by replacing two SEPA references to the land use policies in the code with references to the revised policies in the Comprehensive Plan.

This recommendation is acceptable to DCLU, SPO and Law Department staff, and is recommended by the NS&CD Committee.

This legislation will help to accomplish land use code simplification by eliminating the policies in SMC 23.12.



1 project is located on a site with unusual topographic features or on a site which is  
2 substantially larger than the prevalent platting pattern in an area.

3 c. ~~((Whenever new land use policies are adopted, adverse~~  
4 ~~impacts may result when height, bulk and scale permitted by previously adopted zoning~~  
5 ~~conflicts with the new land use policies)) Similarly, the mapping of the City's zoning~~  
6 ~~designations cannot always provide a reasonable transition in height, bulk and scale between~~  
7 ~~development in adjacent zones.~~

8 2. Policies.

9 a. It is the City's policy that the height, bulk and scale of  
10 development projects should be reasonably compatible with the general character of  
11 development anticipated by the adopted land use ~~((policies set forth in SMC Chapter 23.12,~~  
12 ~~the shoreline goals and policies set forth in the land use element of the Seattle~~  
13 ~~comprehensive plan, and the procedures and locational criteria for shoreline environment~~  
14 ~~redesignations set forth in SMC Sections 23.60.060 and 23.60.220, respectively,))~~  
15 regulations for the area in which they are located, and to provide for a reasonable transition  
16 between areas of less intensive zoning and more intensive zoning.

17 b. Subject to the overview policy set forth in SMC Section  
18 25.05.665, the decision-maker may condition or deny a project to mitigate the adverse  
19 impacts of substantially incompatible height, bulk and scale. Mitigating measures may  
20 include but are not limited to:

- 21 i. Limiting the height of the development;
- 22 ii. Modifying the bulk of the development;
- 23 iii. Modifying the development's facade including but not  
24 limited to color and finish material;
- 25 iv. Reducing the number or size of accessory structures or  
26 relocating accessory structures including but not limited to towers, railings, and antennae;
- 27 v. Repositioning the development on the site; and
- 28 vi. Modifying or requiring setbacks, screening,  
29 landscaping or other techniques to offset the appearance of incompatible height, bulk and  
30 scale.

31 c. The Citywide design guidelines ~~((and any Council approved,~~  
32 ~~neighborhood design guidelines))~~ are intended to mitigate the same adverse height, bulk and  
33 scale impacts addressed in these policies. A project that is approved pursuant to the design  
34 review process ~~((shall be))~~ is presumed to comply with these height, bulk and scale policies.  
35 This presumption may be rebutted only by clear and convincing evidence that height, bulk  
36 and scale impacts documented through environmental review have not been adequately  
37 mitigated. Any additional mitigation imposed by the decisionmaker pursuant to these height,  
38 bulk and scale policies on projects that have undergone design review shall comply with  
39 design guidelines applicable to the project.

40  
41 \* \* \*

42  
43 J. Land Use.

44 1. Policy Background.



1 a. The City has adopted land use ~~((policies<sup>5</sup> and code which))~~  
2 regulations that are designed, in part, to minimize or prevent impacts resulting from  
3 incompatible land use. ~~((The land use policies are set forth in SMC Chapter 23.12, the~~  
4 ~~shoreline goals and policies are set forth in the land use element of the Seattle~~  
5 ~~comprehensive plan, and the procedures and locational criteria for shoreline environment~~  
6 ~~redesignations are set forth in SMC Sections 23.60.060 and 23.60.220, respectively.))~~

7 b. The adopted Land Use Code (Title 23) cannot identify or  
8 anticipate all possible uses and all potential land use impacts.

9 c. ~~((When land use policy changes are adopted, adverse land use~~  
10 ~~impacts may result when a proposed project includes uses which may be consistent with the~~  
11 ~~applicable zoning requirements but are in conflict with the new land use policies.~~

12 d. ~~Adverse cumulative land use impacts may result when a~~  
13 ~~particular use or uses permitted under the Zoning Code occur in an area to such an extent~~  
14 ~~that they foreclose opportunities for higher priority, preferred uses called for in the City's~~  
15 ~~land use policies.))~~

16 ~~((e))~~d. Density-related impacts of development are addressed under  
17 the policies set forth in subsections G (height, bulk and scale), M (parking), R (traffic) and O  
18 (public services and facilities) of this section and are not addressed under this policy.

19 2. Policies.

20 a. It is the City's policy to ensure that proposed uses in  
21 development projects are reasonably compatible with surrounding uses and are consistent  
22 with any applicable, adopted City land use ~~((policies))~~ regulations for the area in which the  
23 project is located.

24 b. Subject to the overview policy set forth in SMC Section  
25 25.05.665, the decisionmaker may condition or deny any project to mitigate adverse land  
26 use impacts ~~((associated with))~~ resulting from a proposed project ~~((and achieve consistency~~  
27 ~~with the applicable City land use policies set forth in SMC Chapter 23.12, the shoreline~~  
28 ~~goals and policies set forth in the land use element of the Seattle comprehensive plan, the~~  
29 ~~procedures and locational criteria for shoreline environment redesignations set forth in SMC~~  
30 ~~Sections 23.60.060 and 23.60.220, respectively, and with the environmentally critical areas~~  
31 ~~policies)).~~

32 \* \* \*

33  
34  
35 M. Parking.

36 1. Policy Background.

37 a. Increased parking demand associated with development  
38 projects may adversely affect the availability of parking in an area.

39 b. Parking ~~((policies designed))~~ regulations to mitigate most  
40 parking impacts and to accommodate most of the cumulative effects of future projects on  
41 parking are ~~((included in the City's land use policies<sup>5</sup> and))~~ implemented through the City's  
42 Land Use Code. However, in some neighborhoods, due to inadequate off- street parking,  
43 streets are unable to absorb ~~((any additional))~~ parking spillover. The ~~((policies))~~ City



1 recognizes that the cost of providing additional parking may have an adverse effect on the  
2 affordability of housing.

3 2. Policies.

4 a. It is the City's policy to minimize or prevent adverse parking  
5 impacts associated with development projects.

6 b. Subject to the overview and cumulative effects policies set  
7 forth in SMC Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project  
8 to mitigate the effects of development in an area on parking; provided that:

9 i. No SEPA authority is provided to mitigate the impact  
10 of development on parking availability in the downtown zones;

11 ii. In the Seattle Cascade Mixed (SCM) zone and for  
12 residential uses located within the Pike/Pine Overlay District, no SEPA authority is provided  
13 for the decisionmaker to require more parking than the minimum required by the Land Use  
14 Code;

15 iii. Parking impact mitigation for multifamily  
16 development, except in the Alki area, as described in subsection M2c below, may be  
17 required only where on-street parking is at capacity, as defined by Seattle Transportation or  
18 where the development itself would cause on-street parking to reach capacity as so defined.

19 c. For the Alki area, as identified on Exhibit 2, a higher number  
20 of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate  
21 the adverse parking impacts of specific multifamily projects. Projects that generate a greater  
22 need for parking and that are located in places where the street cannot absorb that need -- for  
23 example, because of proximity to the Alki Beach Park -- may be required to provide  
24 additional parking spaces to meet the building's actual need. In determining that need, the  
25 size of the development project, the size of the units and the number of bedrooms in the  
26 units shall be considered.

27 d. Parking impact mitigation for projects outside of downtown  
28 zones may include but is not limited to:

29 i. Transportation management programs;  
30 ii. Parking management and allocation plans;  
31 iii. Incentives for the use of alternatives to single-  
32 occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle  
33 parking space;

34 iv. Increased parking ratios, unless the project is located  
35 within the Seattle Cascade Mixed (SCM) zone or the Pike/Pine Overlay District; and

36 v. Reduced development densities to the extent that it can  
37 be shown that reduced parking spillover is likely to result; provided, that parking impact  
38 mitigation for multifamily development may not include reduction in development density.

39 \* \* \*

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41  
42 P. Public View Protection.

43 1. Policy Background.



1 a. Seattle has a magnificent natural setting of greenery,  
2 mountains, and water; visual amenities and opportunities are an integral part of the City's  
3 environmental quality.

4 b. The City has developed particular sites for the public's  
5 enjoyment of views of mountains, water and skyline and has many scenic routes and other  
6 public places where such views enhance one's experience.

7 c. Obstruction of public views may occur when a proposed  
8 structure is located in close proximity to the street property line, when development occurs  
9 on lots situated at the foot of a street that terminates or changes direction because of a shift  
10 in the street grid pattern, or when development along a street creates a continuous wall  
11 separating the street from the view.

12 d. Authority provided through the Landmarks Preservation  
13 Ordinance<sup>6</sup> is intended to preserve sites and structures which reflect significant elements of  
14 the City's historic heritage and to designate and regulate such sites and structures as historic  
15 landmarks.

16 e. The adopted ((Downtown)) Land Use ((Policies and)) Code  
17 provide for the preservation of specified view corridors through setback requirements ((and  
18 policies for the use of street space)).

19 f. Adopted Land Use Codes attempt to protect private views  
20 through height and bulk controls and other zoning regulations but it is impractical to protect  
21 private views through project-specific review.

22 2. Policies.

23 a. i. It is the City's policy to protect public views of  
24 significant natural and human-made features: Mount Rainer, the Olympic and Cascade  
25 Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake  
26 Washington, Lake Union and the Ship Canal, from public places consisting of the specified  
27 viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1.  
28 (Attachment 1 is located at the end of this Section 25.05.675.)

29 ii. The decisionmaker may condition or deny a proposal  
30 to eliminate or reduce its adverse impacts on designated public views, whether or not the  
31 project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665;  
32 provided that downtown projects may be conditioned or denied only when public views  
33 from outside of downtown would be blocked as a result of a change in the street grid pattern.

34 b. i. It is the City's policy to protect public views of historic  
35 landmarks designated by the Landmarks Preservation Board which, because of their  
36 prominence of location or contrasts of siting, age, or scale, are easily identifiable visual  
37 features of their neighborhood or the City and contribute to the distinctive quality or identity  
38 of their neighborhood or the City.

39 ii. A proposed project may be conditioned or denied to  
40 mitigate view impacts on historic landmarks, whether or not the project meets the criteria of  
41 the Overview Policy set forth in SMC Section 25.05.665.

42 c. Mitigating measures may include, but are not limited to:

- 43 i. Requiring a change in the height of the development;  
44 ii. Requiring a change in the bulk of the development;



- iii. Requiring a redesign of the profile of the development;
- iv. Requiring on-site view corridors or requiring enhancements to off-site view corridors;
- v. Relocating the project on the site;
- vi. Requiring a reduction or rearrangement of walls, fences or plant material; and
- vii. Requiring a reduction or rearrangement of accessory structures including, but not limited to towers, railings and antennae.

\* \* \*

R. Traffic and Transportation.

1. Policy Background.

- a. Excessive traffic can adversely affect the stability, safety and character of Seattle's communities.
- b. Substantial traffic volumes associated with major projects may adversely impact surrounding areas.
- c. Individual projects may create adverse impacts on transportation facilities which service such projects. Such impacts may result in a need for turn channelization, right-of-way dedication, street widening or other improvements including traffic signalization.
- d. Seattle's land use policies call for decreasing reliance on the single occupant automobile and increased use of alternative transportation modes.
- e. Regional traffic and transportation impacts arising as a result of downtown development have been addressed in substantial part by the ~~((Downtown Land Use and Transportation Plan. Actions underway to mitigate impacts include the implementation of the Downtown))~~ Land Use Code<sup>8</sup> ~~((and the construction of the downtown transit tunnel, both of which promote and encourage transit use))~~.
- f. The University District is an area of the City which is subject to particularly severe traffic congestion problems, as highlighted in the 1983 City-University Agreement, and therefore deserves special attention in the environmental review of project proposals.

2. Policies.

- a. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas.
- b. In determining the necessary traffic and transportation impact mitigation, the decisionmaker shall examine the expected peak traffic and circulation pattern of the proposed project weighed against such factors as the availability of public transit; existing vehicular and pedestrian traffic conditions; accident history; the trend in local area development; parking characteristics of the immediate area; the use of the street as determined by the Seattle Transportation Department's Seattle Comprehensive Transportation Plan; and the availability of goods, services and recreation within reasonable walking distance.



1 c. Mitigation of traffic and transportation impacts shall be  
2 permitted whether or not the project meets the criteria of the Overview Policy set forth in  
3 SMC Section 25.05.665.

4 d. Mitigation measures which may be applied to residential  
5 projects in downtown are limited to the following:

6 i. Signage;  
7 ii. Provision of information on transit and ride-sharing  
8 programs; and

9 iii. Bicycle parking.  
10 e. Mitigating measures which may be applied to nonresidential  
11 projects in downtown are limited to the following:

12 i. Provision of transit incentives including transit pass  
13 subsidies;

14 ii. Signage;  
15 iii. Improvements to pedestrian and vehicular traffic  
16 operations, signalization, turn channelization, right-of-way dedication, street widening, or  
17 other improvements proportionate to the impact of the project; and

18 iv. Transportation management plans.

19 f. i. Mitigating measures which may be applied to projects  
20 outside of downtown may include, but are not limited to:

21 (A) Changes in access;

22 (B) Changes in the location, number and size of  
23 curb cuts and driveways;

24 (C) Provision of transit incentives including transit  
25 pass subsidies;

26 (D) Bicycle parking;

27 (E) Signage;

28 (F) Improvements to pedestrian and vehicular  
29 traffic operations including signalization, turn channelization, right-of-way dedication,  
30 street widening, or other improvements proportionate to the impacts of the project; and

31 (G) Transportation management plans.

32 ii. For projects outside downtown which result in adverse  
33 impacts, the decisionmaker may reduce the size and/or scale of the project only if the  
34 decisionmaker determines that the traffic improvements outlined under subparagraph R2fi  
35 above would not be adequate to effectively mitigate the adverse impacts of the project.  
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**Section 2.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

**Section 3.** 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 \_\_\_\_\_ day of \_\_\_\_\_, 2001, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Paul Schell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2001 \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

(SEAL)



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**STATE OF WASHINGTON - KING COUNTY**

--SS.

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140087  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

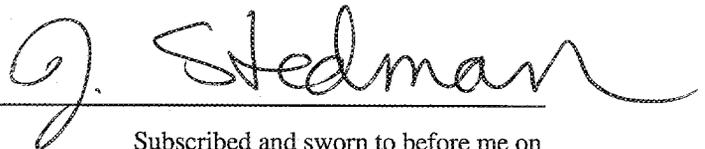
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published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

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was published on

1/14/2002



Subscribed and sworn to before me on

1/15/2002

  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

