

Ordinance No. 121362

Council Bill No. 114767

AN ORDINANCE relating to land use and zoning, amending Sections 23.71.004, 23.71.008, 23.71.014, 23.71.020, 23.71.038, 23.71.044, 23.76.004 (Exhibit A), 23.76.006 and 23.76.026; and repealing Sections 23.71.024, 23.71.026, 23.71.028, and 23.71.029; all relating to the Northgate Overlay District.

W

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action:

12-8-03 Passed As Amended 5-0

CF No. _____

Date Introduced:	NOV 24 2003	
Date 1st Referred:	NOV 24 2003	To: (committee) COMMITTEE OF WHOLE
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	12-8-03	Full Council Vote: 5-0
Date Presented to Mayor:	12-9-03	Date Approved: 12/17/03
Date Returned to City Clerk:	12/17/03	Date Published: 13 pp
Date Vetoes by Mayor:		T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes Published:		
Date Passed Over Veto:		Veto Sustained:

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

Law Dept. Review OMP Review City Clerk Review E3 Cop

ORDINANCE 121362

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AN ORDINANCE relating to land use and zoning, amending Sections 23.71.004, 23.71.008, 23.71.014, 23.71.020, 23.71.038, 23.71.044, 23.76.004 (Exhibit A), 23.76.006 and 23.76.026; and repealing Sections 23.71.024, 23.71.026, 23.71.028, and 23.71.029; all relating to the Northgate Overlay District.

WHEREAS, GDP elements are intended to help promote pedestrian circulation by establishing a functional and attractive pedestrian network, efficient vehicle circulation that minimizes disruption to pedestrian circulation, adequate amenities such as landscaping and open space to encourage use of the pedestrian network, development compatible with adjacent areas, and conditions that support increased use of transit or other alternatives to single-occupant vehicles; and

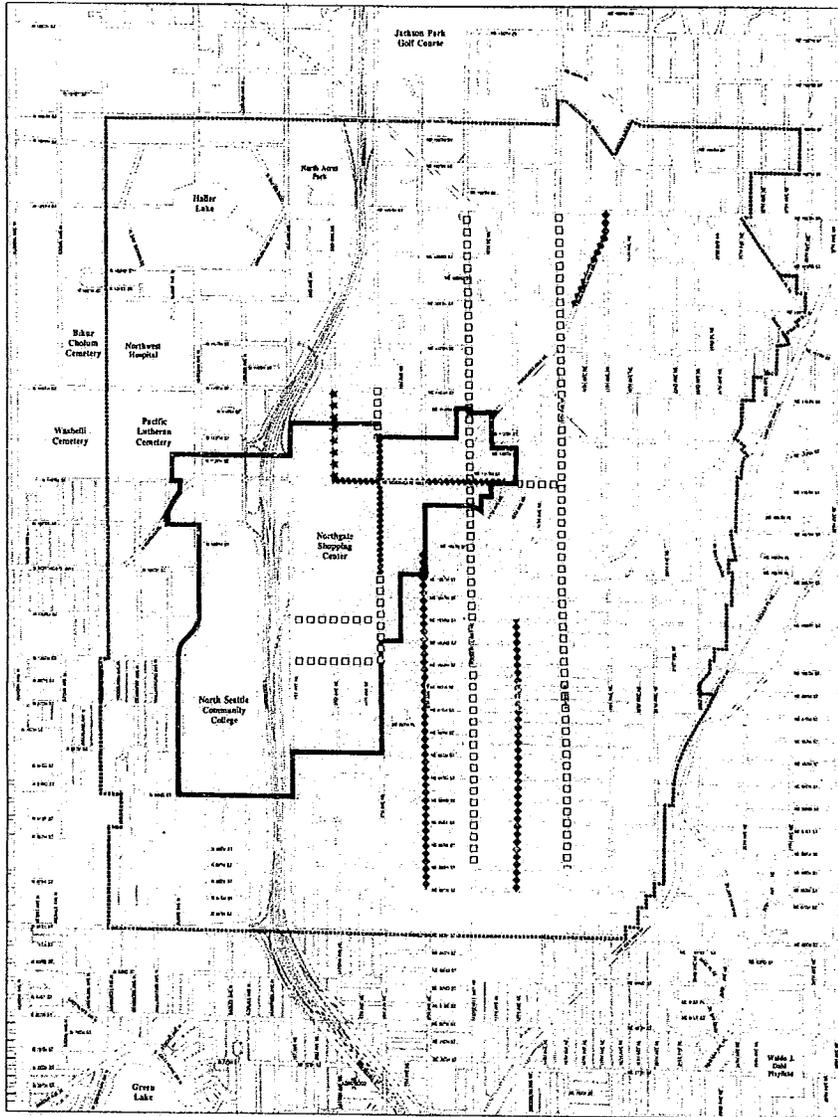
WHEREAS, existing regulatory requirements, including the development standards in the Northgate Overlay District and the Northgate Area Design Guidelines, can be combined with optional mechanisms such as development agreements or planned actions to replace and better accomplish the goals of the GDP requirements; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.71.004 of the Seattle Municipal Code, which was last amended by Ordinance 120117, is amended by replacing Map A with a new Map A adding Northeast 103rd Street (from 1st Avenue NE to 5th Avenue NE), 100th Street (from 1st Avenue NE to 5th Avenue NE) and 5th Avenue NE (from NE 105th Street to NE 100th Street) as Special Landscaped Arterials as follows:

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MAP A. NORTHGATE OVERLAY DISTRICT

-----	Overlay District Boundary	-----	Green Street Type III
—————	Northgate Core Area	□□□□□□	Special Landscaped Arterial
*****	Green Street Type II	-----	Major Pedestrian Street

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1 Section 2. Section 23.71.008 of the Seattle Municipal Code, which was last amended by
2 Ordinance 118114, is amended as follows:

3 **SMC 23.71.008 Development along major pedestrian streets.**

4 * * *

5 F. Street Facade Standards

6 1. Transparency Requirements.

7 ((a-)) Sixty (60) percent of the width of the facade of a structure along the major
8 pedestrian street shall be transparent. Clear or lightly tinted glass, with comparable visibility
9 into the structure as clear glass, in windows, doors and display windows, which must be a
10 minimum of four (4) feet deep, shall be considered transparent. Transparent areas shall
11 allow unobstructed views into the structure or into display windows, which must be a
12 minimum of four (4) feet deep, from the outside.

13 (~~(b- A facade shall be considered transparent if it has clear or slightly tinted glass in~~
14 ~~windows, doors or display windows.~~

15 ~~e. Transparent areas shall allow views into the structure or into display windows~~
16 ~~from the outside.))~~

17 2. Blank Facades.

18 a. Any portion of a facade which is not transparent shall be considered to be a blank
19 facade.

20 b. Blank facade segments shall not exceed thirty (30) feet along the major pedestrian
21 street front.

22 c. Blank facade segments which are separated by transparent areas of at least two (2)
23 feet in width shall be considered separate facade segments for the purposes of this section.

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1 4. Reductions to Required Open Space. Required open space may be reduced if any
2 of the following open space alternatives are provided:

3 a. Interior public meeting space or space accommodating a public library, either of
4 which shall be free to the public and credited at two (2) times their actual area;

5 b. An on-site town square, urban plaza, active park, or passive park which meets the
6 minimum size requirements prescribed in Table 23.71.014 A and which is consistent with
7 the standards for such features contained in subsection 23.71.014 C. Such space shall be
8 credited towards the open space requirement at 1.5 times the actual lot area occupied by
9 such space.

10 5. Above-ground open space in the form of a publicly accessible terrace may satisfy
11 up to thirty (30) percent of total required open space. Due to the more limited public access
12 to such areas, such above-ground open space shall be credited at seventy-five (75) percent of
13 actual area provided. Above-ground open space in combination with interior open space
14 shall not exceed fifty (50) percent of the total area required for open space.

15 6. In no case shall required landscaped open space be reduced to less than the
16 minimum percentages for landscaped open space required in (A)(1) and (A) (2) of this
17 section. ~~((five (5) percent of lot area.))~~ Required landscaping of surface parking areas,
18 which may include perimeter screening, may count towards the landscaped open space
19 requirement up to the minimum percentages required in (A)(1) and (A) (2) of this section.
20 ~~((to a maximum of five (5) percent of total lot area. Perimeter screening of a surface~~
21 ~~parking area may count towards the landscaped open space requirement in excess of five (5)~~
22 ~~percent.))~~

23 7. When an owner proposes substantial development on lots forty thousand (40,000)
24 square feet or less and adjacent to a major pedestrian street as designated in Section

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1 23.71.008, the Director may reduce the total amount of required open space if the owner
2 provides open space on the portion of the site abutting the major pedestrian street. The
3 reduction does not apply to open space consisting of landscaping required for surface
4 parking areas, screening, or to improvements provided within the street right-of-way.

5 8. Northgate Open Space Fund.

6 a. In lieu of providing the remainder of open space, as defined in subsections A1 and
7 A2 of this section, an owner may make a payment to the Northgate Area Open Space fund,
8 if such a fund is established by the City Council. ~~((The payment and use thereof shall be
9 consistent with RCW 82.02.020.))~~

10 b. An in-lieu of payment shall equal the assessed value of the land and
11 improvements which would otherwise have been provided as open space.

12 c. Funds received from properties within the Northgate Core sub-area as shown on
13 Map A, shall be applied to open space acquisition or improvements in the Northgate Core
14 sub-area. Funds received from properties outside of the Northgate Core sub-area shall be
15 applied to open space acquisition or improvements within one-half (1/2) mile of contributing
16 sites.

17 * * *

18 ~~((D. Reduction of Open Space Deficit. When substantial development is proposed
19 for a site, the open space deficit for the entire site must be eliminated, provided that for sites
20 subject to the General Development Plan provisions of Section 23.71.020, the deficit need
21 not be eliminated but shall be reduced by an amount equal to fifty percent (50%) of the
22 footprint of the substantial development together with fifty percent (50%) of the total
23 footprint of any new parking area provided to meet the demand of the substantial
24 development, together with fifty percent (50%) of any replacement parking provided.))~~

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1 Section 4. Section 23.71.020 of the Seattle Municipal Code, which was last
2 amended by Ordinance 116795, is amended as follows:

3 **SMC 23.71.020 ((General Development Plan requirement))Development Agreements.**

4 ((A. On sites of six (6) acres or more the owner shall submit and obtain approval of a
5 General Development Plan when one (1) or more of the conditions identified in subsection C of
6 this section is met.))

7 Development Agreements may be proposed for development within the Northgate
8 Overlay District pursuant to RCW 36.70B. In determining whether to approve a Development
9 Agreement, the City Council shall consider the extent to which the proposed development or
10 redevelopment:

11 a. Contributes toward meeting the Northgate Urban Center housing targets;

12 b. Coordinates approaches to transportation planning and traffic analysis with
13 surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and
14 reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic
15 impacts on neighborhoods;

16 c. Proposes improvements to the street level environment and circulation for pedestrians,
17 including coordination with area-wide pedestrian circulation and open space plans such as the 5th
18 Avenue Streetscape Design Plan;

19 d. Includes natural drainage strategies such as those described in the Thornton Creek
20 Five-Year Action Agenda and "Refining Our Choices" for Northgate; and

21 e. Incorporates sustainable design and green building practices in the proposed
22 development.

23 ((B. For the purposes of this section a "site" is all contiguous parcels of property,
24 including parcels separated only by rights-of-way, which are under common ownership, or

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1 under the ownership of several individuals or entities who have agreed to common
2 management of all or a portion of the parcels.

3 C. A General Development Plan shall be prepared when one (1) or more of the
4 following occurs:

5 1. Development of more than four thousand (4,000) square feet of commercial floor
6 area, or redevelopment of more than four thousand (4,000) square feet of commercial floor
7 area, if the redevelopment includes a change of use; and/or

8 2. Creation of parking facilities for over forty (40) vehicle spaces; and/or

9 3. Rezone applications; and/or

10 4. Conditional use applications; and/or

11 5. Requests for variance(s) from the requirements of this chapter.

12 D. The General Development Plan shall be reviewed by the Director as a Type II master
13 use permit decision, as provided in Chapter 23.76, Procedures For Master Use Permits and
14 Council Land Use Decisions.

15 E. A General Development Plan is not required for that portion of a site for which a
16 Major Institution Master Plan is required pursuant to Chapter 23.69.)

17 Section 5. Section 23.71.024 of the Seattle Municipal Code, which was last
18 amended by Ordinance 116795, is repealed.

19 Section 6. Section 23.71.026 of the Seattle Municipal Code, which was last
20 amended by Ordinance 116795, is repealed.

21 Section 7. Section 23.71.028 of the Seattle Municipal Code, which was last
22 amended by Ordinance 119239, is repealed.

23 Section 8. SMC 23.71.029 of the Seattle Municipal Code, which was last amended
24 by Ordinance 116795, is repealed.

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EXHIBIT 23.76.004 A

LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS		
TYPE I Director's Decision (No Administrative Appeal)	Type II Director's Decision (Appealable to Hearing Examiner*)	Type III Hearing Examiner's Decision (No Administrative Appeal)
<ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of sign ficance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accom:odation • Minor amendment to a Major Phased Development Permit 	<ul style="list-style-type: none"> • Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special exceptions • Design review • ((Northgate-General Development Plans)) • Light rail transit facilities • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development 	<ul style="list-style-type: none"> • Subdivisions (preliminary plats)

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COUNCIL LAND USE DECISIONS

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

3

4 Section 12. Section 23.76.006 of the Seattle Municipal Code (SMC), which was last
5 amended by Ordinance 120611, is amended as follows:

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

7 * * *

8 C. The following are Type II decisions:

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

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

20 2. The following decisions, including any integrated decisions to approve,
21 condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner

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1 (except shoreline decisions and related environmental determinations which are appealable
2 to the Shorelines Hearings Board):

3 a. Establishment or change of use for temporary uses more than four
4 (4) weeks not otherwise permitted in the zone or not meeting development standards,
5 including the establishment of temporary uses and facilities to construct a light rail transit
6 system for so long as is necessary to construct the system as provided in Section
7 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12)
8 months or less;

9 b. Short subdivisions;

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

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

14 e. Design review;

15 f. Administrative conditional uses; provided that, administrative
16 conditional uses sought as part of a Type IV decision may be approved by the Council
17 pursuant to Section 23.76.036;

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

20 (1) Shoreline substantial development permits,

21 (2) Shoreline variances,

22 (3) Shoreline conditional uses;

23 ~~((h. Northgate General Development Plan;))~~

24 h.((i)) Major Phased Development;

25 i.((j)) Determination of project consistency with a planned action

26 ordinance and EIS; and

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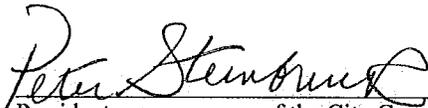
i.((k-)) Establishment of light rail transit facilities necessary to
operate and maintain a light rail transit system, in accordance with the provisions of Section
23.80.004.

* * *

Section 13. 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 14. 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 8th day of December, 2003, and signed by
me in open session in authentication of its passage this 8th day of December,
2003.



President _____ of the City Council

Approved by me this 17 day of December, 2003.



Gregory J. Nickels, Mayor

Filed by me this 17th day of December, 2003



City Clerk

(SEAL)

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ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Sections 23.71.004, 23.71.008, 23.71.014, 23.71.020, 23.71.038, 23.71.044, 23.76.004 (Exhibit A), 23.76.006 and 23.76.026; and repealing Sections 23.71.024, 23.71.026, 23.71.028, and 23.71.029; all relating to the Northgate Overlay District.

WHEREAS, Policy 13 of the Northgate Area Comprehensive Plan states that General Development Plans (GDPs) shall be required to ensure that the development of super-blocks in the Northgate Area supports and reinforces the vehicular/pedestrian balance envisioned to complement transit use in the Northgate Overlay; and

WHEREAS, GDP elements are intended to help promote pedestrian circulation by establishing a functional and attractive pedestrian network, efficient vehicle circulation that minimizes disruption to pedestrian circulation, adequate amenities such as landscaping and open space to encourage use of the pedestrian network, development compatible with adjacent areas, and conditions that support increased use of transit or other alternatives to single-occupant vehicles; and

WHEREAS, existing regulatory requirements, including the development standards in the Northgate Overlay District and the Northgate Area Design Guidelines, can be combined with mechanisms such as development agreements or planned actions to replace and better accomplish the goals of the GDP requirements; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.71.004 of the Seattle Municipal Code, which was last amended by Ordinance _____, is amended by replacing Map A with a new Map A adding Northeast 103rd Street (from 1st Avenue NE to 5th Avenue NE), 100th Street (from 1st Avenue NE to 5th Avenue NE) and 5th Avenue NE (from NE 105th Street to NE 100th Street) as Special Landscaped Arterials as follows:

[insert new Map A showing new Special Landscaped Arterials]

Section 2. Section 23.71.008 of the Seattle Municipal Code, which was last amended by Ordinance _____, is amended as follows:

SMC 23.71.008 Development along major pedestrian streets.

* * *

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1 B. Standards for Required Street-level Uses.

2 1. A minimum of sixty (60) percent of a commercially zoned lot's frontage on a
3 major pedestrian street shall be occupied by one or more of the following uses, provided that
4 parking garages, unless located in a mixed-use building where one or more of the uses listed
5 in subsections a-e occupy the street level on all sides of the building, with the exception of
6 garage entrances and exits; drive-in businesses; and outdoor storage are prohibited:

- 7 a. Personal and household retail sales and service use;
8 b. Eating and drinking establishments;
9 c. Customer service offices;
10 d. Entertainment uses;
11 e. Lodging uses.

12 If a portion of the major pedestrian street frontage is required for access to on-site
13 parking due to limited lot dimension, the Director may permit less than sixty (60) percent of
14 the frontage to be occupied by such uses.

15 2. A minimum of eighty (80) percent of each structure fronting on a major
16 pedestrian street shall be occupied at street-level by one or more of the uses listed in
17 subsection B1 of this section or a building lobby permitting access to uses above or behind
18 street-front uses. In no case shall pedestrian access to uses above or behind required
19 streetfront uses exceed twenty (20) percent of the structure's major pedestrian street front.
20 The remaining twenty (20) percent of the structure's street frontage may contain other
21 permitted uses or pedestrian entrances (Exhibit 23.71.008 A).

22 3. Street-level uses shall occupy a minimum of the first ten (10) feet above sidewalk
23 grade.

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1 allow unobstructed views into the structure or into display windows, which must be a
2 minimum of four (4) feet deep, from the outside.

3 ~~((b. A facade shall be considered transparent if it has clear or slightly tinted glass in~~
4 ~~windows, doors or display windows.~~

5 ~~e. Transparent areas shall allow views into the structure or into display windows~~
6 ~~from the outside.))~~

7 2. Blank Facades.

8 a. Any portion of a facade which is not transparent shall be considered to be a blank
9 facade.

10 b. Blank facade segments shall not exceed thirty (30) feet along the major pedestrian
11 street front.

12 c. Blank facade segments which are separated by transparent areas of at least two (2)
13 feet in width shall be considered separate facade segments for the purposes of this section.

14 3. Transparent and blank facade standards apply to the area of a facade between two
15 (2) feet and eight (8) feet above the sidewalk.

16 * * *

17 Section 3. Section 23.71.014 of the Seattle Municipal Code (SMC), which Section was
18 last amended by Ordinance 116795, is amended as follows:

19 **23.71.014 Open Space**

20 A. Quantity of Open Space.

21 1. In all Commercial zones with a permitted height limit of forty (40) feet or less, a
22 minimum of ten (10) percent of lot area or, at the applicant's option, fifteen (15) percent of
23 proposed gross floor area, shall be provided as landscaped or usable open space for all
24 commercial and mixed use substantial development. A minimum of one-half (1/2) of the

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1 required open space shall be landscaped open space and a minimum of one-third (1/3) of the
2 required open space shall be usable open space. The remainder shall be either landscaped or
3 usable open space or may be provided in accordance with subsection A8 of this section.

4 2. In all Commercial zones with a permitted height limit greater than forty (40) feet,
5 a minimum of fifteen (15) percent of lot area or, at the applicant's option, twenty (20)
6 percent of proposed gross floor area, shall be provided as landscaped or usable open space
7 for all commercial and mixed use substantial development. A minimum of one-third (1/3) of
8 the required open space shall be landscaped open space and a minimum of one-fifth (1/5) of
9 the required open space shall be usable open space. The remainder shall be either landscaped
10 or usable open space or may be provided in accordance with subsection A8 of this section.

11 3. Open space may be provided as interior or exterior open space according to the
12 standards provided in subsections 23.71.014 B and C. Interior open space may be used to
13 satisfy up to twenty (20) percent of the open space requirement.

14 4. Reductions to Required Open Space. Required open space may be reduced if any
15 of the following open space alternatives are provided:

16 a. Interior public meeting space or space accommodating a public library, either of
17 which shall be free to the public and credited at two (2) times their actual area;

18 b. An on-site town square, urban plaza, active park, or passive park which meets the
19 minimum size requirements prescribed in Table 23.71.014 A and which is consistent with
20 the standards for such features contained in subsection 23.71.014 C. Such space shall be
21 credited towards the open space requirement at 1.5 times the actual lot area occupied by
22 such space.

23 5. Above-ground open space in the form of a publicly accessible terrace may satisfy
24 up to thirty (30) percent of total required open space. Due to the more limited public access

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1 to such areas, such above-ground open space shall be credited at seventy-five (75) percent of
2 actual area provided. Above-ground open space in combination with interior open space
3 shall not exceed fifty (50) percent of the total area required for open space.

4 6. In no case shall required landscaped open space be reduced to less than the
5 minimum percentages for landscaped open space required in (A)(1) and (A) (2) of this
6 section. ((five (5) percent of lot area.)) Required landscaping of surface parking areas,
7 which may include perimeter screening, may count towards the landscaped open space
8 requirement up to the minimum percentages required in (A)(1) and (A) (2) of this section.
9 ~~((to a maximum of five (5) percent of total lot area. Perimeter screening of a surface~~
10 ~~parking area may count towards the landscaped open space requirement in excess of five (5)~~
11 ~~percent.))~~

12 7. When an owner proposes substantial development on lots forty thousand (40,000)
13 square feet or less and adjacent to a major pedestrian street as designated in Section
14 23.71.008, the Director may reduce the total amount of required open space if the owner
15 provides open space on the portion of the site abutting the major pedestrian street. The
16 reduction does not apply to open space consisting of landscaping required for surface
17 parking areas, screening, or to improvements provided within the street right-of-way.

18 8. Northgate Open Space Fund.

19 a. In lieu of providing the remainder of open space, as defined in subsections A1 and
20 A2 of this section, an owner may make a payment to the Northgate Area Open Space fund,
21 if such a fund is established by the City Council. ~~((The payment and use thereof shall be~~
22 ~~consistent with RCW 82.02.020.))~~

23 b. An in-lieu of payment shall equal the assessed value of the land and
24 improvements which would otherwise have been provided as open space.

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1 c. Funds received from properties within the Northgate Core sub-area as shown on
2 Map A, shall be applied to open space acquisition or improvements in the Northgate Core
3 sub-area. Funds received from properties outside of the Northgate Core sub-area shall be
4 applied to open space acquisition or improvements within one-half (1/2) mile of contributing
5 sites.

6 * * *

7 ~~((D. Reduction of Open Space Deficit. When substantial development is proposed
8 for a site, the open space deficit for the entire site must be eliminated, provided that for sites
9 subject to the General Development Plan provisions of Section 23.71.020, the deficit need
10 not be eliminated but shall be reduced by an amount equal to fifty percent (50%) of the
11 footprint of the substantial development together with fifty percent (50%) of the total
12 footprint of any new parking area provided to meet the demand of the substantial
13 development, together with fifty percent (50%) of any replacement parking provided.))~~

14 Section 4. Section 23.71.020 of the Seattle Municipal Code, which was last
15 amended by Ordinance 116795, is amended as follows:

16 **SMC 23.71.020 ((General Development Plan requirement)) Large Site Developments.**

17 A. When development or redevelopment is proposed o((Θ))n all sites of six (6) acres or
18 more ((the owner shall submit and obtain approval of a General Development Plan when one (1)
19 or more of the conditions identified in subsection C of this section is met.)), and the proposed
20 development or redevelopment exceeds fifty thousand (50,000) square feet in gross building floor
21 area, the applicant must obtain approval of the proposed development or redevelopment pursuant
22 to one of the following approvals or qualify as a SEPA Planned Action:

- 23 1. Obtain approval of a Major Phased Development for the entire site pursuant to SMC
24 23.47.007.

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- 1 2. Obtain approval of a Development Agreement for the entire site pursuant to RCW
2 36.70B. The City may In determining whether to approve a Development Agreement, the City
3 Council shall consider the extent to which the proposed development or redevelopment:
4 a. Contributes toward meeting the Northgate Urban Center housing targets;
5 b. Coordinates approaches to transportation planning and traffic analysis with
6 surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and
7 reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic
8 impacts on neighborhoods;
9 c. Proposes improvements to the street level environment and circulation for pedestrians,
10 including coordination with area-wide pedestrian circulation and open space plans such as the 5th
11 Avenue Streetscape Design Plan;
12 d. Includes natural drainage strategies such as those described in the Thornton Creek
13 Five-Year Action Agenda and "Refining Our Choices" for Northgate; and
14 e. Incorporates sustainable design and green building practices in the proposed
15 development.
16 3. The proposed development is categorically exempt from SEPA review as a Planned
17 Action pursuant to SMC Chapter 25.05.
18 B. For the purposes of this section a "site" is all contiguous parcels of property,
19 including parcels separated only by rights-of-way, which are under common ownership, or
20 under the ownership of several individuals or entities who have agreed to common
21 management of all or a portion of the parcels.
22 ~~((C. A General Development Plan shall be prepared when one (1) or more of the~~
23 ~~following occurs:~~

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1 1. ~~Development of more than four thousand (4,000) square feet of commercial floor~~
2 ~~area, or redevelopment of more than four thousand (4,000) square feet of commercial floor~~
3 ~~area, if the redevelopment includes a change of use; and/or~~

4 2. ~~Creation of parking facilities for over forty (40) vehicle spaces; and/or~~

5 3. ~~Rezone applications; and/or~~

6 4. ~~Conditional use applications; and/or~~

7 5. ~~Requests for variance(s) from the requirements of this chapter.~~

8 D. ~~The General Development Plan shall be reviewed by the Director as a Type II master~~
9 ~~use permit decision, as provided in Chapter 23.76, Procedures For Master Use Permits and~~
10 ~~Council Land Use Decisions.~~

11 E. ~~A General Development Plan is not required for~~) C. Development or redevelopment
12 on a ((that)) portion of a site for which a Major Institution Master Plan is required pursuant to
13 Chapter 23.69 is exempt from the requirements in Subsections A-B.

14 Section 5. Section 23.71.024 of the Seattle Municipal Code, which was last
15 amended by Ordinance 116795, is repealed.

16 Section 6. Section 23.71.026 of the Seattle Municipal Code, which was last
17 amended by Ordinance 116795, is repealed.

18 Section 7. Section 23.71.028 of the Seattle Municipal Code, which was last
19 amended by Ordinance 119239, is repealed.

20 Section 8. SMC 23.71.029 of the Seattle Municipal Code, which was last amended
21 by Ordinance 116795, is repealed.

22 Section 9. SMC 23.71.038 of the Seattle Municipal Code, which was last amended
23 by Ordinance 118414, is amended as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.

Residential and nonresidential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development. ~~((The minimum standards of Section 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026.))~~

Section 10. SMC 23.71.044 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is amended as follows:

23.71.044 Standards for single-purpose residential development in Commercial zones within the Northgate Overlay District.

* * *

B. Single-purpose residential structures are prohibited in all commercial zones with a height limit of eighty-five (85) feet or greater. ~~((except as provided in Section 23.71.026 B for phased mixed use development under a General Development Plan.))~~

Section 11. Exhibit 23.76.004A of Section 23.76.004 of the Seattle Municipal Code, which was last amended by Ordinance 119974, is amended as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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EXHIBIT 23.76.004 A

LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS		
TYPE I Director's Decision (No Administrative Appeal)	Type II Director's Decision (Appealable to Hearing Examiner*)	Type III Hearing Examiner's Decision (No Administrative Appeal)
<ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit 	<ul style="list-style-type: none"> • Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special exceptions • Design review • ((Northgate General Development Plans)) • Light rail transit facilities • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development 	<ul style="list-style-type: none"> • Subdivisions (preliminary plats)

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COUNCIL LAND USE DECISIONS

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

3

4 Section 12. Section 23.76.006 of the Seattle Municipal Code (SMC), which was last
5 amended by Ordinance 120611, is amended as follows:

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

7 * * *

8 C. The following are Type II decisions:

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

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

20 2. The following decisions, including any integrated decisions to approve,
21 condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner

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1 (except shoreline decisions and related environmental determinations which are appealable
2 to the Shorelines Hearings Board):

3 a. Establishment or change of use for temporary uses more than four
4 (4) weeks not otherwise permitted in the zone or not meeting development standards,
5 including the establishment of temporary uses and facilities to construct a light rail transit
6 system for so long as is necessary to construct the system as provided in Section
7 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12)
8 months or less;

9 b. Short subdivisions;

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

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

14 e. Design review;

15 f. Administrative conditional uses; provided that, administrative
16 conditional uses sought as part of a Type IV decision may be approved by the Council
17 pursuant to Section 23.76.036;

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

20 (1) Shoreline substantial development permits,

21 (2) Shoreline variances,

22 (3) Shoreline conditional uses;

23 ((h. Northgate General Development Plan;))

24 h.((i)) Major Phased Development;

25 i.((j-)) Determination of project consistency with a planned action

26 ordinance and EIS; and

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President _____ of the City Council

Approved by me this _____ day of _____, 20__.

Gregory J. Nickels, Mayor

Filed by me this _____ day of _____, 20__

City Clerk

(SEAL)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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From: Geri Beardsley
To: Margaret Carter; Theresa Dunbar
Date: 11/22/03 1:47PM
Subject: Northgate

Peter will have a walk on Monday - for Northgate COW

Title is below - I won't be able to get you the jacket until noon or so.

AN ORDINANCE relating to land use and zoning, amending Sections 23.71.004, 23.71.008, 23.71.014, 23.71.020, 23.71.038, 23.71.044, 23.76.004 (Exhibit A), 23.76.006 and 23.76.026; and repealing Sections 23.71.024, 23.71.026, 23.71.028, and 23.71.029; all relating to the Northgate Overlay District.

CC: Neil Powers; Norm Schwab; Phyllis Shulman

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*History (through the 10
I asked me to
request DJC to re-
new his bill with
correct number*

STATE OF WASHINGTON - KING COUNTY

--SS.

166703
City of Seattle, Clerk's Office

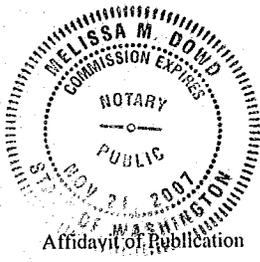
No. ORDINANCE IN FULL

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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:ORD 121362
was published on
12/30/2003



[Signature]
Subscribed and sworn to before me on

12/30/2003
[Signature]
Notary public for the State of Washington,
residing in Seattle

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

--SS.

168416
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL W/MAP

Affidavit of Publication

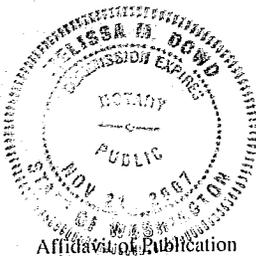
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121362 ORD IN FULL

was published on

2/11/2004



Jennifer Posten

Subscribed and sworn to before me on

2/11/2004

Melinda

Notary public for the State of Washington,
residing in Seattle

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

State of Washington, King County

City of Seattle

REVISED ORDINANCE 121822

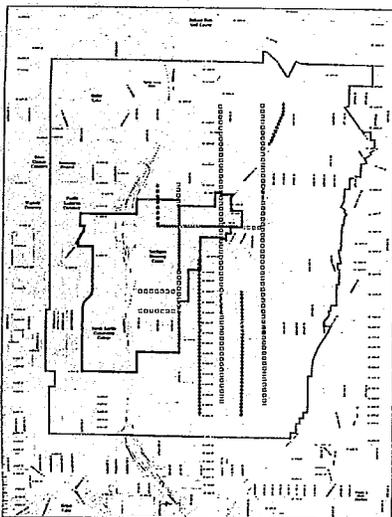
AN ORDINANCE relating to land use and zoning, amending Sections 23.71.004, 23.71.008, 23.71.014, 23.71.020, 23.71.038, 23.71.044, 23.76.004 (Exhibit A), 23.76.006 and 23.76.026; and repealing Sections 23.71.024, 23.71.026, 23.71.028, and 23.71.029; all relating to the Northgate Overlay District.

WHEREAS, GDP elements are intended to help promote pedestrian circulation by establishing a functional and attractive pedestrian network, efficient vehicle circulation that minimizes disruption to pedestrian circulation, adequate amenities such as landscaping and open space to encourage use of the pedestrian network, development compatible with adjacent areas, and conditions that support increased use of transit or other alternatives to single-occupant vehicles; and

WHEREAS, existing regulatory requirements, including the development standards in the Northgate Overlay District and the Northgate Area Design Guidelines, can be combined with optional mechanisms such as development agreements or planned actions to replace and better accomplish the goals of the GDP requirements; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.71.004 of the Seattle Municipal Code, which was last amended by Ordinance 120117, is amended by replacing Map A with a new Map A adding Northeast 103rd Street (from 1st Avenue NE to 5th Avenue NE), 100th Street (from 1st Avenue NE to 5th Avenue NE) and 5th Avenue NE (from NE 103rd Street to NE 100th Street) as Special Landscaped Arterials as follows:



MAP A. NORTHGATE OVERLAY DISTRICT

Section 2. Section 23.71.008 of the Seattle Municipal Code, which was last amended by Ordinance 118114, is amended as follows:

SMC 23.71.008 Development along major pedestrian streets.

F. Street Facade Standards

1. Transparency Requirements.

(a) Sixty (60) percent of the width of the facade of a structure along the major pedestrian street shall be transparent. Clear or lightly tinted glass, with comparable visibility into the structure as clear glass, in windows, doors and display windows, which must be a minimum of four (4) feet deep, shall be considered transparent. Transparent areas shall allow unobstructed views into the structure or into display windows, which must be a minimum of four (4) feet deep, from the outside.

(b) A facade shall be considered transparent if it has clear or slightly tinted glass in windows, doors or display windows.

c. Transparent areas shall allow views into the structure or into display windows from the outside.)

2. Blank Facades.

a. Any portion of a facade which is not transparent shall be considered to be a blank facade.

b. Blank facade segments shall not exceed thirty (30) feet along the major pedestrian street front.

c. Blank facade segments which are separated by transparent areas of at least two (2) feet in width shall be considered separate facade segments for the purposes of this section.

3. Transparent and blank facade standards apply to the area of a facade between two (2) feet and eight (8) feet above the sidewalk.

b. An on-site town square, urban plaza, active park, or passive park which meets the minimum size requirements prescribed in Table 23.71.014 A and which is consistent with the standards for such features contained in subsection 23.71.014 C. Such space shall be credited towards the open space requirement at 1.5 times the actual lot area occupied by such space.

5. Above-ground open space in the form of a publicly accessible terrace may satisfy up to thirty (30) percent of total required open space. Due to the more limited public access to such areas, such above-ground open space shall be credited at seventy-five (75) percent of actual area provided. Above-ground open space in combination with interior open space shall not exceed fifty (50) percent of the total area required for open space.

6. In no case shall required landscaped open space be reduced to less than the minimum percentages for landscaped open space required in (A)(1) and (A)(2) of this section. ((five (5) percent of lot area.)) Required landscaping of surface parking areas, which may include perimeter screening, may count towards the landscaped open space requirement up to the minimum percentages required in (A)(1) and (A)(2) of this section. ((to a maximum of five (5) percent of total lot area. Perimeter screening of a surface parking area may count towards the landscaped open space requirement in excess of five (5) percent.))

7. When an owner proposes substantial development on lots forty thousand (40,000) square feet or less and adjacent to a major pedestrian street as designated in Section 23.71.008, the Director may reduce the total amount of required open space if the owner provides open space on the portion of the site abutting the major pedestrian street. The reduction does not apply to open space consisting of landscaping required for surface parking areas, screening, or to improvements provided within the street right-of-way.

8. Northgate Open Space Fund.

a. In lieu of providing the remainder of open space, as defined in subsections A1 and A2 of this section, an owner may make a payment to the Northgate Area Open Space fund, if such a fund is established by the City Council. ((The payment and use thereof shall be consistent with RCW 82.02.030.))

b. An in-lieu of payment shall equal the assessed value of the land and improvements which would otherwise have been provided as open space.

c. Funds received from properties within the Northgate Core sub-area as shown on Map A, shall be applied to open space acquisition or improvements in the Northgate Core sub-area. Funds received from properties outside of the Northgate Core sub-area shall be applied to open space acquisition or improvements within one-half (1/2) mile of contributing sites.

(D) Reduction of Open Space Deficit When Substantial Development is Proposed

For a site, the open space deficit for the entire site must be eliminated, provided that for sites subject to the General Development Plan provisions of Section 23.71.020, the deficit need not be eliminated but shall be reduced by an amount equal to fifty percent (50%) of the footprint of the substantial development together with fifty percent (50%) of the total footprint of any new parking area provided to meet the demand of the substantial development, together with fifty percent (50%) of any replacement parking provided.)

Section 4. Section 23.71.020 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is amended as follows:

SMC 23.71.020 ((General Development Plan requirement)) Development Agreements.

((A) On sites of six (6) acres or more the owner shall submit and obtain approval of a General Development Plan when one (1) or more of the conditions identified in subsection C of this section is met.)

Development Agreements may be proposed for development within the Northgate Overlay District pursuant to RCW 36.709. In determining whether to approve a Development Agreement, the City Council shall consider the extent to which the proposed development or development:

- Contributes toward meeting the Northgate Urban Center housing targets;
- Coordinates approaches to transportation planning and traffic analysis with surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and reducing or minimizing pedestrian and vehicle conflicts and other potential negative traffic impacts on neighborhoods;
- Proposes improvements to the street level environment and circulation for pedestrians, including coordination with area-wide pedestrian circulation and open space plans such as the 5th Avenue Streetscape Design Plan;
- Includes natural drainage strategies such as those described in the Thornton Creek Five-Year Action Agenda and "Refining Our Choices" for Northgate; and
- Incorporates sustainable design and green building practices in the proposed development.

Northgate Overlay District.

Residential and nonresidential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use development. ((The minimum standards of Section 23.47.008 may vary on sites subject to the requirements for General Development Plans as provided in Section 23.71.026.))

Section 10. SMC 23.71.044 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is amended as follows:

23.71.044 Standards for single-purpose residential development in Commercial zones within the Northgate Overlay District.

B. Single-purpose residential structures are prohibited in all commercial zones with a height limit of eighty-five (85) feet or greater, ((except as provided in Section 23.71.026 B for phased mixed-use development under a General Development Plan.))

Section 11. Exhibit 23.76.004A of Section 23.76.004 of the Seattle Municipal Code, which was last amended by Ordinance 119974, is amended as follows:

EXHIBIT 23.76.004 A

LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS		
Type I Director's Decision (No Administrative Appeal)	Type II Director's Decision (Applicable to Hearing Examiner)	Type III Hearing Examiner's Decision (No Administrative Appeal)
<ul style="list-style-type: none"> Compliance with development standards Uses permitted outright Temporary uses, four weeks or less Certain street uses Lot boundary adjustments Modifications of features bounded under Title 24 Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation Temporary uses, twelve months or less, for relocation of police and fire protection Exemptions from right-of-way improvement requirements Special accommodation Reasonable accommodation Minor amendments to a Major Phased Development Permit 	<ul style="list-style-type: none"> Temporary uses, more than four weeks Variances Administrative conditional uses Shoreline decisions (applicable to Shorelines Hearings Board along with related environmental appeals) Short subdivisions Special exceptions Design review (Northgate-General Development Plan) Light rail transit facilities The following environmental determinations: <ol style="list-style-type: none"> Determination of non-significance (EIS not required) Determination of final EIS adequacy Determination of significance based solely on historic and cultural preservation A decision by the Director to approve, condition or deny a project based on SEPA policies A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) Major Phased Development 	<ul style="list-style-type: none"> Subdivisions (preliminary plans)

COUNCIL LAND USE DECISIONS

Type IV (Quali-Sufficient)	Type V (Legislative)
<ul style="list-style-type: none"> Land use map amendments (rezones) Public project approvals Major location master plans Council conditional uses Downsized planned community developments 	<ul style="list-style-type: none"> Land Use Code text amendments Rezones to implement new City Policies Consent approval for City facilities Major infrastructure designations Waive or modify development standards for City facilities Planned Action Ordinance

Section 12. Section 23.76.006 of the Seattle Municipal Code (SMC), which was last amended by Ordinance 120611, is amended as follows:

SMC 23.76.006 Master Use Permits required.

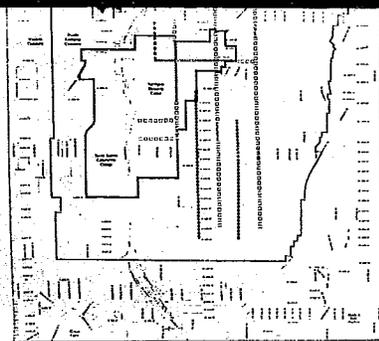
C. The following are Type II decisions:

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

- Determination of Nonsignificance (DNS), including mitigated DNS;
- Determination that a final environmental impact statement (EIS) is adequate; and
- Determination of Significance based solely on historic and cultural preservation.

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

- Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;
- Short subdivisions;
- Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
- Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036.



Map A shows the Northgate Overlay District boundary, the Northgate Core Area, and various types of open space and streets within the district.

Section 2. Section 23.71.003 of the Seattle Municipal Code, which was last amended by Ordinance 118114, is amended as follows:
SMC 23.71.008 Development along major pedestrian streets.

F. Street Facade Standards
1. Transparency Requirements.

(a) Sixty (60) percent of the width of the facade of a structure along the major pedestrian street shall be transparent. Clear or lightly tinted glass, with comparable visibility into the structure as clear glass, in windows, doors and display windows, which must be a minimum of four (4) feet deep, shall be considered transparent. Transparent areas shall allow unobstructed views into the structure or into display windows, which must be a minimum of four (4) feet deep, from the outside.

(b) A facade shall be considered transparent if it has clear or slightly tinted glass in windows, doors or display windows.

(c) Transparent areas shall allow views into the structure or into display windows from the outside.

2. Blank Facades.

a. Any portion of a facade which is not transparent shall be considered to be a blank facade.

b. Blank facade segments shall not exceed thirty (30) feet along the major pedestrian street front.

c. Blank facade segments which are separated by transparent areas of at least two (2) feet in width shall be considered separate facade segments for the purposes of this section.

3. Transparent and blank facade standards apply to the area of a facade between two (2) feet and eight (8) feet above the sidewalk.

Section 3. Section 23.71.014 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 116795, is amended as follows:
23.71.014 Open Space

A. Quantity of Open Space.

1. In all Commercial zones with a permitted height limit of forty (40) feet or less, a minimum of ten (10) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-half (1/2) of the required open space shall be landscaped open space and a minimum of one-third (1/3) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

2. In all Commercial zones with a permitted height limit greater than forty (40) feet, a minimum of fifteen (15) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-third (1/3) of the required open space shall be landscaped open space and a minimum of one-fifth (1/5) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

3. Open space may be provided as interior or exterior open space according to the standards provided in subsections 23.71.014 B and C. Interior open space may be used to satisfy up to twenty (20) percent of the open space requirement.

4. Reductions to Required Open Space. Required open space may be reduced if any of the following open space alternatives are provided:

- a. Interior public meeting space or space accommodating a public library, either of which shall be free to the public and credited at two (2) times their actual area,

parking areas, siting, or other improvements provided within the street right-of-way.

8. Northgate Open Space Fund.

a. In lieu of providing the remainder of open space, as defined in subsections A1 and A2 of this section, an owner may make a payment to the Northgate Area Open Space Fund, if such a fund is established by the City Council. (The payment and use thereof shall be consistent with RCW 82.02.030.)

b. An in-lieu payment shall equal the assessed value of the land and improvements which would otherwise have been provided as open space.

c. Funds received from properties within the Northgate Core sub-area as shown on Map A, shall be applied to open space acquisition or improvements in the Northgate Core sub-area. Funds received from properties outside of the Northgate Core sub-area shall be applied to open space acquisition or improvements within one-half (1/2) mile of contributing sites.

((D—Reduction of Open Space Deficit—When substantial development is proposed for a site, the open space deficit for the entire site must be eliminated, provided that for sites subject to the General Development Plan provisions of Section 23.74.020, the deficit need not be eliminated but shall be reduced by an amount equal to fifty percent (50%) of the footprint of the substantial development together with fifty percent (50%) of the total footprint of any new parking area provided to meet the demand of the substantial development, together with fifty percent (50%) of any replacement parking provided))

Section 4. Section 23.71.020 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is amended as follows:
SMC 23.71.020 (General Development Plan requirements) Development Agreements.

(a) Cities of six (6) acres or more the owner shall submit and obtain approval of a General Development Plan when one (1) or more of the conditions identified in subsection C of this section is met.)

Development Agreements may be proposed for development within the Northgate Overlay District pursuant to RCW 36.70B. In determining whether to approve a Development Agreement, the City Council shall consider the extent to which the proposed development or redevelopment:

- a. Contributes toward meeting the Northgate Urban Center housing targets;
- b. Coordinates approaches to transportation planning and traffic analysis with surrounding properties and the City, with the goal of reducing vehicle, single occupant vehicles and reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic impacts on neighborhoods;
- c. Proposes improvements to the street level environment and circulation for pedestrians, including coordination with area-wide pedestrian circulation and open space plans such as the 5th Avenue Streetscape Design Plan;
- d. Includes natural drainage strategies such as those described in the Thornton Creek Five-Year Action Agenda and "Refining Our Choices" for Northgate; and
- e. Incorporates sustainable design and green building practices in the proposed development.

((B—For the purposes of this section a "site" is all contiguous parcels of property, including parcels separated only by rights-of-way, which are under common ownership or under the ownership of several individuals or entities who have agreed to common management of all or a portion of the parcels.

C—A General Development Plan shall be prepared when one (1) or more of the following occurs:

- 1—Development of more than four thousand (4,000) square feet of commercial floor area, or redevelopment of more than four thousand (4,000) square feet of commercial floor area, if the redevelopment includes a change of use; and/or
- 2—Creation of parking facilities for over forty (40) vehicle spaces; and/or
- 3—Rezoning applications; and/or
- 4—Conditional use applications; and/or
- 5—Requests for variances from the requirements of this chapter.

D—The General Development Plan shall be reviewed by the Director as a Type II master use permit decision, as provided in Chapter 23.76, Procedures For Master Use Permits and Council Land Use Decisions.

E—A General Development Plan is not required for that portion of a site for which a Major Institution Master Plan is required pursuant to Chapter 23.69.)

Section 5. Section 23.71.024 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is repealed.

Section 6. Section 23.71.026 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is repealed.

Section 7. Section 23.71.028 of the Seattle Municipal Code, which was last amended by Ordinance 119239, is repealed.

Section 8. SMC 23.71.029 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is repealed.

Section 9. SMC 23.71.038 of the Seattle Municipal Code, which was last amended by Ordinance 118414, is amended as follows:
23.71.038 Standards for mixed use development in commercial zones within the

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
<ul style="list-style-type: none"> Land use map amendments (rezones) Public project approvals Major freeways master plans Council environmental uses Downside planlet community developments 	<ul style="list-style-type: none"> Land Use Code (rezones) Rezonses to implement rez. Code Policies Concept approval for City facilities Major facilities development Waves or mobility development standards for City facilities Planned Action Ordinance

COUNCIL LAND USE DECISIONS	
TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
<ul style="list-style-type: none"> Land use map amendments (rezones) Public project approvals Major freeways master plans Council environmental uses Downside planlet community developments 	<ul style="list-style-type: none"> Land Use Code (rezones) Rezonses to implement rez. Code Policies Concept approval for City facilities Major facilities development Waves or mobility development standards for City facilities Planned Action Ordinance

Section 12. Section 23.76.006 of the Seattle Municipal Code (SMC), which was last amended by Ordinance 170611, is amended as follows:
SMC 23.76.006 Master Use Permits required.

C. The following are Type II decisions:

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

- a. Determination of Nonsignificance (DNS), including mitigated DNS;
- b. Determination that a final environmental impact statement (EIS) is adequate; and
- c. Determination of Significance based solely on historic and cultural preservation.

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

- a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;
- b. Short subdivisions;
- c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
- d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
- e. Design review;
- f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;
- g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):
 - (1) Shoreline substantial development permits.
 - (2) Shoreline variances.
 - (3) Shoreline conditional uses;

((h—Northgate General Development Plan))

h.(i) Major Phased Development;

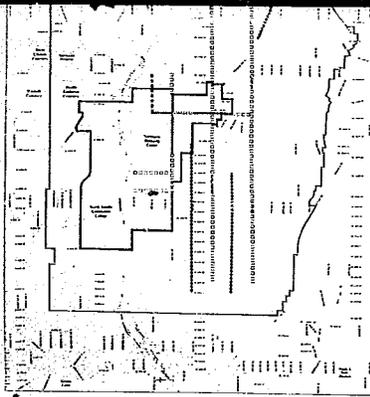
h.(j) Determination of project consistency with a planned action ordinance and EIS; and

h.(k) Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004.

Section 13. 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 14. 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 8th day of December, 2003, and signed by me in open session in authentication of its passage this 8th day of December, 2003.
PETER STEINBRUECK,
President of the City Council.
Approved by me this 17th day of December, 2003.
GREGORY J. NICKELS,
Mayor.
Filed by me this 17th day of December, 2003.
(Seal) JUDITH PIPPIN,
City Clerk.
Publication ordered by Judith Pippin, City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, February 11, 2004.



MAP A. NORTHGATE OVERLAY DISTRICT
 Overlay District Boundary
 Northgate Core Area
 Grand Street Type B

Section 2. Section 23.71.008 of the Seattle Municipal Code, which was last amended by Ordinance 118114, is amended as follows:

SMC 23.71.008 Development along major pedestrian streets.

F. Street Facade Standards

1. Transparency Requirements.

(a) Sixty (60) percent of the width of the facade of a structure along the major pedestrian street shall be transparent. Clear or lightly tinted glass, with comparable visibility into the structure as clear glass, in windows, doors and display windows, which must be a minimum of four (4) feet deep, shall be considered transparent. Transparent areas shall allow unobstructed views into the structure or into display windows, which must be a minimum of four (4) feet deep, from the outside.

(b) A facade shall be considered transparent if it has clear or lightly tinted glass in windows, doors or display windows.

(c) Transparent areas shall allow views into the structure or into display windows from the outside.)

2. Blank Facades.

a. Any portion of a facade which is not transparent shall be considered to be a blank facade.

b. Blank facade segments shall not exceed thirty (30) feet along the major pedestrian street front.

c. Blank facade segments which are separated by transparent areas of at least two (2) feet in width shall be considered separate facade segments for the purposes of this section.

3. Transparent and blank facade standards apply to the area of a facade between two (2) feet and eight (8) feet above the sidewalk.

Section 3. Section 23.71.014 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 116795, is amended as follows:

23.71.014 Open Space

A. Quantity of Open Space.

1. In all Commercial zones with a permitted height limit of forty (40) feet or less, a minimum of ten (10) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-half (1/2) of the required open space shall be landscaped open space and a minimum of one-third (1/3) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

2. In all Commercial zones with a permitted height limit greater than forty (40) feet, a minimum of fifteen (15) percent of lot area or, at the applicant's option, proposed gross floor area, shall be provided as landscaped or usable open space for all commercial and mixed use substantial development. A minimum of one-third (1/3) of the required open space shall be landscaped open space and a minimum of one-fifth (1/5) of the required open space shall be usable open space. The remainder shall be either landscaped or usable open space or may be provided in accordance with subsection A8 of this section.

3. Open space may be provided as interior or exterior open space according to the standards provided in subsections 23.71.014 B and C. Interior open space may be used to satisfy up to twenty (20) percent of the open space requirement.

4. Reductions to Required Open Space. Required open space may be reduced if any of the following open space alternatives are provided:

a. Interior public meeting space or space accommodating a public library, either of which shall be free to the public and credited at two (2) times their actual area;

b. An on-site town square, urban plaza, active park, or passive park which meets the minimum size requirements prescribed in Table 23.71.014 A and which is consistent with the standards for such features contained in subsection 23.71.014 C. Such space shall be

- 8. Northgate Open Space Fund.
 - a. In lieu of providing the remainder of open space, as defined in subsections A1 and A2 of this section, an owner may make a payment to the Northgate Area Open Space Fund, if such a fund is established by the City Council. ((The payment and use thereof shall be consistent with RCW 83.02.020.))
 - b. An in-lieu of payment shall equal the assessed value of the land and improvements which would otherwise have been provided as open space.
 - c. Funds received from properties within the Northgate Core sub-area as shown on Map A, shall be applied to open space acquisition or improvements in the Northgate Core sub-area. Funds received from properties outside of the Northgate Core sub-area shall be applied to open space acquisition or improvements within one-half (1/2) mile of contributing sites.

((D--Reduction of Open Space Deficit--When substantial development is proposed for a site, the open space deficit for the entire site must be eliminated, provided that for sites not be eliminated but shall be reduced by an amount equal to fifty percent (50%) of the footprint of the substantial development together with fifty percent (50%) of the total footprint of any new parking area provided to meet the demand of the substantial development, together with fifty percent (50%) of any replacement parking provided--))

Section 4. Section 23.71.020 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is amended as follows:

SMC 23.71.020 ((General Development Plan requirement)) Development Agreements.

((A--On sites of six (6) acres or more the owner shall submit and obtain approval of a General Development Plan when one (1) or more of the conditions identified in subsection C of this section is met.))

Development Agreements may be proposed for development within the Northgate Overlay District pursuant to RCW 36.70B. In determining whether to approve a Development Agreement, the City Council shall consider the extent to which the proposed development or redevelopment:

- a. Contributes toward meeting the Northgate Urban Center housing targets;
- b. Coordinates approaches to transportation planning and traffic analysis with surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic impacts on neighborhoods;
- c. Proposes improvements to the street level environment and circulation for pedestrians including coordination with area-wide pedestrian circulation and open space plans such as the 5th Avenue Streetcar Design Plan;
- d. Includes natural drainage strategies such as those described in the Thornton Creek Five-Year Action Agenda and "Refining Our Choices" for Northgate; and
- e. Incorporates sustainable design and green building practices in the proposed development.

((B--For the purposes of this section a site is all contiguous parcels of property, including parcels separated only by rights-of-way, which are under common ownership or under the ownership of several individuals or entities who have agreed to common management of all or a portion of the parcels.

C--A General Development Plan shall be prepared when one (1) or more of the following occurs:

- 1--Development of more than four thousand (4,000) square feet of commercial floor area or redevelopment of more than four thousand (4,000) square feet of commercial floor area, if the redevelopment includes a change of use; and/or
- 2--Creation of parking facilities for over forty (40) vehicle spaces; and/or
- 3--Reverse applications; and/or
- 4--Conditional use applications; and/or
- 5--Requests for variance(s) from the requirements of this chapter.

D--The General Development Plan shall be reviewed by the Director as a Type II master use permit decision as provided in Chapter 23.76, Procedures For Master Use Permits and Council Land Use Decisions.

E--A General Development Plan is not required for that portion of a site for which a Major Institution Master Plan is required pursuant to Chapter 23.69.)

Section 5. Section 23.71.024 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is repealed.

Section 6. Section 23.71.026 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is repealed.

Section 7. Section 23.71.028 of the Seattle Municipal Code, which was last amended by Ordinance 119239, is repealed.

Section 8. SMC 23.71.029 of the Seattle Municipal Code, which was last amended by Ordinance 116795, is repealed.

Section 9. SMC 23.71.038 of the Seattle Municipal Code, which was last amended by Ordinance 118414, is amended as follows:

23.71.038 Standards for mixed use development in commercial zones within the Northgate Overlay District.
 Residential and nonresidential uses in a mixed use development in a commercial zone shall meet the requirements of Section 23.47.008 to qualify as a mixed use

<ul style="list-style-type: none"> • Keep areas used, active markets or lots, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit 	<ul style="list-style-type: none"> • Light rail transit facilities • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of non-significance (EIS not required) 2. Determination of EIS (2-step) 3. Determination of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development
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COUNCIL LAND USE DECISIONS

<ul style="list-style-type: none"> • Land use map amendments (rezones) • Public project approvals • Major institution master plans • Council conditional uses • Downtown planned community developments 	<ul style="list-style-type: none"> • Land Use Code text amendments • Rezones to implement new City Policies • Concept approval for City facilities • Major Institution developments • Waive or modify development standards for City facilities • Planned Action Ordinance
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Section 12. Section 23.76.006 of the Seattle Municipal Code (SMC), which was last amended by Ordinance 120611, is amended as follows:

SMC 23.76.006 Master Use Permit required.

C. The following are Type II decisions:

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

- a. Determination of Non-significance (DNS), including mitigated DNS;
- b. Determination that a final environmental impact statement (EIS) is adequate; and
- c. Determination of Significance based solely on historic and cultural preservation.

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

- a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and exempting temporary relocation of police and fire stations for twelve (12) months or less;
- b. Short subdivisions;
- c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
- d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
- e. Design review;
- f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

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

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

((h--Northgate General Development Plan))
 h.(0) Major Phased Development;
 i.(f) Determination of project consistency with a planned action ordinance and EIS; and
 j.(k) Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004.

Section 13. 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 14. 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 8th day of December, 2003, and signed by me in open session in authentication of its passage this 8th day of December, 2003.
 PETER STEINBRUECK,
 President of the City Council.
 Approved by me this 17th day of December, 2003.
 GREGORY J. NICKELS,
 Mayor.
 Filed by me this 17th day of December, 2003.
 (Seal) JUDITH PIPPIN,
 City Clerk.
 Publication ordered by Judith Pippin, City Clerk.
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